



Republican Party of Virginia

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May 6, 2014

VIA E-MAIL

Mr. Pat Mullins, Chairman
Republican Party of Virginia
115 East Grace Street
Richmond, VA 23219

Re: Request for Ruling or Interpretation of the State Party Plan

Dear Chairman Mullins:

On April 26, you requested a General Counsel ruling or interpretation of the Republican Party of Virginia Plan of Organization (“Party Plan”) pursuant to Article X.A.1. of the Party Plan. Specifically, you asked if an official committee¹ responsible for a mass meeting, party canvass, or convention (“party election process”) has a duty to disclose the list of those who participated in the party election process.

The Party Plan contains no explicit requirement regarding the disclosure of such participant lists. However, there are circumstances implicit in the procedures outlined in the Party Plan when the disclosure of such lists might reasonably be expected.

Article X.B. of the Party Plan regarding contests (and appeals of contest decisions) implicates party election process participant lists. Specifically, Article X.B.4. requires that a contest or appeal be accompanied by a petition signed by a certain number of party election process participants. In order to determine whether the petition is sufficient, the official committee hearing the contest or appeal would need the participant list for two purposes. First, that official committee would need to verify that the signatories to the petition were, in fact, participants in the party election process. Second, the official committee would need to determine whether the petition contains the requisite number of signatures. To make that determination, the official committee hearing the contest or

¹ The Party Plan defines “official committee” as “the State Central Committee, each District Committee, each Legislative District Committee, and each Unit Committee.”

appeal would need to know the number of individuals who participated in the party process.²

Moreover, if a contest is filed regarding a party election process, the official committee considering the contest (or another official committee considering an appeal of the contest's resolution) has a duty to hear evidence. *See* General Counsel Ruling dated April 19, 1996 ("The Function of the Unit Committee is to hear evidence and apply the applicable provisions of the Plan and Robert's Rules of Order."). A necessary incident to the duty to hear evidence is the collection of such evidence.

Consequently, if an official committee charged with hearing a contest or appeal requires as evidence a list of participants and that official committee further makes a request for such a list, any Party official or official committee having custody of such list should produce the list. The list should be produced and immediately delivered upon request in sufficient time for the official committee hearing the contest or appeal to meet the deadlines outlined in Article X.B.

You did not request a ruling or interpretation regarding the consequences where a Party official or official committee fails to produce a participant list in response to a request for the list. So, this letter does not address that question.

This letter constitutes a ruling or interpretation of the Party Plan under Article X.A.1. Pursuant to Article X, this opinion may be appealed to the Appeals Committee or the State Central Committee.

Sincerely,

/s/ Cortland C. Putbrese
Cortland C. Putbrese,
General Counsel

² Article X.B.4. requires that a petition accompanying a contest related to a party election process be "signed by at least twenty-five (25)" party election process participants, unless "fewer than one hundred twenty-five (125) persons" participated, in which case the petition must be "signed by at least twenty percent (20%) of the [participants]."