



Republican Party of Virginia

www.rpv.org

March 30, 2016

Craig Orndorff, Chairman
Shenandoah County Republican Committee
467 Toll House Rd
Maurertown VA 22644

Dear Chairman Orndorff,

On March 23, you requested my opinion regarding the adequacy of an unsigned filing form to meet a pre-filing requirement as it relates to qualifications for participation in party action under Art. I, Sec. A. Your question is fact specific and may only be answered with reference to the particular call and filing form adopted by the Shenandoah County Republican Committee.

The qualifications for participation in Article I of the Party Plan have long provided that legal and qualified voters who are “in accord with the principles of the Republican Party, and who, if requested, express in open meeting either orally or in writing as may be required their intent to support all of its nominees for public office in the ensuing election” may participate in mass meetings, party canvasses, conventions and primaries (collectively, “nominating events”). Art. I, Sec. A, para. 1.

In addition to this basic requirement, the Plan also empowers official committees to include pre-filing requirements for individuals seeking election in calls issued for nominating events, including prescribing a particular form on which such filings must be made. An official committee may even require the use of a particular filing form. The Plan specifically requires that the official committee itself set these requirements and requires at least seven days’ notice of pre-filing requirements and the publication of the forms on RPV’s website. Art. VIII, Sec. A, para. 3.

The Shenandoah County Republican Committee used these authorities, adopting a call with pre-filing requirements and a particular filing form. The call and the form were appropriately issued and published.

The call is very clear with respect to the manner and deadlines for filing the form noting that forms may be filed by mail, in-person, or by e-mail and the date by which the forms must be filed. The call also makes specific note of information that must be

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included—the precinct in which the filer resides. There is no ambiguity on any of these issues. These rules are mostly repeated on the form itself. Although the form provides blanks for a signature and date, no mention of a signature requirement is made in the call, nor are the signature and date blanks singled out as mandatory. There are other blanks on the form that are either explicitly optional (employer and occupation only for those who pay a filing fee) and others that do not appear to be required to determine eligibility (e.g., phone, e-mail).

In contrast to the requirements in the call for pre-filers, the requirement for signatures on the certification of county convention delegates elected by precinct mass meetings is explicitly referenced in the call.

While it would certainly be reasonable to believe that a signature is required on the form, I believe several factors create ambiguity—(a) there is no explicit signature requirement listed in the call in the pre-filing section, but such a requirement is explicit in another section; (b) some of the blanks on the form appear not to be required; (c) there is no denotation of any fields on the form being mandatory; (d) only one blank relates to an item mandated in the call (the inclusion of voting precinct); and (e) submission by e-mail is allowed so an original form is clearly not required.

This ambiguity should be resolved in the filer's favor. An unsigned form submitted by the filing deadline is sufficient to meet the pre-filing requirement.

However, the convention may certainly require that the form be signed prior to the seating of any pre-filer who submitted an unsigned form. Article I clearly allows as much even if no forms were used at all.

Having concluded that, in this particular case with the specific call language and form adopted by the Shenandoah County Republican Committee, an unsigned form meets the pre-filing requirement, I turn briefly to your second question regarding filings made by an e-mail from someone other than the filer. There being no requirement in the Plan or the call that filings must be made personally, such a requirement may not be imposed at all, even on a subset of filing forms (those submitted by e-mail from someone other than the filer).

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

Sincerely,



Chris Marston,
General Counsel