



**Republican Party of Virginia**

*www.rpv.org*

May 23, 2016

Paul Prados, Chairman  
11th Congressional District Republican Committee

VIA e-mail

Dear Chairman Prados,

By e-mail dated May 20, you requested my interpretation of the Party Plan on several issues related to contests and appeals and an election of a party officer by a district convention.

Article X, Section B of the Plan provides for the resolutions of “controversies and contests,” vesting authority to resolve them in official committees within whose jurisdiction they arise. It also provides for appeals of the decisions of those committees.

“Controversies and contests,” to which the Plan refers as “Contests” in setting out rules for their consideration, are initial matters addressed by official committees as distinguished from “Appeals” which may only be made after an official committee has resolved a “Conflict.” The Plan does not specify how a Contest comes before an official committee, so committees have some discretion as to how they should be taken up. For example, an official committee may simply become aware of a controversy and take it up for consideration as an item of business included in the call of a meeting. More often, an official committee will take up a matter brought to its attention by a member of the committee or an individual Republican within its jurisdiction.

The Plan specifies no timeframe in which a contest must be raised. However, it does set deadlines for consideration once a contest has been raised. Paragraph 5 of the relevant section provides that a contest be heard and decided by the relevant committee within fourteen days of its receipt.<sup>1</sup> Should the committee fail to render a written decision within 30 days, the contest may be appealed to the next level of official committee.<sup>2</sup>

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<sup>1</sup> The text of paragraph 5 refers to “Contests and Appeals,” “appeal,” and “appeal or contest.” In the first sentence, context requires that “appeal” be read to mean “contest or appeal.” The subject of the sentence is “All Contests and Appeals,” it would make no sense for the rule specified not to apply to both matters.

<sup>2</sup> There are two exceptions to this timeframe specified in the paragraph, but neither is relevant to the present analysis. The exceptions are for appeals to the State Central Committee and, in paragraph 6, contests and appeals relating to the certification of a nominee.

The Plan is much more prescriptive in addressing appeals. The procedure for appeals is set out in paragraph 4 of the relevant section. By its terms it applies only to appeals and not to contests. As such, the 30-day time limit for filing and the requirement for a petition signed by a certain number of party members apply only to an appeal and not to a contest.

Having addressed contests and appeals and the rules which apply to them generally, I turn to your specific questions:

1. For Contests, does the Party Plan specify time limits, petitions requirements, or specific formats?

No. The Plan impose no such requirements on Contests.

2. Does a Contest involving an election for party office at a District Convention need to be filed first with the District Committee?

Yes. A contest involving an election for party office at a district convention may only be considered by the relevant district committee. Paragraph 3 provides that “(e)ach District Committee shall decide all controversies and contests arising within its jurisdiction.” An election for party office at a district convention clearly arises within the jurisdiction (the congressional district) of the district committee.

3. May any party aggrieved by the resolution to the Contest then file an Appeal to the State Central Committee for final resolution?

Yes. “Persons deemed adversely affected by a decision of the District Committee shall have the right of appeal to the State Central Committee.” Art. X, Sec. B, para. 3. Although the language of the provision “persons deemed adversely affected” is not a model of clarity, it appears to include “any party aggrieved by the resolution to the Contest.” If the State Central Committee found that the language of the Plan does not include the appellant from a particular decision of a district committee, it could decline to hear the appeal, but it would be up to the State Central Committee to make that determination.

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