



Republican Party of Virginia

www.rpv.org

July 1, 2016

Cliff Dunn, Chairman
Newport News Republican City Committee

VIA e-mail

Dear Chairman Dunn,

On May 4, you requested my opinion on several questions relating to what actions a unit chair or a unit committee must take regarding a member who refuses to support a Republican nominee for the office of President.

Before turning to your specific questions, I note that specific provisions of the Party Plan regarding membership under Article I and removal from an official committee under Article VII refer to “supporting a candidate in opposition to a Republican nominee.” This is a very different standard from refusing to support a Republican nominee.

Additionally, these provisions refer to a “Republican nominee” without additional modification—not to presumptive nominees, frontrunners for the nomination, or anything less than a candidate officially nominated by the Republican Party.

Article I bars from party action anyone who, after signing a statement of intent, supports a candidate in opposition to a Republican nominee. Article VII, Sec. C., operates to deem a member of an official committee to have resigned if they take one of three specific actions in regard to supporting a candidate in opposition to a Republican nominee or become an officer of any other political party.

You pose the following specific questions, which I answer in turn.

1. Is announcing a refusal to support our Presidential Nominee (or support for another candidate) “of consequence” now? Or is it only “of consequence” after [the Republican National Convention] or after that nominee accrues a majority of the pledged delegates?

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The Party Plan provisions relate only to Republican nominees. Until the Party has actually nominated a candidate, the provisions are inoperative. Additionally, refusal to support a candidate, even once officially nominated, does not trigger any automatic sanctions under the Plan. Those sanctions apply only to supporting a candidate in opposition to a Republican nominee.

2. How long is a person who refuses to support our Presidential Nominee barred from being a Unit Committee member and/or participating in [Party Actions]? Is this period affected by whether they resign before doing so, or is the period the same whether they resign in advance of [supporting a candidate in opposition to a Republican nominee] versus [having been deemed to have resigned under Art. VII]?

The prohibition on participation in Party Action under Article I, Sec. A. applies only to individuals who have signed a statement of intent as part of a Party Action in an election cycle and, in that same cycle, support a candidate in opposition to a Republican nominee. Such an individual is barred from participation for a period of four years. An individual's membership status on an official committee is not relevant to the determination.

The "deemed to have resigned" provisions of Article VII, Sec. C. necessarily apply only to members of a Committee during the period of their membership. If they have resigned prior to supporting a candidate in opposition to a Republican nominee, they are no longer a member, so cannot be deemed to have resigned. The analysis under this section is separate from that under Article I, Sec. A. It is possible to be deemed to have resigned under Art. VII, Sec. C. without being disqualified under Article I, Sec. A, if, for example, the individual did not sign a statement of intent for the current election cycle. Additionally, an individual who is deemed to have resigned may be re-elected to the Committee to fill a vacancy during the current term, and may be elected to a new term of the Committee without restriction, provided the individual remains otherwise qualified under Article I.

3. Does such a bar also bar them from running for Chair of a Unit Committee?

Prohibition on participation in Party Actions under Article I, Sec. A. disqualifies an individual from serving as a chair or member of an official committee during the 4-year disqualification pursuant to the terms of Sec. B.

Having been "deemed to have resigned" does not, in itself, prohibit an individual from seeking election as a chair or member of an official committee as noted in the analysis of question 2.

4. Since [these hypotheticals] don't involve participating in another party's nominating process, does the one-time exception for doing so apply?

No. The one-time exception provided for in paragraph 5 of Art. I, Sec. A. applies only to individuals disqualified under paragraph 4 for participation in another party's nominating

process. It does not apply to individuals who, after signing a statement of intent, support a candidate in opposition to a Republican nominee.

5. What standard, if any, are Unit Chairs required to follow as far as acting on information regarding a present unit member's [support of a candidate in opposition to a Republican nominee]?

The Party Plan was amended in April of this year to provide a specific standard for deeming a member to have resigned under Article VII. It is the duty of the elected officers of a committee to recognize when a member has violated the provisions of Section C and a majority of those elected officers must collectively decide when such a violation has occurred.

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