



Republican Party of Virginia
www.rpv.org

August 26, 2016

Paul Prados, Chairman
11th District Republican Committee

VIA E-mail

Dear Chairman Prados,

On August 16, you requested a ruling or interpretation of the Party Plan provisions related to the appeal of a ruling or interpretation of the General Counsel. Specifically, you ask “in an instance where a GC opinion has been appealed, and the Appeals Committee has overturned that GC opinion in whole or in part, is the SCC unable to make the ‘final decision ... on all ... rulings of the General Counsel...’ upon a timely appeal to the SCC under Art. X, Section C?”

Article X, Section A provides for the General Counsel to make rulings or interpretations of the Party Plan when requested to do so by certain parties. It also provides for an appeal of the General Counsel’s determination within 30 days to either the Appeals Committee, which is established in this same section, or to the State Central Committee. Section A also provides for some procedural rules regarding the publication of determinations and the process for appeals.

Specifically, paragraph 3 provides for a further appeal to the State Central Committee when a determination has been sustained by a majority of the Appeals Committee. It specifically notes that the State Central Committee’s decision on such an appeal shall be final in accordance with Article X, Section C.

You inquire whether Section C allows for the State Central Committee to consider a further appeal when a determination by the General Counsel has been overturned by the Appeals Committee. It does not.

Section C empowers the State Central Committee to “make the final decision, *upon timely appeal*, on ... rulings of the General Counsel...” (emphasis added). Where

the Plan makes no provision for an appeal, this limiting phrase (“upon timely appeal”) precludes the State Central Committee from considering a matter.

Our Parliamentary Authority provides that “a prohibition or limitation prohibits everything greater than what is prohibited, or that goes beyond the limitation....” RONR (11th ed.), p. 590, ll. 17-18. In this case, there must be a right to appeal to invoke Section C’s authority to make a final decision. No such right to appeal is provided in the Plan.

Two additional principles of interpretation from our Parliamentary Authority bolster this conclusion:

- “A provision granting certain privileges carries with it a right to a part of the privileges, but prohibits greater privileges.” *Id.*, p. 590, ll. 9-11. Section A grants a would-be appellant an initial choice between appealing a determination by the General Counsel to either the State Central Committee or the Appeals Committee. Once an appellant has elected the Appeals Committee, Section A grants a further review only in the case where the Appeals Committee sustains the General Counsel.
- “If the bylaws authorize certain things specifically, other things of the same class are thereby prohibited.” *Id.*, p. 589, ll. 33-34. Here, the bylaws specifically authorize an appeal where the Appeals Committee sustains the General Counsel, an appeal where the Appeals Committee overturns the General Counsel is a “thing of the same class” (i.e., an additional appeal) and, as such is prohibited.

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