



Republican Party of Virginia

www.rpv.org

February 21, 2016

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

VIA E-mail at craig.orndorff@gmail.com

Dear Chairman Orndorff,

On February 8, you requested my opinion on several issues relating to the membership of unit committees under the Party Plan, particularly at-large members. I will address each of your three questions in turn.

First, you ask whether elected public officials should be counted as “members of the Committee” for purposes of calculating the number of at-large memberships that may be created.

No. Elected public officials should not be counted for purposes of calculating the number of at-large memberships that may be created.

Elected public officials are “additional members of the Committee” if the unit’s bylaws so provide. Art. VI, Sec. A., para. 4. “They shall not be classified as At-Large Members.” *Id.* While the Plan does not squarely address your question, I believe the text supports the conclusion that they should not be counted. The provision regarding at-large members and the limit on their number precedes the provision on elected public officials. Art. VI, Sec. A., para. 3. The at-large provisions follow the first two paragraphs which provide for a chairman and precinct members. Structurally, it makes sense to use these first three paragraphs as the basis for the percentage set out in the third paragraph. Paragraphs 5 and 6 provide for classes of members that would not be included in a total.

The use of the term adjective “additional” to modify members in the paragraph on elected public officials also suggests that they should not be included in the count used to determine the at-large limit. The word “additional” would not meaningfully add to the provision if it did not intend to differentiate this type of membership from those that are counted.

The Richard D. Obenshain Center • 115 East Grace Street • Richmond, Virginia 23219
804-780-0111 • FAX: 804-343-1060

PAID FOR AND AUTHORIZED BY THE REPUBLICAN PARTY OF VIRGINIA. CONTRIBUTIONS ARE NOT TAX DEDUCTIBLE.

Finally, including elected public officials in the count could lead to an increase or decrease in the number of seats on the committee filled by election during the two-year term of the committee. The terms of elected public officials vary in both duration and start and end dates from the term of the committee. For example, if 5 incumbent Republicans serving on a board of supervisors at the beginning of a committee's term were to all lose re-election bids, would the committee have to reduce the number of at-large seats because of the decrease in the total membership?

Second, you ask whether the Party Plan grants the authority to the unit committee to grant membership to the past chairman and the chair of the Republican Women; and, if so, whether they should be counted as at-large members.

No. A unit committee may not have members who serve by virtue of their present or past position (except for elected public officials). In a letter dated July 3, 1995, the General Counsel at the time, J. Robert Brame, III, specifically addressed this question noting that members of the committee must be elected by mass meeting or other process used to reconstitute the committee. GC Op. Jul. 3, 1995. As the practice is prohibited, there is no need to address how they should be counted for purposes of determining the number of members.

Third, you ask whether the chairman should count towards the total for purposes of determining the number of at-large members.

Yes. The chairman is, like precinct and at-large members, an elected member of the committee and nothing in the text of the Plan suggests that he or she should be treated any differently than other elected members.

So, the number of at-large positions on a committee may not exceed 30 percent of the sum of the chairman, the precinct members, and the at-large members. To determine the maximum number of at-large positions under this rule, follow these steps:

1. Add one (for the chairman) to the number of precinct members.
2. Divide the sum by 0.7.
3. Multiply the quotient by 0.3.
4. Round the product down to the next whole number.

This can also be expressed as an equation:

$$\left(\frac{C + PM}{0.7}\right) * 0.3 = AL$$

where C represents the Chairman, PM represents the number of precinct members, and AL represents the number of at-large members.

This letter constitutes a ruling or interpretation under Art. X and may be appealed to the Appeals Committee or directly to the State Central Committee within 30 days of the date that it is posted on the RPV website.

Sincerely,

A handwritten signature in blue ink that reads "Chris". The signature is written in a cursive, flowing style.

Chris Marston,
General Counsel