



Republican Party of Virginia

www.rpv.org

March 9, 2016

Michael E. Thomas, Chairman
Eleventh Senate District Committee

VIA E-mail mthomas@surreywood.net

Dear Chairman Thomas,

By letter dated March 9, 2016, you have requested a ruling or interpretation under Article X of the State Party Plan on the following question:

If an individual who has been deemed elected to party office or nominated for public office, in accordance with Article VIII, Section A.9 of the State Party Plan, at what point does that individual assume the Party office or become the nominee of the Republican Party?

That individual assumes office or becomes the nominee upon the determination that no contest for the office exists.

Article VIII allows for a nomination or election to be made without the attendant formalities where there is no contest (i.e., where the number seeking election or nomination does not exceed the number to be elected or nominated). Much like in the primary process governed by state law, which provides that no primary will be held and the qualified individual (or individuals for a multi-seat election) is nominated, this process allows the Party to dispense with the formal process at a Mass Meeting, Party Canvass, or Convention, and, in cases where none of the offices to be elected or nominations to be made are contested, with the Mass Meeting, Party Canvass, or Convention itself.

To exercise this option, an Official Committee must include in its call specific authorization as described in Art. VIII, Sec. A., para. 9. Absent that authorization, the question you pose is not relevant as the election or nomination must be made at the Mass Meeting, Party Canvass, or Convention and the individual will not be elected or nominated until that process is complete, regardless of whether a contest exists.

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Where a call includes the specific authorization, a nominee for public office should be declared the nominee, and an officer should take office upon the determination that no contest exists, presumably immediately following the pre-filing deadline specified for that office or nomination.

The Party Plan sets the event at which elections to various offices occur and the term for those offices, but it does not set a specific time at which the term should commence. In the absence of such a provision, our parliamentary authority provides “[a]n officer-elect takes possession of his office immediately upon his election’s becoming final, unless the bylaws or other rules specify a later time.” *Robert’s Rules of Order Newly Revised* (11th ed.), p. 444, ll. 28-30.

Where an individual is “declared elected” pursuant to a call issued with the provisions allowed by Art. VIII, Sec. A, para. 9, the election becomes final upon that declaration. It is the functional equivalent of the declaration of the chair of a Mass Meeting, Party Canvass, or Convention of election results.

Additionally, the Party Plan, defines the term of an office elected by a Mass Meeting, Party Canvass or Convention, as a term of years followed by “or until his successor is elected” or “until their successors are elected.” See Art. III, Sec. B, para. 1; Art. III, Sec. B, para. 4(a); Art. IV, Sec. B, para. 1; Art. VI, Sec. B, para. 1. This language is not mere surplusage. Rarely, if ever, would, for example, a Biennial District Convention be held exactly two years after the prior Biennial District Convention. It could be days, weeks, or months less than or greater than two years. Absent the language about the election of a successor, offices could be vacant during the period greater than two years, and officers-elect would be delayed in taking office by the period less than two years.

This letter constitutes a ruling or interpretation 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