



Republican Party of Virginia

www.rpv.org

February 9, 2018

Dennis Free, Chairman
Second Congressional District Committee
Republican Party of Virginia

VIA E-mail

Dear Chairman Free:

You requested my opinion regarding a proposal to amend the bylaws of the unit committee in the City of Norfolk—the Republican Party of Norfolk—regarding the qualifications of officers. Specifically, you ask whether the proposal, if adopted, would conflict with the State Party Plan.

The proposed amendment you shared with me, Proposed Amendment #1 dated January 24, 2018, would add to the provision on election and terms of office for chairman, the following: “No current or within six months paid members of campaign staffs, consultants, lobbyists or the paid staff of the Republican Party of Virginia shall be eligible to hold the offices of Chairman or Vice-Chairman.”

This proposed language, by adding to the qualifications for unit chairman, would conflict with the Party Plan. In reaching this conclusion, I am guided by a line of prior opinions and the reasoning upon which they rely, particularly a thorough, well-reasoned opinion by my predecessor, Lee Goodman, dated March 24, 2010.

The Party Plan sets out the framework within which all official committees, including unit committees, must operate. Unit committees may adopt bylaws to expand on that framework, but, in doing so, they may not conflict with the Party Plan. *See generally Robert’s Rules of Order Newly Revised (hereinafter “RONR”) (11th ed.), p. 567, ll. 24-34.*

One tool for determining a conflict is the interpretive canon *expression unius est exclusion alterius*, translated as “the expression of one thing excludes all others.” This canon is set forth and explained in more detail in RONR, “[i]f the bylaws authorize certain things specifically, other things of the same class are thereby prohibited.” *RONR*,

p. 589, ll. 33-34. In this case, the Party Plan sets out certain qualifications for chairman specifically, so other qualifications, not so set out are prohibited.

The Plan sets out two general qualifications and allows for units to set a third at their option. Article I, Section B provides in relevant part: “All Chairmen ... shall be members of the Republican Party of Virginia as stated in this Article and must be legally qualified voters of the respective Units which they represent as chairmen....” Chairmen must be members (i.e., meet the qualifications for participation spelled out in Article I, Section A) and they must be voters in the unit.

Article VIII, which governs mass meetings, party canvasses, conventions and primaries, allows for unit committees to include pre-filing requirements for candidates for chairmen. *Art. VIII, Sec. A, para. 3*. Pre-filing requirements may include the use of a particular form and the payment of a filing fee. *Id.*

By setting out these three provisions on qualification of candidates for chairmen, the Plan prohibits the addition of any other qualifications.

Several prior opinions, all of which, pursuant to Article X are binding unless and until overturned, reach a similar conclusion:

- An opinion dated October 22, 2015, held that adding additional residency requirements for certain seats on the State Central Committee elected from a District conflicted with the Plan’s provision on qualifications for members of the State Central Committee;
- An opinion dated March 25, 2010, held that term limits for unit chairs conflicted with the Plan’s provisions on qualifications for unit chairs;
- An opinion dated May 7, 2008, held that past dues payment and attendance at prior meetings as qualifications for unit chair conflicted with the Plan’s provisions on qualifications for unit chairs;
- An opinion dated July 29, 1996, held that dues payment as a condition for participation in a mass meeting conflicted with the Plan’s provisions on qualifications for participation in mass meetings.

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