

### Appeals Committee Meeting on August 14, 2016 Regarding Jeff Ryer Appeal

Present Committee Members included Chairman John Whitbeck, Vice Chairman Mike Thomas, Eastern Vice Chairwoman Diana Banister, Eastern Vice Chairman Kevin Gentry, Western Vice Chairwoman Nancy Dye, Western Vice Chairman Wendell Walker, and, representing the legislative caucuses, Senator John Cosgrove. Also present, Legal Counsel Chris Marston, Executive Director John Findlay, Appeal Filer Jeff Ryer, Counsel Opinion Requester Ken Adams, and Mr. Adams lawyer, Jeff Adams.

Meeting open with roll call by John Findlay at approximately 8:02pm EST.

Chris Marston explained his opinion. John Whitbeck asked for clarification on what happens in case of a successful appeal at the appeals committee phase. Chris Marston provided the relevant information.

Ken Adams asked for further clarification and Chris Marston provided the Party Plan section relating to Appeals and Contest: Article X.

Jeff Ryer made his argument in favor of his appeal by citing election law code section, the Party Plan's use of "under the law," and recent Court decisions.

Jeff Adams argued that the "Incumbent Protection Act" is unconstitutional under the US Constitution. Jeff Adams further gave his opinion that overturning the appeal would submit RPV to any code passed by the legislature.

Jeff Ryer responded with a counter argument that the 4<sup>th</sup> Circuit ruled against the lawsuit brought by Ken Adams.

Kevin Gentry asked Chris Marston to explain his position further. Chris Marston made clear that, in his opinion, there is an ambiguity in the Plan as shown by differing Court opinions. Chris further explained that he based his opinion off of a resolution passed at the June 2015 State Central Committee Meeting.

Jeff Ryer, Jeff Adams, and Ken Adams were dismissed from the call for deliberation.

Deliberation occurred and was followed by a roll call vote:

\*In favor of the appeal: Mike Thomas, Nancy Dye, Wendell Walker, Senator Cosgrove

\*Opposed to the appeal: Diana Banister, Kevin Gentry

\*Chairman Whitbeck clarified he would only vote in case of a tie and would not be casting a vote. He did make clear that he supported Chris Marston's rationale and would have voted to uphold the appeal if the vote had tied 3-3

The General Counsel Opinion was overturned by a vote of 4-2.