

Resolution of the Republican Party of Virginia State Central Committee Concerning the Deciding of Appeals

The SCC finds that:

Article X of the Plan of Organization of the Republican Party of Virginia vests authority in its State Central Committee to make the final decision, upon timely appeal, on all Party controversies and contests in the Commonwealth.

The SCC further finds that:

The absence of written guidelines and criteria for assessing and deciding an appeal has made it more difficult for those appealing to understand the appeals process. It has also made it more difficult for the State Central Committee to achieve clarity in understanding the appeals and consistency in deciding them.

While the details of each contest or controversy may differ, the adoption of these guidelines and criteria will have at least three positive impacts on the Appeals process:

- Decisions will be more objective and consistent over time.
- Members of the State Central Committee will be in a better position to give thoughtful consideration to an appeal because they will have tools to sort through the material presented by each side in an appeal.
- Individuals who are considering appealing a decision or action will be able to use these criteria to determine whether they have sufficient grounds to make an appeal worthwhile and to focus any appeal that is filed on the relevant facts and arguments.

The SCC further notes and advises that appeals not be undertaken lightly, but rather every effort be made to attempt to resolve controversies locally and, where possible, informally, which is more likely than appeals to provide a mutually satisfactory resolution of disputes.

The SCC resolves that the following guidelines constitute its binding criteria for hearing and resolving appeals.

1. Party Plan Requirements

All Appeals must meet the requirements set forth in the State Party Plan, Article X, including that the appeals be written, timely, supported by required petition signatures, and that the individual appealing be adversely affected by the decision being appealed.

173029000. Process Requirements

All Appeals that meet the requirements of the State Party Plan must additionally contain the following, which are to be submitted at the time the appeal is made:

- A. A specific statement of what decision or action is being appealed.

- B. A specific statement of what remedy is being sought, albeit the State Central Committee is not limited to the requested remedy.
- C. A statement of the facts relevant to the appeal.
- D. A statement of the reasons or grounds on which the State Central Committee should uphold the Appeal
- E. Any relevant material that was provided to committees (Unit, Legislative District or Congressional District at earlier stages of appeal.
- F. The written decision(s) reached by any committee that has previously considered the issue being appealed, if available at the time an appeal is made to the State Central Committee, unless the Appeal arises out of a decision related to a State Convention or statewide Party Canvass.

173029672. Additional Information Sought

The State Central Committee seeks to be provided with any supporting information that may help it decide the matter, as long as this information is relevant to either the District Committee decision being appealed or to the underlying issue that was appealed to the District Committee.

The appeal should *not* contain new matters which have not been previously appealed or presented to a Unit, Legislative District or District Committee, unless the Appeal is based upon a District Committee improperly basing its decision upon such a new matter.

All additional information must be submitted at the same time as the required information and documents noted in paragraphs 1 & 2 above, and not in piecemeal fashion.

4. Rebuttal

Any formal rebuttal(s) to an Appeal should be concise, providing clear statements as to why the decision being appealed was correct and should include any previously provided information that is relevant.

5. Considerations for Deciding Appeals of Elections

The State Central Committee sets a high standard for overturning a contested election upon appeal. When considering an appeal of a contested election (an election in which there are more candidates running – or seeking to run - than can be elected for a particular position), the State Central Committee will look for clear and convincing evidence presented in appeal documents that the actions (including intentional acts, errors, and omissions) upon which the appeal is based were such that:

- (a) it can be demonstrated that the outcome of the election would have been different had it not been for these actions, or
- (b) while it cannot be conclusively shown that these actions changed the outcome of the election, it is highly likely that the outcome was changed.

Where these criteria cannot be demonstrated, State Central Committee will consider a remedy of first resort that does not overturn the results of an election.

6. Considerations for Deciding Other Appeals

In Appeals not involving an election to Party or public office, the State Central Committee will prioritize those appeals in which clear violations of the Party Plan may have occurred, and/or where there is a direct impact on the primary missions, functions, and goals of a unit committee, district committee, or the RPV.

Additionally, when hearing a matter on Appeal from a Congressional District Committee, the State Central Committee will consider:

- the degree to which the decision and remedy of the District Committee is supported by the Party Plan.
- the central facts of the matter and any other basis for the decision of the District Committee.

The State Central Committee further resolves that:

- (a) the General Counsel and RPV staff produce a simplified checklist to reprise these guidelines for anyone considering an appeal, and
- (b) a copy of such checklist and this guidance be made available on the RPV website and distributed to the members of State Central Committee and Unit Chairs.