



REPUBLICAN PARTY OF VIRGINIA

J. RANDY FORBES, CHAIRMAN

July 29, 1996

Mr. William Townsley, Chairman
York County Republican Committee
P.O. Box 1654
Yorktown, Virginia 23692

Dear Bill:

In a memorandum to John Selph, you requested an opinion relative to certain provisions of the York County Republican Committee's Bylaws *vis-a-vis* the Party Plan of the Republican Party of Virginia ("Plan"). Several days ago, we discussed the issues you raised in a lengthy telephone conversation, and I passed on to you my thoughts regarding the provisions in question.

The purpose of this letter is to monument our discussion and my opinion. While not in the order posed, the issues and my comments are as follows:

1. Is not a legitimate purpose of local bylaws that they may be more restrictive, but in violation or conflict with higher organization Bylaws?

A. I am not entirely clear what you mean by "legitimate purpose." Suffice it to say, a local bylaw provision may be more restrictive than a relevant, controlling provision of the Plan, provided the bylaw is not inconsistent or in conflict with the Plan provision. Each proposed bylaw must receive careful examination against the Plan. As subsequently indicated, your proposal to limit a proxy to a "qualified party member" does involve such a conflict.

2. Is it legal for York County to require, as a condition to membership in the York County Republican Party some annual contribution?

A. I do not believe the Plan precludes York County from sponsoring some type of local Republican organization predicated on the payment of dues which might provide special benefits to its members (i.e., a social function or a newsletter). A dues requirement, however, cannot be used to limit a person's ability to attend, participate in or vote at mass meetings or conventions or, more directly to your point, serving as a proxy for another member of the Republican Party. (See 3.).

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

3. Are we legal in only allowing a "qualified" party member to carry a proxy for an absent committee member?

A. Such a practice is precluded by *Article I, Section A*. Any person meeting the requirements set forth in that section may be a proxy to those meetings where proxies are permitted, provided the proxy is from the "same Election District or organization represented by the absent member of that committee." See *Article VII, Section A.2*.

4. Would it be legal to allow one person to carry more than one proxy to the end of meeting attendance requirements?

A. I do not believe that the Plan presently prohibits an individual from carrying more than one proxy for other persons to the end of meeting attendance requirements. However, *Article VII, Section A.1* existing prohibits an individual from casting more than one vote at any meeting. Further, from a purely political standpoint, this restriction coupled with the excessive use of proxies impacts the viability of any committee. I might note that this is a situation where a local bylaw restricting proxy use for attendance requirements might be acceptable.

I believe the foregoing reflects our conversation regarding the issues you have raised. Should that not be your recollection, I will be glad to hear from you.

Sincerely,

A handwritten signature in cursive script, appearing to read "W. A. Forrest, Jr.", written in dark ink.

William A. Forrest, Jr.

WAFjr:m

cc: Randy Forbes
Chris LaCivita
John Selph