

SECOND CONGRESSIONAL DISTRICT REPUBLICAN DELEGATION

June 4, 2014

Mr. Pat Mullins
Chair, Republican Party of Virginia
&
Members of the Republican Party of Virginia
State Central Committee

by e-mail

Dear Chairman Mullins and State Central Committee Members:

The election for US Congress taking place in Virginia's Second Congressional District remains one of the most critical in the nation and for that reason we collectively have an obligation to share with you, with respectful clarity, our position on the recent events occurring with the 2nd District Republican Committee and the Chairman's race.

Many of us attended the Virginia Beach Republican Mass Meeting on March 10 and we witnessed a Mass Meeting properly planned and conducted. The Mass Meeting Chairman, Delegate Chris Stolle, M.D., ensured that the Party Plan that governs our proceedings were carefully adhered to and allowed debate on the issues presented to the Mass Meeting body. The minutes of the meeting clearly reflect this. There was a lively debate and discussion on the question of electing 32 delegates to represent Virginia Beach at the Second District Convention and both sides had an opportunity to make their views known. While it was true that some of the signors of this letter opposed the "slating" of delegates (Rep. Rigell voted No) and other elected officials supported the measure, there is no question that the motion passed by an overwhelming 2 to 1 margin (643 Yeas to 305 Nays or 68 percent). Furthermore, Ken Longo, Chairman of the Republican Party of Virginia Beach, the unit representing the largest city in the Commonwealth, was overwhelmingly re-elected with 70 percent of the vote. The results were apparent to every person in the Cox High School Auditorium.

Unfortunately, what should have been a settled decision was re-opened at a Second District Committee Meeting held just two hours prior the start of the April 26th Second District Convention at Hampton University. At that meeting, then-Second District Chairman Gary Byler, along with 'officers' serving on the Committee who – according to the roster maintained by the Committee's Secretary - were never elected members of the Second District Committee changed what was going to be the obvious outcome of the convention – a Frank Wagner victory – by allowing people to vote at the convention who were never elected delegates. In summary, a slim majority, on a 9-8 vote, who did not like the outcome of the Virginia Beach Mass

Meeting, simply ignored the Mass Meeting and gave voting credentials to people who were never elected delegates. This is not allowed in the Party Plan.

A bedrock principle of our Party Plan is to prevent such a disagreement on election results to lead to the arbitrary overturning of the will of a Mass Meeting. We firmly disagree with the Second District Committee's Credentials Committee's recommendation – and the subsequent 9-8 vote to adopt it - to invalidate the overwhelming will of the 68 percent of the people who attended the Virginia Beach Mass Meeting. It is our understanding that at no time did the credentials committee consult with RPV General Counsel to learn the rules, Party Plan, or their long ascribed authority in this area. Numerous RPV General Counsel Opinions explicitly state that the Credentials Committee has a "non-discretionary" and "ministerial" duty to accept only the certified delegate list submitted by each Unit Chair. Their recommendation not only effectively overturned the larger two-thirds vote to elect delegates, but also overturned the election of Ken Longo, who won with 70 percent of the vote.

The arbitrary decisions made by the Second District Committee on April 26th led to great consternation by several members of the committee. After the Convention, more than 33 percent of the members of the Second District Committee called for a meeting of the Second District Committee. This meeting was held on Thursday, May 8 and was chaired by Mr. Curtis Colgate. Eleven of the twelve members of the Committee attended the meeting and its purpose was to review the decisions made at the Second District Convention. The Committee reviewed the decisions made at the Convention and determined that the decisions made on parliamentary motions, rulings from the temporary chair, the decisions to ignore the Virginia Beach certified delegate list and other decisions made were not in conformity with the Party Plan and numerous binding Opinions of past General Counsels and were incorrect. The Second District Committee, with Curtis Colgate serving as chairman of the meeting, voted 7 to 3 to overturn the erroneous rulings at the Second District Convention. (Mr. Colgate did not vote.) The Resolution adopted by the Second District Committee states that the proper election result of the delegate count at the Second District Convention – and a vote of only the properly elected Virginia Beach delegates was recorded at the Convention - was 732-138 in favor of Frank Wagner. They also affirmed the results of the March 10th Virginia Beach Mass Meeting electing Ken Longo as Chairman and certified Frank Wagner as the proper winner of the Second District Committee Chairman's race.

The issue before you as Chairman of RPV or as a member of the State Central Committee is not about one's opinion of slating (which is allowed in the Party Plan), nor is it about whether Curtis Colgate or Frank Wagner should serve as Second District Chairman. The decision we face is whether State Central will overturn the outcome of a properly led, procedurally correct Mass

Meeting where the clear will of the majority (68 percent!) of those attending – and their votes expressing their will - cannot be questioned, at least on any rational basis.

We respectfully caution the Chairman and the State Central Committee that the future chaos and precedent that would result from ignoring the results of a properly held mass meeting will have sustained, negative consequences for every unit in the Commonwealth and future mass meetings. Mass Meetings elect delegates to conventions. This is done to give local Republicans at the mass meeting the ability to determine who will represent them at a convention. They have the authority and the discretion to make this determination and this authority has always been upheld in numerous rulings of the State Central Committee and the General Counsel Opinions. Logically, this is why people pre-file their delegate application forms with their local units, rather than directly with district or state conventions. Clearly, the decisions made at local mass meetings matter as reflected by their importance in the Party Plan and the certification of delegate lists by unit chairmen required in the Party Plan.

Any decision to reverse the outcome of the March 10th Virginia Beach Mass Meeting or the May 8th Second District Committee meeting cannot be reconciled with more than forty-years of Republican Party of Virginia legal counsel opinions dating to 1982 or the State Party Plan. Based on the Rules of the Party, there is no justifiable reason to overturn the will of the Virginia Beach Mass Meeting, the properly recorded vote of Virginia Beach delegates at the Second District Convention or the subsequent vote of the Second District Committee on May 8th. Accordingly, we implore you to reject any effort to do so.

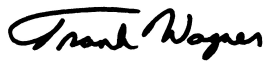
Adherence to the rule of law is one of the core tenants of the modern-day Republican Party. A distinct and essential attribute of our American way of life and governance at all levels, as we work to protect our liberties, is that we are a nation of laws, not of men. The rule of law is one of the cornerstones of our democracy and our Republican Party. Without the rule of law, liberty isn't secure. Our hope is that the State Central Committee will follow the rule of law and not ignore long standing precedents, legal counsel opinions and the Party Plan.

We are strongly unified in recognizing that Frank Wagner is the properly elected Chairman of the Second District Committee, that he must be recognized as such by the Republican Party of Virginia and be seated as Chairman of the Second District at the June 6, 2014 State Central Committee meeting. For the sake of party unity and the desire to move forward we urge a quick resolution and acknowledgment of this joint letter.

Sincerely,

A handwritten signature in black ink that reads "Scott Rigell". The signature is written in a cursive, flowing style.

Rep. Scott Rigell



Senator Frank Wagner



Senator Jeff McWaters



Senator John Cosgrove



Delegate Rob Bloxom



Delegate Glenn Davis



Delegate Bill DeSteph



Delegate Barry Knight



Delegate Chris Stolle, M.D.



Delegate Scott Taylor



Delegate Ron Villanueva