

# WEST VIRGINIA REPUBLICAN PARTY

2019 JUN 26 P 2:47

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

Donald M. Kersey, III  
General Counsel  
The Office of the WV Secretary of State  
State Capitol, Bldg. 1, Ste 157-K  
Charleston, WV 25304  
Via U.S. Mail and email to [Dkersey@wvsos.gov](mailto:Dkersey@wvsos.gov)

June 26, 2019

Dear Mr. Kersey,

This letter is in response to your letter dated June 24, 2019. Thank you for your inquiry into this matter.

Earlier this spring, I had previously made appointments to the Boone and Webster County Republican Executive Committees, and your office accepted those appointments and published the updated roster.

The removal and appointments recently made by me in my capacity as State Chairperson of the West Virginia Republican State Executive Committee was done pursuant to our Bylaws and, in particular, their regulation of subordinate party committees, which includes County Executive Committees. As a reminder, the relevant provisions of the State Party Bylaws are below:

Article XVI Section 1 of the Bylaws of the West Virginia Republican Party state:

In the interest of effective organization and party harmony the State Executive Committee and its Chairman shall and will exercise jurisdiction, control and authority over the County, Senatorial, Judicial Circuit, and Congressional Committees of the Republican Party in West Virginia in all matters having to do with the filling of vacancies when any such Committee is unable to do so, the election of any officer of the committee in the event of a tie vote, and of any other matter of the business of any such committee which in the opinion of the State Executive Committee or the State Chairman shall be of sufficient importance to the Republican party to require removal from local consideration and action by the State Executive Committee.

Article XVI Section 2 of the Bylaws of the West Virginia Republican Party state:

If, in the opinion of the Chairman of the State Executive Committee, time is of the essence in regard to the issue or issues in controversy, the Chairman may, in his discretion, resolve the issue or issues in controversy, on a temporary basis by taking such action as he may deem in the best interests of the Republican Party by filling any vacancy, naming any officer, or taking what other action may be provident and he shall notify in writing the members of any subordinate

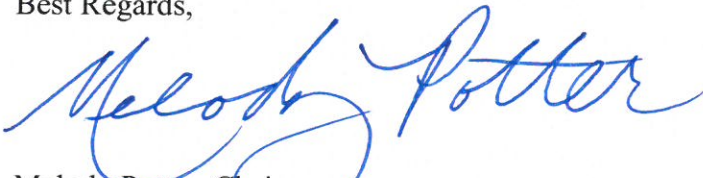
committee of his action within ten (10) days thereafter, which action shall become final and binding upon the County, Senatorial, Judicial Circuit, or Congressional Committees of the Republican Party in West Virginia and their members...

As you wrote in your letter: "...the courts have generally held that they will not interfere in intra-party disputes, but leave their settlement to methods used and adopted by the Party. See, e.g. *State ex. Rel. Goodwin v. County Court of Putnam County*, 125 S.E.2d 417, 147 W.Va 62 (1962)." The West Virginia Supreme Court of Appeals has further ruled that "it is a well settled principle that political committees have very broad powers in matters of party regulation, and the courts, respecting that power, seldom find basis of justification for interference therewith." *State ex rel. Zagula v. Grossi*, 149 W.Va. 11, 19, 138S.E.2d 356, 361 (1964). The courts have consistently upheld the right and power of a political party to regulate itself under in accordance with its rules.

Accordingly, it is from the Bylaws adopted by the West Virginia Republican State Executive Committee that I derive my authority to make these changes to Republican County Executive Committees.

Thank you for your prompt attention to this matter. If you have any further questions regarding this or any other matter, please do not hesitate to reach out.

Best Regards,



Melody Potter, Chairman  
West Virginia Republican State Executive Committee

Cc: Andrew Dornbos, General Counsel  
West Virginia Republican State Executive Committee