The Embarrassment
of the Corrosive 24th District State Senatorial Legislative Committee Lawsuit
(Part 2)

Last week I wrote a short essay entitled "The Embarrassment of the Corrosive 24th District State Senatorial Legislative Committee Lawsuit." This is a follow-up.

This past Thursday, April 2, 2015, Judge Dillion ruled "the court concludes that both the (24th LDC) Committee and Moxley have failed to establish constitutional standing in this case. As a result, this court does not have jurisdiction over their claims. The court will therefore deny both the Committee's and Moxley's motions for preliminary injunction and grant the defendants' motions to dismiss the complaints." For the entire text of the decision go to http://www.scribd.com/doc/260720141/Incumbent-Protection-Act-Dismissal#scribd.

The Judge provided the following reasoning for the decision:

"The court thus finds that inclusion of the phrase "where permitted to do so under Virginia law" is a voluntary choice by the Party to limit the authority of the (LDC) Committee. The Party's voluntary decision to limit the authority of the LDC in its Plan and to allow the incumbent to decide upon the method of selecting a nominee is a decision the Party is permitted to make and is the cause of any alleged injury to the plaintiffs. For these same reasons, this court cannot redress any injury caused by the Party's governing Plan. Plaintiffs have failed to meet their burden to establish standing."

More simply stated: In the Republican Party of Virginia's Plan (By-laws) is Article V (Legislative District Committee), Section D (Duties), Paragraph 1(a):

> The Legislative District Committee shall determine whether
> candidates for Legislative District
> public office shall be nominated
> by Mass Meeting, Party Canvass, Convention or Primary, where permitted to do so under Virginia Law.

Because the Party Plan is a contract between the RPV and its members the 'plain meaning' of the Plan's language is that the RPV has agreed to accept and adhere to Virginia Code 24.2-509(B) ("The Incumbent Protection Act"). So the 24th LDC is burdened to adhere to the Virginia code because the RPV says so.

That is exactly what I stated in the essay I wrote last week: "So it is the Party itself that denies a LDC the freedom to do what it wants if the incumbent chooses otherwise. Thus those of the 24thSLDC who want the lawsuits are breaking the Bylaws of the RPV, the very organization of which they are a part."

Thus: Ken Adams and the 24th LDC have no standing in Court.

But Ken Adams has decided to appeal the Judge's decision. My thought is that the Appeals Court, if and when it agrees to accept the appeal, will sustain the Judge's decision.

For me, this is a situation in which a group of individuals (not including the Augusta County and Madison County representatives who did agree to the law suit) on the 24th SLDC are doing exactly that of which they are accusing the Incumbent. They want power and control, not for the public, but for their personal agendas. This is a case of 'Party Bosses' out of control. That is why I said in the earlier essay the lawsuit is

1 – Absurd. It is an attempt at using a vigilante, sue-happy method.
2 – Back-Biting. It has all the aspects of being an ugly catfight.
3 – Corrosive. It breeds revenge and ill feelings.
4 – Destructive. It destroys the Party more and opens the advantage to Democrats.
5 – Embarrassing. Democrats are laughing at us all the way to the polls. The public, especially those who are Republicans are asking, "What in the hell is going on?"

The selection of a Party's nominee for a political office should be taken out of the hands of a few people, an LDC and incumbent, and placed in the hands of the citizen voters who are willing, by oath or by registration, to declare themselves members of that Party. The cost of the selection process, at least in part, should be the burden of the Party.

So how can this be done? The following suggestion can be a starting point for consideration:

1 – In each municipal jurisdiction (county and/or city) that is part of a Legislative District there should be one polling location operated under the auspices of the Department of Elections and that jurisdiction's Registrar. The Party pays for the cost of location and the State-approved Officers of Election.

Example: The 24th SLDC consists of 2 Cities, 3 Counties, and portions of 2 other counties, thus 7 polling locations. If 4 Officers of Election staff each location then there are 28 people to pay. If their cost is like that for a general elections then this amounts to ~ $150 per Officer, a total of $4200 plus location(s) costs. This relieves a considerable portion of "public" burden, and over time and State-Wide would equal out between Parties.

2 – The State and localities would pay for the setup of voting machines and the reduction and documentation of the voting data.

(Something such as this would be a mixture of the characteristics of a 'Closed Primary' and a 'Canvass' – the latter popularly called a 'Firehouse Primary.'