

The IPA and the Three Legged Stool

I am writing in response to the poorly researched, motive ascribing, and inflammatory Editorial published in the Greene County Record on Thursday, March 12, 2015, titled: "Can Republicans stop an election?"

First, some background information. The 24th Senatorial Legislative District is composed of the counties of Augusta, Greene, Madison, part of the counties of Rockingham and Culpeper, and the cities of Waynesboro and Staunton. The Republican Party of Virginia (RPV see rpv.org) in its State Party Plan (SPP) tasks the administration of the 24th to what is known as the 24th Senatorial Legislative District Committee (LDC). The voting members of the LDC are the respective Chairmen of the county or city Republican Committees. These Chairmen are publicly elected biannually, give freely of their time and resources, and are your neighbors, family members or coworkers.

The SPP instructs the LDC to choose the nominating method for the selection of the candidate to represent the Party in the upcoming general election in November. Essentially, that is the sole purpose for the existence of the LDC. In December, 2014, the LDC voted for a convention as its nominating method for this year's senate candidate. Now it gets interesting.

Some 60 years ago, the General Assembly enacted what is known as the **Incumbent Protection Act (IPA)**, which permits incumbents, and only incumbents, to choose their own nominating method. This negates the sole function of the LDC. In 2007, a suit was filed challenging the IPA in Miller v. Brown, and the Court found the IPA unconstitutional on the grounds that the Party's 1st Amendment rights of free association were violated. It did not strike down the Act entirely, as the Court "saw" that the Party had other nominating methods at its disposal. So if the incumbent is permitted by State Law to select his own nominating method, how can the LDC exercise its right to name a differing method per the Miller decision? Quite a conflict in State Law.

We often hear complaints about gridlock in DC, that politicians won't listen, or throw the bums out. This is where the Three Legged Stool comes in. Over decades, legislators at all levels, have created an almost impenetrable defense of incumbency. The first leg is no term limits. The second leg is gerrymandering of unusually shaped voting districts to influence a desired outcome. Think your legislator would change either of these? Finally, to complete the Stool in Virginia, legislators enacted the IPA. Try running in an open primary against an incumbent.

So a retired telephone executive, a nurse, a contractor, another retiree, an architect, a defense contractor, and a member of a non-profit collectively voted to attempt removing one leg of the Stool, by challenging the IPA in Federal court. In so doing, their hopes are to begin returning accountability of candidates back to the Party, thus, bringing the Politician closer to the voter.

Our system of government is a democratic republic; not a democracy as implied by the editorial. I do agree that it is the citizen's responsibility to get involved and become informed. All our Committee meetings are open to the public; and our mission is to disseminate factual information to the voters.

Ed Yensho- Vice Chairman 24th Senatorial LDC, Chairman-Greene County Republican Committee