

Dear Delegates,

The most important thing I want to make sure you know before you vote Saturday on the proposed Plan of Organization is that it weakens us as a party, because it makes accountability more difficult. It also makes it harder for Delegates to participate in Conventions. Most don't read the reports ahead of time and it will BAN ALL AMENDMENTS that aren't made way in advance of the convention, virtually making reports an up and down vote.

Instead of giving censures more teeth and making sure party disloyalty actually leads to an automatic resignation, it PROTECTS the bad actors.

It is disheartening to write this because I respect the time and efforts of our Plan of Organization committee. However, the Rules for this convention force an up and down vote, which to me disrespects both the work of the committee and the Delegates that are attending the convention. We should be able to work through issues as Delegates, perfect language, and have a shot at passing the proposed Plan of Organization.

Many of us do not spend the time and money to attend the convention for up and down votes and expensive dinners. We want to participate in our party fully. We love our Platform, know the importance of our values as a party, and love our country.

There was a time in our party that conventions were a place where work was expected to be done, that every day Republicans from across our state had a voice. For many years, Delegates could simply make a motion and any second would cause it to be considered by a simple majority approval of the body. Things have changed.

I feel it is a duty to protect the Delegate's voice. We NEED to encourage participation and passion in our party. We need volunteers. This is the foundation of how we ultimately successfully push the vote out during General Elections.

This Saturday, I support amendments that would correct the following issues but know that the amount of amendments that would be required to make the pros outweigh the cons are too numerous to expect to fully carry this convention. ***No amendment will be allowed*** for the Proposed Plan of Organization if the proposed rules to this convention stand.

TILLIS CENSURE

In 2003, I made a motion to divide the Resolution Package. Several of us across the state had written Resolutions to Censure Senator Thom Tillis and circulated them throughout the Districts. The State Resolution Committee decided to exclude his name. I, like the 2/3 majority of us, had my fill of his bad behavior.

*** The proposed Plan of Organization **FORBIDS amendments** that were not presented days ahead of the convention.

*** The Amendment written that added Senator Tillis back into the Resolution language was **WRITTEN AFTER I MADE THE MOTION TO DIVIDE!** It was NOT given to anyone before that session.

*** ***This will not be allowed to happen again if the Proposed POO passes!***

The language PROTECTS the worst traitors of our party, of our principles, and our President.

BERGER PARTY DISLOYALTY

Our current Plan of Organization allows for a censure to be put forth by ANY executive committee. It is common that someone powerful has tremendous power over their local exec com and that is why this was written as it is. Members of the General Assembly for example often hold positions that cause their actions to affect all of us, even if we don't vote in their District, so this is common sense.

The mechanism that SHOULD have caused our state executive committee to handle the matter of Senator Berger's clear party disloyalty (endorsed a flaming liberal in the General against a conservative Pastor's son) was invoked by multiple county and even a District executive committee. We as a party have failed to honor our Plan of Organization and still have not called the special meeting of the state exec com to handle the charges.

The correct response you'd think would be to strengthen the language in the Plan of Organization, perhaps setting deadlines like a date set within 45 days of the charges.

BUT NO. ***The proposed plan PROTECTS actors like Senator Berger.*** The 3rd Congressional District, which voted to charge Senator Berger with party disloyalty would NOT be allowed to do such under the proposed plan! Also, it declares a censure season, anything apparently goes if a candidate or elected has filed for office. This ironically is right when they might be tempted to commit party disloyalty!!

A football team doesn't allow their opponent in their huddle. We shouldn't have meetings welcoming anyone that is provably working against us. Automatic resignation for clear party disloyalty is appropriate.

Another huge problem in the proposed Plan of Organization is that it unfairly weighs in the primary by kicking primary challengers that are officers off executive committees but allows for the incumbent party officer to stay on.

“Investigation” Committee handling Complaints is 3 District Chairs (not randomly selected) appointed by the State Chair & Improperly restrains the Judgement of the State Executive Committee to a penalty no greater than their decision.

In Summary:

The major issues I personally have with the Proposed Plan:

- **Restricts the constitutionally protected free speech of censuring more than our own our Senate in D.C. by dictating the when.**
- **Unfairly weighs in the primary by kicking primary challengers that are party officers off executive committees but allows for the incumbent party officers to stay on.**
- **Would have stopped the Tillis Censure!! Codifies the silencing of the grassroots by requiring committee chairs to get amendments in advance (rarely is the contact info even accurately offered to Delegates prior to the convention) and the high threshold of a $\frac{2}{3}$ vote instead of a majority vote. NO amendments EVER from the floor even if Rules were Suspended without the ADVANCED notice.**
- **“Investigation” Committee handling Complaints is 3 District Chairs (not randomly selected) appointed by the State Chair & Improperly restrains the Judgement of the State Executive Committee to a penalty no greater than their decision.**
- **Two few state executive committee meetings.** There are only two meetings required of the State Executive Committee. For it to properly operate and look after the affairs of the party, there ***should be a minimum of four.*** Page 19, Section 7-103. Meetings. (a) In General

Some of the language for easy reference:

1. **Favoritism toward an Incumbent during a Primary.** It seems this language during a Primary has an exception to allow an incumbent to serve as a party officer on the county executive committee ***but gives no option to allow their opponent (candidate in the primary) that is a party officer to remain on the committee.*** If an incumbent is allowed to remain, ***their opponent ought be able to also.*** Forums, debates, questions, etc., can be part of the exec com decisions. This seems very unfair.

Page 38: ARTICLE NINE – PROVISIONS APPLICABLE TO MORE THAN ONE ARTICLE; 3. Discipline of Officers and Other Committee Members.; Section 9-302. Automatic Removal.; (b) Rule Applicable to Certain Party Officials Seeking Public Office. & (c) Exception for Certain Party Officers.

(b) Rule Applicable to Certain Party Officials Seeking Public Office. Except as provided in subsection (c) and this subsection, any County, Congressional District, or State Officer and any member of the Operating Committee who files to run for public office shall be removed from all positions then held under this Plan, effective upon the close of filing for that office. This provision shall not apply, however, to anyone serving as an elected public official at the time he or she is elected or becomes eligible to hold Party office and who seeks reelection to the same office.

(c) Exception for Certain Party Officers. Notwithstanding subsection (b), an Executive Committee may, by a two-thirds vote, suspend the removal of an Officer of the Committee until 30 days after the close of the filing period for the office sought by him or her and, further, rescind the removal if no other Republican files for that office.

2. **Least Disruptive guidance.** Section 7-501(g) guides that the ruling should be as “least disruptive manner possible.” This language bothers me. Sometimes disruption, which I would think a removal of an Officer or Committee member would be considered very “disruptive,” might be exactly what is needed depending on the situation.
3. **“Investigation” Committee handling Complaints is 3 District Chairs (not randomly selected) appointed by the State Chair & Improperly restrains the Judgement of the State Executive Committee to a penalty no greater than their decision.**

“It may (i) dismiss the complaint or (ii) impose or reduce, but not increase, the penalty recommended by the Investigative Committee.” Page 40

4. **Censures.** 1) Proposed language ***bars censuring of NCGA members by those executive committees that cannot vote for the focus of a censure***, yet many hold positions that affect the entire state. If a local executive committee fails to act, it becomes necessary at times for another executive committee to act. The current plan of organization was written specifically to allow any executive committee to act to cover this situation. 2) Proposed language bars censures for a declared/filed candidate. There can be occasions where censuring despite a candidate declaring/filing for office can be necessary and there is no reason to remove this tool in those instances.
Page 35 Section 9-103. Resolutions of Censure. (b) Censure of Actions of a Republican. (c) Prohibited Censures. “provided that all members of that Committee can vote for the office which that individual holds.” & Page 40 Section 9-402 Censure of an Announced Candidate Prohibited. Except with respect to an Opportunistic Candidate described in Section 9-401(c), no Committee created under this Plan nor any Party Convention shall censure a Republican who has filed for public office.

Regarding Censure: Censure is born out of the constitution. It in our highest Senate chamber involves only a majority vote. It is never restrained to when someone hasn't filed. It does NOT tell the voter not to vote for someone. It's a formal spanking. That is all.

The proposed language in the POO trounces on this and some are misinforming stating it tells the voter not to vote for someone. This is wholly untrue. The proposed language tries to restrict censures when a filing for office occurs and demand a 2/3 vote. I've included a supreme court ruling. Technically the new proposed language trounces on our right to free speech as a body. Even our House and Senate do not have these restrictions.

This is from the Senate:

"Article I, section 5 of the United States Constitution provides that "Each House [of Congress] may determine the Rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member." Among the ways in which the Senate has disciplined its members is censure, sometimes referred to as condemnation or denouncement. Censure is a formal statement of disapproval in the form of a resolution that is adopted by majority vote. The term "censure" is not found in the Constitution, and the word does not have to appear in the resolution. A censure does not remove a senator from office nor does it deny to a senator his or her rights or privileges. Since 1789 the Senate has censured nine of its members for conduct that senators determined to be inappropriate or detrimental to the Senate."

<https://www.senate.gov/about/powers-procedures/censure.htm>

Party Disloyalty. The Proposed Plan of Organization bars censure for actions of party disloyalty that are over two years. There are instances when a charge of party disloyalty is properly submitted with clear evidence and the Chair fails to act. New leadership would be willing to follow through and should have that freedom. Allowing ZERO consequences to stand encourage future bad behavior instead of signaling there will be consequences as a deterrent.

Section 9-305. Commencement of Proceeding. c) Limitation. A complaint that relies solely on facts occurring more than two years prior to the commencement of the proceeding shall be barred. Page 39

If our candidates and elected officials know they cannot be censured for party disloyalty if they file for office, what restrains them for committing party disloyalty and endorsing Democrats in the primary? It sounds like a permission slip.

Will anyone besides Precinct Chairs be automatically resigned for party disloyalty? Why are Precinct Chairs treated seemingly more harshly?

5. **Amending of Reports at the Annual State Convention.** Requiring a 2/3 vote instead of a simple majority is a bar too high to hear an amendment. We should encourage the many delegates that attend the convention to participate, especially those that are not party officers. If this critical segment of our party feels squashed, it dampens their enthusiasm and harms our success. We offered a DEAD email just a year or two ago to send amendments in advance to one of the committees. This year, we offered NO contact information for Committee Chairs on the convention website. There is no requirement in this language that contact info be made clear or offered. Additionally, many Delegates do not read the reports until after the preset 15 day prior deadline yet they are laying out the expense and time to come participate. We should encourage participation. ***If debate threatens to run long, the Convention Chair is fully capable of utilizing Robert's Rules to reign the time back in, limit debate, and the Delegates are fully capable of Calling the Question.***

Page 31, Section 8-303. Amendments to Committee Reports. (c) Procedure to Amend a Report of the Rules, Platform, Resolutions, or Plan of Organization Committee.

(1) Notice. At least 15 days prior to the convening of the State Convention, any Member who is listed as a Delegate or Alternate in the Credentials Committee report may notify in writing the Chair of the Rules, Platform, Resolutions, or Plan of Organization Committees, as the case may be, that he or she intends to move the consideration of an amendment to that Committee's report. The notice shall include the text of the proposed amendment.

(2) Committee's Duties. The Chair of the Committee so notified may convene a meeting of the Committee to consider the proposed amendment. That Committee may (i) reject the proposed amendment in its entirety or (ii), notwithstanding the deadline contained in Section 7-507(d), amend its Convention report by adopting the proposed amendment or a similarly worded amendment. The Chair will report to the Convention any amendments the Committee has made to its report in accordance with this paragraph.

(3) Consideration. Any Delegate may move the adoption of an amendment of which the Committee was notified as provided in paragraph (1) but which was not adopted in accordance with paragraph (2). The amendment, however, shall not be considered by the Convention unless the Delegates by a two-thirds vote agree to take it up. The question of whether to consider a motion to amend shall not be subject to debate.

(4) Debate and Vote. If the Convention agrees to consider the motion, it shall be subject to debate, and may be adopted, in accordance with the Convention Rules.

Amending the Plan of Organization would no longer be possible through mailing. Our current plan allows for it on page 42:

ARTICLE X- AMENDMENTS,APPLICABILITY AND EFFECTIVENESS OF THIS PLAN

A. AMENDMENTS TO PLAN OF ORGANIZATION

1. Timing of Amendment:

The Plan of Organization may be amended, not inconsistent with the rules of the Republican National Committee, by majority vote of the Delegates present and voting at any State Convention provided, however, that the proposed amendment was mailed to the membership of the State Executive Committee, elected at the preceding District Convention, at least thirty days prior to the convening of the State Convention. This mailing requirement shall not apply to the report of the duly appointed Plan of Organization Committee, which shall be noticed pursuant to Section VII.D.3.c of this Plan.