



Report of the Plan of Organization
Committee
for the 2024 NCGOP State Convention

Members of the State Plan of Organization Committee

Chair Daniel Barry, District 8, Union County

Vice Chair Mike Phillips, District 2, Wake County

Secretary Ed Stiles, District 1, Wilson County

Drafting Secretary William Scholtes, District 9 Moore County

Bob Pruett, District 3, Carteret County

Bob Castona, District 4, Orange County

Benjamin Parnell, District 5, Rockingham County

Robert Watkins, District 6, Forsyth County

Fred Thomas (Trey), District 7, Brunswick County

Michael Owens, District 10, Forsyth County

Hunter Clark, District 11, McDowell County

Tommy Fuller, District 12, Mecklenburg County

Michael Magnanti, District 13, Granville County

Rick Austin, District 14, Rutherford County

Jerol Kivett, At Large, Sampson County

Harvey West, At Large, Washington County

Marshall Conrad, At Large, Johnston County

Activities of the Committee

During this cycle, the Committee considered numerous proposed amendments to the State Plan of Organization. The bulk of our recommendations are holdovers from the 2023 Convention where no action was taken. The Committee elected to set aside several proposals for consideration at the 2025 Convention. In addition to those from the 2023 Committee Report, several additional topics were submitted by the members of the committee, and others were submitted by party members.

The Committee also wishes to convey to the Convention that a rewrite of the Plan of Organization will begin in earnest at the close of the 2024 Convention. Our objective will be to simplify the Plan of Organization, to create an efficient and effective state-wide organization while providing Counties and Districts the liberty to build out organizations based on local needs and conditions, and to address language for consistency and style. This will be a herculean task.

The Chair, with the consent of the Committee, appointed Bill Scholtes, Moore County, to serve as Chief Drafter for all Amendments and the 2025 Plan of Organization rewrite. The Committee would like to provide special recognition and thanks to Bill for his tireless efforts thus far. As Chief Drafter, Bill will ensure we maintain consistent language and proper grammar in the new Plan of Organization.

Each Committee Member has been tasked to have regular communication with the various Executive Committees in their District and receive feedback on work products and drafts. The Committee Chair will be providing the same information to the Central Committee and Party Officers.

With transparency and openness in mind, the NCGOP will be maintaining a webpage at NC.GOP which will include meeting minutes, working documents, and drafts at various intervals throughout the process. This page will be available for all to access.

Our goal is to have a final draft version available for review in the fall. Committee members will be presenting the updated Plan of Organization at the December State Executive Committee Meeting, the 1st quarter County and District Executive Committee Meetings, as well as the 2025 County and District Conventions. Communication to the Committee may be directed to plan@ncgop.org.

In addition to the work on proposed amendments, the Plan of Organization has issued several Opinions pursuant to Art. VII. D. 3. d. 2. a. Those opinions are included at the end of this report.

The Chair thanks the Plan of Organization Committee for its hard work and conduct during our deliberations.

The Committee recommends to the delegates of the State Convention that these seven amendments be adopted. Before each proposal is a brief rationale for the need to adopt the suggested amendment.

Proposal # 1 - Conforming Changes to the Terms “Chair” and “Chairman”

Reasons for change. Throughout the Plan the terms “Chair” and “Chairman” are used to describe the same person, sometimes in the same sentence. In order to establish consistency, the Committee recommends that only one term be used.

Amendment: The Plan is amended by conforming the various usages of the words “Chair” and “Chairman” to read “Chair.”

Proposal # 2 – Corrections to Article I

Reasons for change. The Committee finds it necessary to correct three errors appearing in Article 1. First, the Article contains a Section A but no Section B. Because a provision cannot be subdivided into only one part, the Committee recommends eliminating the Section A description. Second, the words “identified and” suggest that there are two tests for determining whether an individual is a Republican, one of which is subjective. Since the only test contemplated by the Plan is an individual’s registration, the Committee believes that those words should be deleted. Finally, the third and fourth sentences are substantively the same. Accordingly, the Committee recommends the deletion of the fourth.

Amendment: Article I, appearing on page 6 of the NCGOP Plan of Organization, is amended by the deletion of the Section title and the indicated language below:

A. MEMBERS

All citizens of North Carolina who are registered Republicans are members of the Republican Party of North Carolina and shall have the right to participate in the official affairs of the Republican Party in accordance with these rules. All reference herein to Delegates, Alternates, officers and members shall, in all cases, mean persons ~~identified and~~ registered with the

Republican Party in the precinct of their residence. Any person running for Party office within the North Carolina Republican Party, at any level, shall be a resident of the jurisdiction in which he seeks office. ~~A candidate running for any level of Republican Party office shall be a registered Republican resident of the jurisdiction in which he seeks office.~~ In the event a candidate for public office was not a registered Republican as of January 31 of the year prior to the election in which that candidate seeks election, the Executive Committee of the jurisdiction may disqualify such candidate from recognition, endorsement, and the utilization of Party resources.

Proposal #3 – CLARIFICATION OF RULES RELATING TO THE ELECTION OF DELEGATES WHO ARE NOT IN ATTENDANCE AT THEIR ANNUAL PRECINCT MEETING OR COUNTY CONVENTION

Reasons for change. There is a conflict in the existing Plan over whether an individual who does not attend either his Annual Precinct Meeting or County Convention can be elected as a delegate. Moreover, there has been controversy over how the election of Republicans not in attendance should be handled. The changes (1) clarify that in all counties an otherwise eligible Republican who does not attend his Annual Precinct Meeting or County Convention can be elected as a delegate, (2) direct the County Executive Committee to establish a procedure for this purpose, and (3) requires those not in attendance to provide sufficient information for the appropriate Credentials Committee to determine their eligibility.

In addition, the changes add an introductory clause to the second paragraph in Article II.C in order to differentiate between the requirements of an Annual Precinct Meeting and “other” meetings described in Article II.D.

Finally, the Plan has always provided that eligible Republicans attending a County Convention from an unorganized precinct can represent the precinct at the Convention with one vote. The change makes it clear that for this purpose an unorganized precinct is one without any delegates elected at the Annual Precinct Meeting.

Amendment 1: The first sentence of the second paragraph of Article II.C, appearing on page 7 of the NCGOP Plan of Organization, is amended as follows:

Following the Annual Precinct Meeting described in Article VII.A, the Chairman Chair and Secretary of each Precinct, or someone acting in their roles at the Annual Precinct Meeting, shall certify the election of officers, Committee members, and Delegates and Alternates to the County Convention to the County ~~Chairman~~ Chair.

Amendment 2: Article IX.A.2.b, appearing on page 32 of the NCGOP Plan of Organization, is revoked in its entirety and the following is substituted in its place:

~~b. — No person shall be seated as a Delegate at any County, District or State Convention unless such person shall have personally attended the Annual Precinct Meeting, and shall have been duly elected a Delegate or Alternate by the appropriate Precinct Meeting or County Convention; except, the registered Republican or Republicans, present at a County Convention from an unorganized Precinct, which has not had its credentials accepted, shall have the right to vote 1 vote per Precinct, prorated among those present from that Precinct. For those who were unable to attend the Annual Precinct Meeting, each County Plan of Organization may provide for a procedure to permit the election of person(s) to be Delegates and Alternates to the County, District and/or State Convention. Each County Executive Committee is hereby authorized to amend their County Plan of Organization prior to the Annual Precinct Meetings and County Convention for the sole purpose of implementing a procedure to permit the election of person(s) to be Delegates and Alternates to the County, District and/or State Convention.~~

b. If no Delegate or Alternate from a precinct is credentialed by the County Credentials Committee, then those registered Republicans attending a County Convention from that precinct shall be invited on to the convention floor and may collectively cast one vote at the Convention.

Amendment 3: Article IX.A.5, appearing on page 33 of the NCGOP Plan of Organization, is amended by changing the title of the subsection to “Election Procedure.”

5. ~~General~~ Election Procedure

Amendment 4: Article IX.A.5, appearing on page 33 of the NCGOP Plan of Organization, is revoked in its entirety and the following is substituted in its place:

~~Notwithstanding any other Article in this Plan of Organization, the allocated Delegate slots and then the allocated Alternate slots allotted under this Plan of Organization to a Precinct or a County shall be filled first by the election of those duly qualified registered Republicans, eligible to vote, present at such Meeting or Convention and desiring to be elected to fill such slots. All~~

~~duly qualified Republicans registered to vote may be elected by qualified Republicans attending the meeting to fill slots that have not been filled by Republicans attending the meeting or conventions. A county may provide in its Plan of Organization that only persons actually present are eligible for election as Delegates or officers.~~

a. Delegate and Alternate slots shall be filled first by those eligible Republicans who are in attendance at the Annual Precinct Meeting or County Convention and who are willing to serve. If any Delegate or Alternate slots remain unfilled after the election of those who are in attendance at the Annual Precinct Meeting or Convention, then eligible Republicans who are not in attendance but who are willing to serve may be elected to fill those slots. No one shall be elected as an Alternate, however, until all of the Delegate slots are filled.

b. Each County Executive Committee shall adopt a procedure that allows eligible Republicans who are not in attendance at the Annual Precinct Meeting or County Convention to be elected as an officer, Committee member, Delegate or Alternate at that Meeting or Convention. The procedure shall require that a notice of the individual's willingness to serve be in the hands of a person or persons designated by the County Executive Committee prior to the convening of the Annual Precinct Meeting or in the hands of the Credentials Committee prior to the convening of the County Convention, as the case may be, and that contact information, including the individual's full legal name, address, phone number, and email address, be provided. The County Chair shall describe this procedure in his public notice of the Convention.

Proposal #4 – Adoption of a Two-Year Budget Updated Annually

Reasons for change. In order to streamline the State Party budgeting process, the Committee proposes that a two-year budget be adopted and updated annually at a meeting of the State Executive Committee held immediately after the State Convention, beginning in 2025. This proposal changes the budget year to one that ends each June 30th. The Committee notes that budget meetings scheduled for the end of December rarely produce a quorum and believes that enough members of the State Executive Committee will attend a meeting held in conjunction with the State Convention in order to establish a quorum to adopt a budget.

Amendment 1: Article VI.A.2, appearing on pages 15 and 16 of the NCGOP Plan of Organization, is amended by the addition of the following new paragraph d:

2. Powers and Duties ...

d. The State Central Committee shall prepare a two-year budget that shows anticipated monthly and cumulative estimated categorized revenue, expenses, and net cash flow for each year of the two-year budget cycle. The budget year shall be July 1 of the year presented to June 30 of the following year. The budget shall be presented to the State Executive Committee at a meeting to be held not later than the day immediately following the adjournment of, and at the same location as, the North Carolina Republican Party State Convention.

Amendment 2: Article VI.B.2, appearing on page 17 of the NCGOP Plan of Organization is amended as follows:

~~In every odd numbered year, the State Executive Committee shall meet within 30 days of the adjournment of the State Convention and~~ The State Executive Committee shall meet on the day immediately following the adjournment of the State Convention and approve, approve with modifications, or disapprove the budget prepared by the State Central Committee. If no budget is approved, then the last budget approved by the State Executive Committee, without any later modifications made by the State Central Committee, shall be in place for the next 24 months beginning on July 1 of that year. At the same meeting held in an odd-numbered year the State Executive Committee shall elect a Secretary and an Assistant Secretary, a Treasurer and Assistant Treasurer, a General Counsel and Assistant General Counsel who shall serve for a term of two years or until their successors are elected. The Committee shall formulate and provide for the execution of such plans and measures as it may deem to be in the best interests of the Republican Party. It shall approve an Auditing Committee of at least three members, one of whom shall be a Certified Public Accountant, to conduct a yearly review, as described in Article VI.D.; ~~adopt a budget;~~ and have supreme management of all affairs of the Party within the State. It may delegate such duties as it deems proper to the State Central Committee.

EFFECTIVE DATE: These amendments are effective for budget years beginning on or after July 1, 2025.

Proposal #5 – Call of County Conventions

Reason for change. The Committee notes that in a few instances County Party officers have failed to call a County Convention. These amendments make it clear that County Party officers are required to issue the call to Convention before March 1st of each year. If they fail to do so, a Congressional District Chair is directed to do so.

Amendment 1: The first sentence of Article VII.B.1.a, appearing on page 21 of the NCGOP Plan of Organization, is amended as follows:

a. Prior to March 1st of every year, a County Convention shall be called ~~every year~~ by the ~~Chairman~~ County Chair ~~of the County Executive Committee, to be held~~ at a suitable location within the county, ~~within~~ during the month of March, at least 10 days prior to the scheduled District Convention or Conventions in which the county is entitled to participate, and following the procedures ~~given~~ contained in Article IX.I.3.

Amendment 2: Article VII.B.1.b, appearing on page 22 of the NCGOP Plan of Organization, is amended by the addition of the following sentence:

The Chair of the Congressional District having the greatest number of registered Republicans within the County on January 31st of that year shall call the County Convention if it has not been called by March 1st.

Proposal #6 – Commencement of Terms of Office

Reason for change. A few County Parties delay the commencement of an officer or committee member's term of office after his election. The Committee believes that a "lame duck" tenure as well as these delays are unnecessary and that those elected at a County Convention should have the authority to act immediately upon the adjournment of the Convention.

Amendment 1: Article VII.B.2.b.i, appearing on page 22 of the NCGOP Plan of Organization, is amended by the addition of the following sentence:

Officers shall take office upon the adjournment of the Convention at which they were elected.

Amendment 2: Article VII.B.2.b.ii, appearing on page 22 of the NCGOP Plan of Organization, is amended by the addition of the following sentence:

County Executive Committee members shall take office immediately upon the adjournment of the Convention at which they were elected.

Proposal #7 – Expansion of the definition of “Written Notice.”

Reason for change. It is universally agreed that the giving of notice by U.S. mail is onerous and unnecessary in modern times. Accordingly, the Committee recommends that notice can be given by electronic mail as well. A secondary change is made to make it clear that Convention Committee reports posted on the Party website do not constitute “written notice” within the meaning of the amended provision.

Amendment 1: Article IX.I.1, appearing on page 38 of the NCGOP Plan of Organization, is amended as follows:

1. Written Notice

“Written Notice” as used in this Plan shall mean notice sent through the United States Postal Service (USPS) by first class mail or notice sent by electronic mail delivery. The date post marked by the USPS or, if by electronic mail delivery, the time and date stamped shall be conclusive evidence of the date notice was given.

~~a. The date post marked by the USPS shall be conclusive as to the date notice was given.~~

~~b. Individuals entitled to receive written notice under this Plan may elect to receive notification by other means in lieu of written notice. This may be requested via written notice to the Secretary of the entity required to give written notice; however, this waiver is revocable at any time by sending written notice of the revocation to the Secretary.~~

2024 Opinions

State Plan of Organization Opinion 2024-001

Date: January 29, 2024

Question From: Moore County Republican Party

Question(s) Presented:

1. Are the Moore County Precinct Chairs, who are elected at a Precinct Meeting, and the Presidents of the Republican Clubs, who are elected by their members, permitted to be Members of the Moore County Executive Committee if the County Plan of Organization does not authorize the County Executive Committee to elect them as Members?
2. If the answer to the previous question is “no,” can the Moore County Plan of Organization permit the Precinct Chairs, Republican Club Presidents, and Republican elected officials to be non-voting members of the Committee with the privilege of being recognized at Committee meetings for the purpose of making motions or debate?

Answered by: Russ Ferguson, NCGOP General Counsel
Dan Barry, NCGOP Plan of Organization
Chairman

Answer:

No. Under Article III.A.1 of the State Plan of Organization, “[t]he County Executive Committee shall consist of the County officers and other persons elected by the County Convention in accordance with Article VII.B.2.b, and the County Finance Chairman.” Article VII.B.2.b, in relevant part, further expands the County Executive Committee beyond the officers to include 1) “5 or more” at-large committee members who are elected by the County Convention and 2) any additional members that a County Plan of Organization may provide for that are elected by the County Executive Committee in addition to those members elected by the County Convention.¹

In short, under the State Plan of Organization, County Executive Committees are comprised of: 1) officers elected by the County Convention, 2) the County Finance Chairman, 3) the 5 or more at-large members elected by the county convention, and 4) any additional members that a County Plan of Organization may provide for that

¹ See generally State Plan of Organization Article VII.B.2.ii.

are elected by the County Executive Committee in addition to those members elected by the County Convention. Therefore, unless otherwise elected by the County Convention or County Executive Committee, no additional individuals (i.e. Precinct Chairs, Region Chairs, Auxiliary Chairs, etc.) are qualified as members of the County Executive Committee, regardless of what an individual County Plan of Organization provides.

County Parties may add additional Executive Committee members, provided such additional members are elected by the County Executive Committee in compliance with all applicable Plans of Organization.

State Plan of Organization Opinion 2024-002

Date: March 1, 2024

Question From: Moore County Republican Party

Question(s) Presented:

- A. Under the State Plan of Organization, is the County Convention a [proper] authority to remove Party officers in the middle of their terms and is it in order for the Convention to consider a motion to do so?
- B. Under the State Plan of Organization, is the County Convention a [proper] authority to declare that a Party officer elected by the County Executive Committee to fill a vacancy was not validly elected and is it in order for the Convention to consider a motion to do so?

Answered by: The NCGOP Plan of Organization Committee
Dan Barry, NCGOP Plan of Organization
Chairman

Answer:

- A. No. Under the State Plan of Organization (“State Plan”), only the respective relevant Executive Committee has the authority to remove Party officers.

Article IX.A.6.a.i of the State Plan reads in relevant part that:

“[a]ny member of a Committee organized under this Plan may be removed... By a 2/3's vote of the respective Committee after being furnished with notice of the charges against him, signed by the lesser of (i) 50 members or (ii) one-third of the members of the respective Committee. Any Republican against whom charges are brought shall be furnished with 15 days’ notice of said charges and be given an opportunity to present a defense. Removal by a vote of the respective Committee shall be confined to gross inefficiency, Party Disloyalty (as defined herein) or failure to comply with the County, District, or State Party Plans of Organization².”

In short, the State Plan is explicit that removal authority is limited solely to the respective Executive Committee that seeks the removal of a member of said committee. The respective Executive Committee must first provide the accused with

² See *Generally* Article IX.A.6.a.i of the State Plan.

15 days' notice of said charges and be given an opportunity to present a defense. Said charges must be signed by the lesser of (i) 50 members or (ii) one-third of the members of the respective Committee. Lastly, at the removal meeting, the accused may be removed by a 2/3's vote of the Committee members. Removal is limited to: 1) gross inefficiency, 2) Party Disloyalty, or 3) failure to comply with the County, District, or State Party Plans of Organization.

All in all, conventions have no authority to pursue, move for, or proffer removal of any officer or member of a Precinct, County, District, and/or State Executive Committee. This power is solely limited to the respective Executive Committee under the State Plan.

B. No. Under the State Plan, the county convention is not the proper authority to declare that a Party officer elected by the County Executive Committee to fill a vacancy was not validly elected.³ The power to fill vacancies among the Executive Committee rests solely with the remaining members of the respective Executive Committee unless the County Plan provides otherwise. Therefore, the county convention is not the proper forum for such challenge to be raised.

BY UNANIMOUS VOTE

ALL MEMBERS PRESENT

³ See *Generally* Article III.A.5.a of the State Plan.

State Plan of Organization Opinion 2024-003

Date: March 13, 2024

Question From: Henderson County Republican Party

Question(s) Presented:

Are Articles III, X, etc. of the Henderson County Plan of Organization inconsistent with the State Plan of Organization?

Answered by: Russ Ferguson, General Counsel
Dan Barry, NCGOP Plan of Organization
Chairman

Answer:

Yes, the Henderson County Plan of Organization (“Henderson Plan”) contains inconsistencies that must be rectified to be in compliance with the State Plan of Organization (“State Plan”).

To begin, there exists an inconsistency in Article III of Hendersons’ Plan when it states that “[u]p to two members at large of the HCGOP executive committee may be nominated by the Chair and approved by simple majority vote by the Executive Committee. The term of the members at large may be initiated at any time but ends with the odd year election of officers. Members at large may serve as many terms as approved.” Henderson Plan Article III.B. This is inconsistent with the State Plan that mandates “In every odd-numbered year, **the County Convention shall elect a County Executive Committee of five 5 or more voters**, in addition to the County officers, who shall hold their places for a term of **2 years** or until their successors are elected. The County Plan of Organization may provide for the County Executive Committee to elect additional members of the County Executive Committee in addition to those members of the County Executive Committee elected by the County Convention.” State Plan Article VII.B.2.b.ii. Therefore, Article III is out of compliance and inconsistent with the State Plan.

As a result, Article I is also inconsistent with the State Plan as it does not include five (5) at-large members of the County Executive Committee. Hendersons’ Plan states that “[i]n every odd-numbered year, the Henderson County Convention shall elect a Chair, a Vice-Chair, 2nd Vice Chair (optional), a Secretary, and a Treasurer who will serve as voting members of the Executive Board of the Henderson County Republican Party.” Hendersons’ Plan fails to include the five at-large members the State Plan mandates be members be on the County Executive Committee when it states “[t]he County Executive Committee shall consist of the County officers and

other persons elected by the County Convention in accordance with Article VII.B.2.b, and the County Finance Chairman.” State Plan Article III.A.1. Therefore, Article I is out of compliance and inconsistent with the State Plan.

Lastly, Article X of Hendersons’ Plan is inconsistent with the State Plan when it states in relevant part “[f]or purposes of this County Plan, ‘Party Disloyalty’ occurs when any HCGOP official engages in these behaviors either while serving as a party official **or within the 12 months prior to becoming a party official...**” The “or within the 12 months prior to becoming a party official” is the inconsistent portion as the State Plan, in Article IX.E.2., does not contain, nor authorized such ex post facto language. One must be bound by the Plan to be subjected to its prohibitions. Therefore, Article X, in the relevant part discussed, is out of compliance and inconsistent with the State Plan.