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**The Peoples Victory**

(LEXINGTON, VA) – On January 19, 2018, the Federal District Court for the Western District of Virginia held that Section 24.2-509(B) of the Code of Virginia, commonly known as the Incumbent Protection Act, violates the free association clause of the First Amendment as applied to political parties in the state.

The Incumbent Protection Act, which is unique to Virginia, grants incumbent politicians the power to influence or even dictate the method by which their political parties nominate candidates for office.

As the Court stated on page 40 of its 54 page opinion, "Freedom of association means not only that an individual voter has the right to associate with the political party of her choice, but also that a political party has a right to identify the people who constitute the association, and to select a standard bearer who best represents the party's ideologies and preferences."

The challenge to the Act was brought by the 6<sup>th</sup> Congressional District Republican Committee which is comprised of 19 cities and counties mostly located along the I-81 corridor from Roanoke to Front Royal. According to the Republican Party of Virginia's plan of organization, each district committee determines the method of nomination for the Republican candidate from their Congressional District. The court's decision takes the decision from the incumbent politician and restores this duty to the party organization.

In challenging the Act, the plaintiffs did not address any particular incumbent politician. As Judge Michael F. Urbanski Chief United States District Judge wrote:

“At bottom, the Act provides express statutory benefits to incumbents at the expense of political parties' associational rights. Defendants have not shown any state interest that justifies such an intrusion into the 6th Congressional Committee's constitutional protections. Virginia law allows political parties to conduct a variety of nomination methods, and' the Constitution does not permit a state to grant incumbents power to take away that authority to further their individual interests. The Act fails constitutional muster.”

Scott Sayre, Chairman of the 6<sup>th</sup> District Republican Committee, said, “This case is not about a particular candidate or a particular office. It is about protecting the constitutional rights of political parties and ensuring the fairness of the electoral process.” For the first time in decades the 6th District Republican Committee will nominate its congressional candidate without consideration of the Incumbent Protection Act.

Matthew Tederick, Vice-Chairman of the 6th District Republican Committee and supporter of Cynthia Dunbar who is running for congress had this to say, “This ruling is a blow to the power hungry career politicians. The court saw the injustice of a law, which was, instituted solely for the purpose of giving establishment politicians an unfair advantage over the people. This is exactly why I am so happy to be supporting Cynthia Dunbar; she has shown herself willing to continue to take the fight to the establishment in order to fully regain control for the people.”

Jeffrey R. Adams and C. Frank Hilton of Wharton Aldhizer & Weaver, PLC, located in Harrisonburg and Staunton, Virginia, and John C. Wirth of Nelson, McPherson, Summers & Santos, LC, located in Staunton, Virginia, represented the plaintiffs.

Lead attorney Jeff Adams said, “This is a victory for the First Amendment freedom of association and the right of citizens to hold their elected officials accountable.”

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