

Joan K. Mell
III Branches Law, PLLC
623 S 1st Street
P.O. Box 576
Hamilton, Montana 59840
Ph: 406-363-3293
Fax: 281-664-4643
joan@3brancheslaw.com

LEWIS AND CLARK DISTRICT COURT
FIRST JUDICIAL DISTRICT
IN AND OF THE STATE OF MONTANA

MONTANA REPUBLICANS: PAST SENATE
PRESIDENT JASON ELLSWORTH, SD 43
(Hamilton), an Elected Republican Senator and
Montana Republican State Central Committee
Delegate,
DENLEY LOGE, SD 45 (St. Regis), an Elected
Republican Senator and Montana Republican
State Central Committee Delegate, and
SHELLEY VANCE, SD 34 (Belgrade), an
Elected Republican Senator and Montana
Republican State Central Committee Delegate,
(collectively “MT Republicans”)

Petitioners,

v.

MONTANA REPUBLICAN STATE
CENTRAL COMMITTEE (“MT GOP”), a
political party;

Respondent.

Case No. DV-25-2025-0000456-OC

**MOTION FOR PRELIMINARY
INJUNCTION**

I. INTRODUCTION

MT Republicans – Past President Ellsworth, Senator Loge, and Senator Vance – seek a preliminary injunction to enjoin MT GOP from further action until it holds a valid election of

1 officers with MT Republicans’ participation. MT GOP censured then ousted MT Republicans
2 in violation of its own rules at its Officers’ Convention on June 28, 2025. MT Republicans
3 appealed the ouster, but MT GOP has failed to take prompt remedial and corrective action,
4 necessitating MT Republicans seek judicial relief via this declaratory action and directly under
5 Montana Constitution Article V, Section 8. MT GOP grounded its ouster on the protected
6 legislative actions of MT Republicans, which violates Montana’s legislative immunity embodied
7 in Montana’s speech and debate clause. MT GOP’s adverse actions were void at inception. MT
8 GOP is presently acting by and through officers seated in an unlawful election. The acts and
9 omissions of these putative officers should have no binding effect absent election in conformance
10 with its rules to include participation by MT Republicans. MT GOP should promptly reconvene
11 an election of officers inclusive of MT Republicans or suffer judicial consequences for its
12 contempt to include suspension of its statutory authority.
13
14

15 **II. STATEMENT OF FACTS**

16 MT GOP is a political party afforded certain powers pursuant to state statute. MCA 13-
17 38-101. A political party may make its own rules. MCA 13-38-101(1). Once adopted, the party
18 must record its governing rules with the Secretary of State. MCA 13-38-104. Recording
19 promotes transparency and accountability. MT GOP’s recorded rules (amended June 29, 2025)
20 are affixed to the Amended Petition at Appendix A and to this Motion at **Appendix A**. MT GOP
21 professes that “[t]he Montana Republican Party’s bylaws govern our organization, the conduct
22 of meetings and the business of the Montana Republican State Central Committee, its officers
23 and committees, all Republican State Conventions, and all Republican County Central
24 Committees, to the extent applicable thereto.” **App. A** (Sec. A I). MT GOP Bylaws are MT GOP
25
26
27

1 rules. *Id.* MT GOP rules may not derogate from National Republican Party rules. *Id.* National
2 Republican Party Rules Preamble states the Republican Party is the party of the “open door.”
3 *The Rules of the Republican Party*, [https://prod-](https://prod-static.gop.com/media/Rules_Of_The_Republican_Party.pdf)
4 [static.gop.com/media/Rules_Of_The_Republican_Party.pdf](https://prod-static.gop.com/media/Rules_Of_The_Republican_Party.pdf) (last visited August 4, 2025).
5

6 Ours is the party of liberty, the party of equality, of opportunity for all, and
7 favoritism for none.

8 It is the intent and purpose of these rules is to encourage and allow the
9 broadest possible participation of all voters in Republican Party activities at all
10 levels and to assure that the Republican Party is open and accessible to all
11 Americans.

12 *Id.*

13 Under state bylaws, Republican members of the Legislative Assembly or their duly
14 appointed proxies are delegates to the State Officers’ Convention. **App. A** (Sec. B IV (D)). MT
15 Republicans are elected Montana State Senators. On April 27, 2025, then-MT GOP Chair Don
16 “K” Kaltschmidt invited MT Republicans to the Officers’ Convention to elect MT GOP officers
17 on June 28, 2025, in Helena, Montana. A true and correct copy of the invitation is affixed at
18 **Appendix B** to this Motion. MT GOP had MT Republicans register and pay registration fees.
19 A true and correct copy of the registration form is affixed at **Appendix C** to this Motion.

20 At MT GOP’s State Officers’ Convention on or about June 28, 2025, in Helena, Montana,
21 Delegate and Senate leader Barry Usher moved at the beginning of floor action to “not
22 recognize” MT Republicans – to deny them participation and to take away their votes. Ellsworth
23 Decl. Then MT GOP Chair Don “K” Kaltschmidt ruled Usher’s motion out-of-order. *Id.*
24 Delegate and Representative Gillette moved to disregard Chair Kaltschmidt’s ruling. *Id.* The
25 motion to disregard the Chair was recognized and sustained as was the Usher motion to “not
26 recognize” MT Republicans. *Id.* MT Republicans were not recognized and not permitted to
27

1 participate. *Id.* MT Republicans did not participate or vote at the Officers' Convention. *Id.* MT
2 GOP denied them all input and influence in the election of MT GOP officers. *Id.* Without MT
3 Republicans' participation, other delegates lacked meaningful information to exercise their votes
4 in an informed and educated manner. *Id.* The election of officers was irreparably corrupted
5 without MT Republicans present to participate and influence the outcome of the elections. *Id.*

7 MT GOP violated its Rules when oustering MT Republicans without first amending its
8 rules. MT GOP did not amend MT GOP rules before voting to ouster MT Republicans. Section
9 A Subsection III dictates how MT GOP rules may be amended:

10
11 **III. Amendments**

- 12 A. These rules may be amended or repealed or additional rules may be adopted at
13 any regular or special meeting of the State Central Committee by a two-thirds
14 (2/3) vote of those present.
- 15 B. No rule can be amended or repealed nor any additional rules be adopted unless:
16 1. The amendment, repeal, or additional rule is presented by the permanent
17 Rules Committee; or
18 2. When not presented by the permanent Rules Committee, a copy of the
19 amendment, repeal, or additional rule must be delivered to each member of
20 the State Central Committee at least ten (10) days prior to the meeting at
21 which it shall be voted upon.

22 MT GOP did not move to amend its rules. Ellsworth Decl. MT GOP Rules Committee did not
23 present any proposed rule change. *Id.* No proposed rule change circulated ten days prior to the
24 convention. *Id.* MT Legislators had the right to participate in and vote to elect MT GOP officers.
25 *Id.* MT Legislators did not do either to their prejudice and to the prejudice of their more than
26 sixty-thousand constituents. *Id.*

27 MT GOP similarly disregarded its established rules earlier, first on or about February 24,
28 2025, when it rebuked MT Republicans, then again on or about April 4, 2025, when its Executive
Board passed a Resolution censuring MT Republicans. Per the plain language of its Resolution,

1 MT GOP Executive Board formally censured MT Republicans without due process. Ellsworth
2 Decl. MT GOP rules do not contain censure provisions. MT GOP rules defer to Robert's Rules
3 of Order where not in conflict with the Rules. **App. A**, Sec. B I (F). Censure requires formal
4 supermajority action of the whole body after notice and trial. Robert's Rules of Order Newly
5 Revised Ch. XX § 61. MT GOP acted in derogation of its Rules when censuring MT
6 Republicans.
7

8 MT GOP's rebuke, censure, and ouster were motivated by and grounded on MT
9 Republican's protected legislative activities as plainly stated by its terms as excerpted below,
10 emphasis added:
11

12 Beginning on January 6, 2025, the Nine Senators¹ **voted** with the Democrat
13 Party on a substitute motion by Minority Leader Flowers to undermine the
14 committee assignments made by Republican-led Committee on
15 Committees, so that all committee nominations go through the Executive
16 Review Committee Chair, Jason Ellsworth;

17 The Nine Senators again **voted** with the Democrat Party on January 9, 2025,
18 to defeat the Republican leadership's efforts to pass the proposed amended
19 Senate Rules, despite significant efforts by Republican leadership to work
20 with the Nine Senators;

21 On February 6, 2025, the Nine Senators **voted** with the Democrat Party to
22 suspend the Senate Ethics Committee investigation in the matter of Senator
23 Jason Ellsworth;

24 ...

25 The Nine Senators remain aligned as recently as March 24, 2025, where,
26 despite a call of the MTGOP Executive Board for Senator Ellsworth to
27 resign or be expelled in light of the Senate Ethics Report, they **voted** with a
28 majority of the Democrats to defeat a motion to expel Senator Ellsworth
from the Senate;

¹ MT Republicans are three of the referenced Nine.

On March 6, 2025, the Nine Senators **voted** in alignment with a motion made by Senator Vance to refer Senate President Regier to the Ethics Committee (bypassing the normal process of referral to Legislative Audit as was afforded to Senator Ellsworth) in an effort to remove the Senate President. ...

App. D.

MT GOP's Executive Board directed MT GOP to "[a]dvice media outlets to stop referring to" MT Republicans as Republicans. *Id.* MT Republicans have statutory authority to use the Republican name. MCA 13-10-602. MT GOP's censure included a concession that it had no statutory authority to "forcibly" change MT Republicans' party affiliation. *Id.*

MT GOP grounded its ouster on MT Republican's protected legislative activities the same as its censure:

- Sen. Barry Usher, a Republican from Yellowstone County, who voted to keep the committee intact, took to X, formerly Twitter, to criticize the nine Republicans. "Will the Montana State Senate 'nasty 9' tran-partisans continue to vote with democrats? Sen Loge, Sen McKamey, Sen Kassmier, Sen Temple, Sen Gellespie, Sen Hunter, Sen Vance, Sen Lammers and Sen Ellsworth," Usher wrote.
- In an interview, Mr. Regier called the bipartisan alliance a "gut punch." He said none of the nine had raised concerns about committee assignments when Republicans met before the session, and suggested the unhappiness was a "talking point" that provided "cover for them to side with Democrats." Efforts to win them back, he said, had been rebuffed. "We tried and tried," Mr. Regier said. "It was obvious to see there was some sort of handshake, friendship, collaboration with the Democrats." Kellen Browning, *In Montana, a Rare Sight: Republicans and Democrats Voting Together*, N.Y. Times (May 3, 2025, updated May 6, 2025),

1 [https://www.nytimes.com/2025/05/03/us/politics/montana-republicans-democrats-](https://www.nytimes.com/2025/05/03/us/politics/montana-republicans-democrats-compromise.html)
2 [compromise.html](https://www.nytimes.com/2025/05/03/us/politics/montana-republicans-democrats-compromise.html).

3 MT GOP chair at the Officers' Convention has been quoted grounding MT GOP adverse
4 action against MT Republicans for MT Republicans achieving majority rule from the floor: "I
5 believe we need to support who is elected, even though we might disagree with them,"
6 Kaltschmidt said. "It's okay to say, 'I disagree.' But you can't go over to the Democrats ... The
7 Senate minority leader (Pat Flowers), it was basically him and a Republican were basically
8 running the Senate this time because that's where the 26 votes were." Mariah Thomas, *We're*
9 *Better Together': Outgoing Montana GOP Chair Reflects on What Unites — and Divides — the*
10 *Party*, Flathead Beacon (August 1, 2025), [https://flatheadbeacon.com/2025/08/01/were-better-](https://flatheadbeacon.com/2025/08/01/were-better-together-outgoing-montana-gop-chair-reflects-on-what-unites-and-divides-the-party/)
11 [together-outgoing-montana-gop-chair-reflects-on-what-unites-and-divides-the-party/](https://flatheadbeacon.com/2025/08/01/were-better-together-outgoing-montana-gop-chair-reflects-on-what-unites-and-divides-the-party/). MT GOP
12 rules do not prohibit bipartisan support to achieve majority rule in the Legislature. MT GOP
13 does not vote in the Legislature.

14
15
16 MT Republicans appealed the ouster pursuant to Section F of MT GOP rules on July 7,
17 2025. **App. E.** MT GOP has not responded to the appeal. Ellsworth Decl. MT GOP putative
18 Chair Wittich replaced MT GOP rules committee members, substituting his appointees.
19 Ellsworth Decl. Wittich has referred MT Republican's appeal to his reconstituted Rules
20 Committee that has taken no corrective action. Ellsworth Decl. On August 4, 2025, MT
21 Republicans filed this action and now seek a preliminary ruling voiding their ouster and
22 enjoining continuing adverse action or any action by the putative officers until such time as a
23 proper election of officers in conformance to GOP Rules occurs.
24
25

26 **III. ARGUMENT**

1 **A. Standard for Preliminary Injunction Order**

2 “A preliminary injunction order or temporary restraining order may be granted when the
3 applicant establishes that: (a) the applicant is likely to succeed on the merits; (b) the applicant is
4 likely to suffer irreparable harm in the absence of preliminary relief; (c) the balance of equities
5 tips in the applicant’s favor; and (d) the order is in the public interest.” MCA 27-19-201(1).
6 Montana’s Legislature intended to “mirror the federal preliminary injunction standard” and for
7 its “interpretation and application” to “closely follow United States supreme court case law.”
8 MCA 27-19-201(4); *see Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008) (applying
9 the four-part federal preliminary injunction test). This revised standard applies to preliminary
10 injunctions and temporary restraining orders. *See* MCA 27-19-201(4), 27-19-315(1).
11

12 **B. MT Republicans Likely to Prevail**

13 **1. MT GOP’s Indefensible Rule Violations**

14 **a. Censure Required Due Process and Supermajority Rule**

15 MT GOP censured MT Republicans for their protected legislative activities in violation
16 of legislative immunity. MT GOP disregarded its Rules that afford due process for any censure.
17 MT GOP’s censure was substantively and procedurally fatally flawed.
18

19 **b. No Authority to Ouster Elected Republicans**

20 MT GOP divested MT Republicans from their vested voting rights in MT GOP in
21 retaliation for and as punishment for their protected legislative activities in violation of
22 legislative immunity. MT GOP disregarded its Rules that vested in MT Legislators the right to
23 attend, participate, and vote for MT GOP officers at MT GOP Officer’s Convention. A party
24 without representation from each of its elected Republicans ceases to act as a political party that
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reflects the views of the electorate. MT GOP’s ouster was substantively and procedurally fatally flawed.

2. Historical Underpinnings of Absolute Legislative Privilege

Legislative privilege traces its lineage to the formative centuries of the English House of Commons. It was already centuries old when it was enshrined in the English Bill of Rights in 1689. It arrived in America with the colonists. This led to its inclusion in the United States Constitution and the Montana Constitution.

Historians trace legislative privilege to the late fourteenth or fifteenth centuries, a period that marked the first assertions of candid parliamentary deliberations as “essential for the preservation of [Parliamentary] independence and political power.” Bryce Lyon, *A Constitutional and Legal History of Medieval England* 607-11 (2d ed. 1980). By 1512, Parliament characterized an act asserting it as “only a declaratory law of the ancient and necessary rights and privileges of Parliament. Sir Fortunatus Dwaris, KNT, *A General Treatise on Statutes* 128-29 (2d Ed. 1848).

Two incidents demonstrate the longstanding protection the privilege provided to legislative deliberations. The first occurred in 1621, when the king seized and destroyed the journal of the English House of Commons because it contained a report on legislative privilege. The report described legislative privilege as “the ancient and undoubted birthright and inheritance of the subjects of England.” Carl Wittke, *The History of English Parliamentary Privilege* 29 (1921). The King “flew into a rage, sent for the Journal, and with his own hands tore out the report.” *Id.*

1 Then, in 1642, another king ordered the seizure of papers belonging to five members of
2 Parliament and demanded their surrender for trial for treason. “When the speaker refused to
3 comply, the king came to the [H]ouse and repeated the demand in person.” Mary Patterson
4 Clarke, *Parliamentary Privilege in the American Colonies* 1 (1943). “The House of Commons,
5 naturally incensed by this intrusion, denounced [the seizure of the papers] and the attempt to
6 arrest members of parliament . . . as violations of the liberties of the subject and the rights of
7 parliament; and condemned the king’s personal appearance in the house as a ‘high breach of the
8 rights and privileges of parliament and inconsistent with the liberties and freedom thereof.’” *Id.*
9 (quoting Journals of the House of Commons II 373, 383).
10
11

12 Parliament included legislative privilege in the English Bill of Rights of 1689 “as one of
13 the fundamental liberties of the people; ‘that freedom of speech and debates and proceedings in
14 Parliament, ought not to be impeached or questioned in any Court or place out of Parliament.’”
15 Dwarris, *supra* at 133.
16

17 Legislative privilege arrived in America with colonial assemblies. *Kent v. Ohio House of*
18 *Representatives Democratic Caucus*, 33 F.4th 359, 361 (6th Cir. 2022) (citing *United States v.*
19 *Johnson*, 383 U.S. 169, 177-78 (1966)). “Before independence, many colonial assemblies had
20 already recognized it.” *Id.* at 362. “Legislative privilege arose in the young American nation
21 from the same underlying principles, combined with the uniquely American emphasis on
22 separation of powers and representative government.” *Edwards v. Vesilind*, 292 Va. 510, 790
23 S.E.2d 469, 476 (Va. 2016).
24

25 Colonial assemblies viewed legislative privilege as a necessary safeguard of the rights of
26 the people through their elected representatives. Clarke, *supra* at 10. Virginia, for example, “built
27

1 up a strong tradition of legislative privilege long before the Revolution.” *Tenney v. Brandhove*,
2 341 U.S. 367, 374 n.3 (1951). Legislative privilege was codified in Virginia statutes dating back
3 to 1623. *Edwards*, 790 S.E.2d at 477. Maryland recognized legislative privilege a decade before
4 the drafting of the United States Constitution. *Kent*, 33 F.4th at 362. “The early leaders in
5 America were in touch with affairs in England, and aware of the powers of parliament and the
6 importance of precedent.” Clarke, *supra* at 13. “It should . . . be no cause for astonishment . . .
7 that we find them following closely in the foot-steps of the great prototype, the House of
8 Commons.” *Id.*

9
10 The federal Constitutional Convention included the Speech or Debate Clause in the
11 United States Constitution without discussion or opposition. *Johnson*, 383 U.S. at 177. The
12 federal clause is “almost identical to the English Bill of Rights of 1689.” *Id.*; U.S. Const., art. I,
13 sec. 6. “After independence, the States followed course.” *Kent*, 33 F.4th at 362. Early state
14 constitutions in Maryland, Massachusetts, New Hampshire, New Jersey, and South Carolina
15 incorporated legislative privilege. *Johnson*, 383 U.S. at 177.

16
17 The framers of the Montana Constitution adopted our Speech or Debate Clause utilizing
18 expansive verbiage to bar adverse action in any context:

19
20 A member of the legislature is privileged from arrest during attendance at
21 sessions of the legislature and in going to and returning therefrom, unless
22 apprehended in the commission of a felony or a breach of the peace. He shall not
be questioned **in any other place** for any speech or debate in the legislature.

23 Mont. Const., art V, sec. 8 (emphasis added).

24 Legislative privilege can be particularly important “[i]n times of political passion, [when]
25 dishonest or vindictive motives are readily attributed to legislative conduct and as readily
26 believed.” *Tenney*, 341 U.S. at 377. Passions wax and wane and perspectives evolve. In all eras

1 legislative privilege “protects legislators from proceedings that ‘divert their time, energy, and
2 attention from their legislative tasks.’” *American Trucking Ass’n v. Alviti*, 14 F.4th 76, 86 (1st
3 Cir. 2021) (quoting *Eastland v. U.S. Servicemen’s Fund*, 421 U.S. 491, 503 (1975)). It ensures
4 that the function constitutionally allocated to the legislative branch may be performed
5 independently. *United States v. Brewster*, 408 U.S. 501, 507 (1972). Legislative privilege
6 “expresses the importance our constitution places on legislators’ role in our tripartite system of
7 government to act as their constituents’ voices.” *Smith v. Iowa Dist. Ct.*, 3 N.W.3d 524, 534
8 (Iowa 2024). It “reinforces representative democracy, fostering public decision making by public
9 servants for the right reasons.” *Equal Emp’t Opportunity Comm’n v. Wash. Suburban Sanitary*
10 *Comm’n*, 631 F.3d 174, 181 (4th Cir. 2011). Legislative privilege prohibits MT GOP from
11 censuring and ousting MT Republicans for their legislative activities. MT GOP understood
12 MT Republicans were not voting in contravention to Republican policies:

15 Whereas, the MTGOP recognizes that the votes taken by the Nine Senators are
16 not about policy issues, but rather solely pertaining to ethics, procedure and
17 process which governs the way the Senate operates, and that this is an
18 unprecedented alliance with the Democrat Party by the Nine Senators as
19 follows...

19 **App. D.**

20 MT Republicans took control from the floor because Senate Leadership demanded blind loyalty
21 to extremist and exclusionary thinking that disrupted session and majority rule. Senate
22 Leadership was attempting to waste precious time retaliating against Governor Gianforte,
23 holding up his appointments and requested legislation, for his primary endorsements that did not
24 align with those selected by the Freedom Caucus as its loyalists. Senate Leadership could not
25 get 26 votes on most major policy objectives. MT Republican took responsible action to achieve
26

1 outcomes that aligned with Republican values. MT GOP violated the constitution when its
2 Executive Board demanded their appearance during session “to explain their actions” and
3 “appear before the MT GOP Executive Board,” *see App. D*, then censured them when they
4 refused, and later ousted them at the Officers’ Convention.

6 **3. Legislative Immunity Bars MT GOP’s Censure and Ouster**

7 Montana’s Constitution, Article V, section 8, prohibits questioning of a legislator in any
8 place. MT GOP Executive Officer meetings and Officers’ Convention are places covered by
9 constitutional legislative immunity by its plain language. Legislative immunity is not limited to
10 civil actions for damages or criminal actions. *Eastland v. U.S. Servicemen's Fund*, 421 U.S. 491,
11 502–03 (1975). Immunity principles hold true for actions involving prospective relief, in addition
12 to damages cases. *Id.* New York has ruled legislative immunity “in any other place” applies to
13 a political party attempting to ouster a legislative member from the party. *Rivera v. Espada*, 98
14 N.Y.2d 422, 428 (2002). Legislative immunity applies to legislative leadership restricting a
15 legislative member’s access to party resources and internal maneuvering along party lines within
16 the legislature. *McCann v. Brady*, 909 F.3d 193, 197 (7th Cir. 2018).

19 Montana Supreme Court appears to have issued one opinion interpreting Montana’s
20 speech and debate clause. *Cooper v. Glaser*, 2010 MT 55, ¶ 8, 355 Mont. 342, ¶ 8, 228 P.3d
21 443, ¶ 8. In *Cooper*, petitioner sought a narrow application of immunity inviting the Court “to
22 set parameters around the scope of legislative immunity.” *Id.* The Court declined to do so, finding
23 the legislator absolutely privileged for statements made on the floor of the House. *Id.* at ¶ 14. It
24 is well established that state legislators are immune for their legislative activities like voting.
25
26
27

1 *Bogan v. Scott-Harris*, 523 U.S. 44, 54 (1998). Voting by members constitutes a legislative act
2 for purposes of legislative immunity. *Libby v. Fecteau*, 2025 WL 1148725 (D. Maine 2025).

3 A political party's rights of association are qualified and may not override absolute
4 legislative immunity. See generally *New York State Bd. of Elections v. Lopez Torres*, 552 U.S.
5 196 (2008). The right to associate for political purposes through the ballot is not absolute.
6 *Burdick v. Takushi*, 504 U.S. 428, 433 (1992); *Democratic Party of U.S. v. Wisconsin ex rel. La*
7 *Follette*, 450 U.S. 107, 124 (1981).

9 Political parties are nowhere referred to in the Constitution – not surprisingly in
10 view of their low reputation among our nation's founders. Washington warned
11 his countrymen ‘in the most solemn manner against the baneful effects of the
12 spirit of party,’ and Madison thought it a principal task of the new Constitution
to hold the ‘mischiefs of faction’ in check.

13 *Ripon Soc., Inc. v. Nat'l Republican Party*, 525 F.2d 567, 581 (D.C. Cir. 1975)

14 Where legislative immunity applies, it is absolute. *Cooper v. Glaser*, 2010 MT 55, ¶¶
15 12-13, 355 Mont. 342, ¶¶ 12-13, 228 P.3d 443, ¶¶ 12-13.; *Maney v. Oregon*, 729 F. Supp. 3d
16 1087, 1113 (2024). Legislative members have a constitutional right to vote their conscience,
17 and their political party may not dictate how its legislative members vote. *Bond v. Floyd*, 385
18 U.S. 116, 135, n. 13 (1966); Mont. Const., art V, sec. 11 and art. II, sec. 13; *Montana Democratic*
19 *Party v. Jacobsen*, 2024 MT 66, ¶ 32, 416 Mont. 44, ¶ 32, 545 P.3d 1074, ¶ 32 (2024). It is
20 beyond cavil that “voting is of the most fundamental significance under our constitutional
21 structure.” *Illinois Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 184, (1979);
22 *Burdick v. Takushi*, 504 U.S. 428, 433 (1992). MT GOP does not hold the elected office and has
23 no right to condition association on MT Republicans voting at the direction of Senate Leadership
24 or MT GOP leadership. When attempting to control Senate votes through rebuke, censure and
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1 ouster, it has usurped MT Republicans' elected offices. MT GOP should be enjoined from
2 invading MT Republicans Senate offices through its rebuke, censure and ouster. Its rebuke,
3 censure and ouster are void. MT GOP must hold an election of officers with MT Republicans
4 participating to correct its actions that violate legislative immunity.
5

6 **4. MT GOP Violated Rules**

7 MT GOP will not likely prevail in this action because it has failed to take immediate
8 corrective action for violating its rules. There is no dispute that MT GOP violated its rules. MT
9 GOP may be accountable via court action to enforce its rules. *See, e.g., Larson v. State By and*
10 *Through Stapleton*, 2019 MT 28, 394 Mont. 167, 434 P.3d 241 (2019). MT GOP's censure and
11 ouster is not a non-justiciable political dispute because it involves party accountability under its
12 published rules in conformance with constitutional guarantees. *See generally LaRouche v.*
13 *Fowler*, 152 F. 3d 974 (D.C. Cir. 1998). MT Republicans will likely prevail on their rule
14 challenge.
15

16 **C. MT Republicans Irreparably Harmed**

17
18 MT GOP's censure and ouster has irreparably harmed MT Republicans who have been
19 denied their party voting rights, which has impaired their ability to influence the vote to elect
20 officers of their own choosing. As a result, an extremist faction has usurped control of the party
21 to the prejudice and exclusion of its Republican elected officials. MT Republicans have been
22 unlawfully restrained from meaningful representation of the people who elected them by MT
23 GOP attempting to dictate their votes. They have been denied their rights of association based
24 upon MT GOP violating legislative immunity through its actions to censure and ouster MT
25 Republicans in violation of their rules.
26
27

1 **D. Equities Favor MT Republicans**

2 Equities favor MT Republicans. MT GOP invited MT Republicans to participate in its
3 Officers' Convention in conformance with its established rules. MT GOP accepted MT
4 Republicans registrations and took the fees they paid to participate. **App. C.** National Republican
5 Party rules promote rule by inclusion, not exclusion. Political parties have no power to hold
6 elected office as Senator. Political parties have no power to vote in the Legislature. Political
7 parties have no power to dictate how its members vote on legislative matters. MT GOP rules
8 promise MT Republicans participation and voting on election of its officers at the Officers'
9 Convention. Absent an election with MT Republicans voting, MT GOP has disenfranchised the
10 political party from those electors Montanans put in office to act on their behalf as Republican
11 Senators. Nothing is unfair about requiring MT GOP to follow its own rules. Nothing is unfair
12 about requiring MT GOP to fulfill the terms of its invitation and collection of fees to participate.
13 Nothing is unfair about MT GOP ruling by majority with the full participation of its members,
14 including those who object to and offer differing perspectives from its extremists. Procedural
15 and substantive fairness favor MT Republicans.

16 **E. Public Interests Favor MT Republicans**

17 Montanans are best served by the Court issuing a preliminary injunction because the
18 people have vested interests in political power resting with its elected Senators who vote their
19 conscience and not as directed by Party Leadership where such interests are not perfectly aligned.
20 Mont. Const., art. II, sec. 1 and 2. Montanans also have vested interests in elections and fair
21 representation within political parties. Montanans believe in transparency as afforded under the
22 Montana Constitution and expect political parties to adhere to their own rules recorded with
23

1 Montana Secretary of State. Political power, transparency, and public accountability are
2 compromised when a political party may dictate how an elected official votes and when a
3 political party censures and ousters members in violation of published party rules. A political
4 party without established rules ceases to operate for the people and instead becomes a weapon
5 of special interests to the prejudice of the majority that relies upon set rules and standards when
6 participating. Indeed, MT GOP has lost active members disenfranchised by the Freedom Caucus
7 bullying and conflict that permeate leadership.

8
9 **F. Reserve Right to Seek Fees and Costs**

10 MT Republicans reserve the right to seek recovery of their attorney's fees and costs upon
11 prevailing in this matter.
12

13 **IV. CONCLUSION**

14 For the reasons previously stated, the Court should issue a preliminary injunction to
15 enjoin MT GOP from further action until it holds a valid election of officers with MT
16 Republicans' participation.
17

18 DATED August 4, 2025, at Hamilton, Ravalli County, Montana.

19 III BRANCHES LAW, PLLC

20
21 

22 _____
23 Joan K. Mell
24 Attorney for Petitioners MT Republicans
25
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27

APPENDIX A

BYLAWS OF THE MONTANA REPUBLICAN PARTY

Adopted by the Montana Republican State Central Committee
As Amended JUNE 29, 2024 in Billings, Montana

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Section A: General Provisions

I. Authority

These rules are created for the governance of the Montana Republican Party. They shall govern when not in conflict with the Rules of the Republican National Committee. These rules shall govern the organization, the conduct of meetings and the business of the Montana Republican State Central Committee, its officers, executive board and committees, all Republican State Conventions, and all Republican County Central Committees, to the extent applicable thereto.

II. Effective Date

These rules, and any amendments thereto, shall be effective when adopted by the State Central Committee.

III. Amendments

- A) These rules may be amended or repealed or additional rules may be adopted at any regular or special meeting of the State Central Committee by a two-thirds (2/3) vote of those present.
- B) No rule can be amended or repealed nor any additional rules be adopted unless:
 - 1) The amendment, repeal, or additional rule is presented by the permanent Rules Committee; or
 - 2) When not presented by the permanent Rules Committee, a copy of the amendment, repeal, or additional rule must be delivered to each member of the State Central Committee at least ten (10) days prior to the meeting at which it shall be voted upon.

Section B: Conventions

I. General.

- A) **Convention Call - Fees.** All such meetings shall be called and notice of the call given and all such meetings shall be held as provided by these rules. Each delegate, proxy, or guest at such meetings shall pay a registration fee that shall be set by the Executive Board of the State Central Committee.
- B) **Conventions -Notice.** Notice to all meetings of the Montana Republican Party including Conventions and meetings of the State Central Committee shall be provided to all eligible attendees who have registered email addresses with the State Party

Office by email read receipt requested and by postal mail to all eligible attendees who have not registered email addresses with same.

- C) **Quorum.** A quorum for the transaction of any business at any Convention shall be a majority of the delegates entitled to vote thereat based on those registered for the Convention, present in person or by proxy. Weighted votes shall not be considered in determining whether a quorum is present.

D) **Proxies**

- 1) Except as provided by subsection (2), at all conventions, delegates shall be entitled to vote either in person or by written proxy. A person holding a proxy must be a resident of the same county as the delegate being represented by said proxy holder, or if the proxy is given by a Public Service Commissioner, the proxy holder must be a resident elector of the District the Public Service Commissioner represents. If the proxy is given by a Legislator, the proxy holder must be a resident elector of the county if it contains one or more districts or of the district if it contains all or parts of more than one county. A person holding a proxy for a Statewide Elected Official may be any registered elector. Delegates who vote in their own right may not hold and vote the proxies of an absent delegate. A proxy need not be held by a person of the same sex as the delegate represented by said proxy holder.
 - 2) There shall be no proxies at any district or state convention held for the purpose of selecting delegates to the national convention. If alternate delegates to such convention are elected, the alternate delegate and no other shall vote in the absence of the delegate. An absent delegate may name in writing an alternate to serve and vote in his or her absence. However, if an absent delegate fails to name an alternate, the County Chairman may name the alternate to serve and vote in such absence.
- E) **Voting.** In balloting on any motion or election, the voting shall be on an individual basis. Each person entitled to vote shall have the right to cast his or her individual ballot. In the event that any election has more than one person nominated as a candidate, voting must be by secret ballot. Unless a weighted vote is expressly provided for by these rules, each person entitled to vote at any meeting or convention shall be entitled to only one vote. When the chairman of the meeting or convention has determined that everyone is balloted, in his judgment, he shall declare the balloting closed and the election judges shall retire and count the votes. They shall then announce the results of the vote in open meeting.
- F) **Parliamentary Practice.** Roberts' Rules of Order, as currently revised, shall govern all meetings and conventions, insofar as they are not inconsistent with these rules.

The State Chairman shall appoint a parliamentarian for any State Central Committee meeting or convention.

G) Order of Business. The following order of business is adopted for all meetings and conventions, as applicable, of the Montana Republican Party:

- 1) Meeting called to order by Chairman.
- 2) Invocation.
- 3) Pledge of Allegiance of the Flag of the United States of America.
- 4) Call of the roll.
- 5) Announcement of appointment of credentials committee.
- 6) Announcement of appointment of rules committee.
- 7) Report of the credentials committee.
- 8) Acceptance of report of credentials committee and declaration by Chairman as to whether a quorum is present.
- 9) Report of Rules Committee.
- 10) Report of other committees.
- 11) Elections.
- 12) Other business of the meeting.
- 13) Adjournment.

H) Election Policy. In the choice of officers or delegates, there shall be no discrimination because of sex, race, creed, color, or national origin. Those elected to represent the Montana Republican Party as officers or delegates should be only those persons who will actively support and campaign for the platform and nominees of the Republican Party, and who will work in harmony and cooperation with all Republican organizations. No person may be elected or appointed to more than one office of the Montana Republican Party and the Republican National Committee.

I) Ballot fairness. In any written ballot offered for any election at the State Republican Convention, or before the State Central Committee, all candidates must be treated equally on a ballot, including:

- 1) No candidate's name may appear more than once for any office on a ballot
- 2) The names of all candidates must appear either in alphabetical order by last name, or in truly random ordering by last name;

- 3) The print of candidate or slate of candidates must all be in the same color, type style, type size, font and formatting;
- 4) No opportunity may be provided for eligible voters to vote for a group or slate of candidates with less than one vote cast for each individual candidate;
- 5) Any candidate may designate one observer to witness the counting of votes from ballots. Designated observers shall be allowed to observe all phases of ballot counting.

II. State Platform Convention

- A) **Time.** The Republican State Platform Convention shall meet at the call of the State Chairman once every even-numbered year between the primary election day and the general election day.
- B) **Purpose.** The State Platform Conventions shall adopt a state platform and conduct such other business as may be properly brought before the Convention.
- C) **Convention Call - Notice.** Notice of the convention shall be posted on the party website and shall be sent by email and postal mail to all persons eligible to be delegates thereto at least sixty (60) days prior to such convention.
- D) **Convention Delegates.** The Republican State Platform Convention shall consist of the following:
 - 1) Republican incumbents of national and statewide offices and state Senators, and Public Service Commissioners whose terms of office extend beyond the first Monday in January of the next year.
 - 2) Republican candidates nominated at the most recent primary election for the national and statewide offices, including candidates for election to the Legislative Assembly and the Public Service Commission.
 - 3) The members of the State Central Committee.
- E) **Platform Committees.** The State Chairman shall appoint Platform Committees, consisting of persons eligible to be delegates to the Platform convention, to draft proposed planks of the State Platform. A copy of the most recent platform shall be posted online. Any proposed changes shall be presented to the appropriate committees at the convention committee meeting for discussion.
- F) When a committee recommends a change to a party platform, a time limit of 15 minutes per discussion with a 1 minute limit per speaker will be allowed.

III. State Delegate Convention

- A) **Time.** The State Delegate Convention shall meet at the call of the State Chairman every presidential election year prior to the Republican National Convention at a time which complies with the requirements of the Rules of the Republican Party. This convention date may precede the Montana primary election date.
- B) **Purpose.** Such convention shall elect the delegates and alternate delegates from this state to the Republican National Convention, and shall nominate Presidential Electors and alternates.
- C) **Convention Call - Notice.** Notice of the call of the Convention shall be posted on the party website and shall be mailed and sent by email and postal mail to each County Chairman, Finance Chair, and State Committeeman and Committeewoman at least sixty (60) days prior to such convention.
- D) **Convention Delegates.** Delegates to the State Delegate Convention shall be elected from each county by the County Central Committee. The County Chairman must notify the State Chairman of the names of the county delegates at least thirty (30) days prior to the convention. All delegates must be registered for the convention. Those persons receiving the most number of votes so cast shall be elected as delegates to the State Delegate Convention
- E) **Weighted Voting.** Each county shall be entitled to a number of votes at the State Delegate Convention or district meeting equal to the total number of votes cast in the county for the Republican candidate for President at the most recent General election. The delegates from each county shall divide equally the number of votes to which their county is entitled on a decimal basis.
- F) Selection of National Delegates/Alternates.
 - 1) 1) The convention shall elect the delegates and alternates to the Republican National Convention, as prescribed by these rules and the Rules of the Republican Party.
 - 2) National Delegate/Alternate application forms shall be mailed to each County Chairman with the convention call. County Chairmen shall be responsible for distributing forms to those interested in their county. Application forms shall also be available from the State Party Headquarters. People interested in attending the National Conventions as delegates or alternates must fill out the form and return it to Headquarters no later than sixty (60) days prior to the State Delegate Convention. The application form shall include two (2) signatures from duly elected or appointed precinct men or women or the signature of the chair in the

County Central Committee in which the delegate or alternate resides in order to be eligible for consideration.

- 3) Binding of delegates and alternates to the Republican National Convention. Montana's delegates and alternates shall be allocated and are bound to vote for the candidates receiving more than five percent (5%) of the vote in the Montana Republican Primary in proportion to the percentage of vote received at that primary election through the first ballot of the Republican National Convention, if that candidate's name is placed in nomination.
 - 4) Conduct of Selection Process. Each county shall be entitled to a number of votes at the state delegate convention equal to the total number of votes cast in the county for the republican candidate for President at the most recent General election. The delegates from each county shall divide equally the number of votes to which their county is entitled on a decimal basis, and each delegate shall cast his or her vote individually.
 - 5) There shall be no proxies at any district or state convention held for the purpose of selecting delegates to the national convention. If alternate delegates to such convention are elected, the alternate delegate and no other shall vote in the absence of the delegate. An absent delegate may name in writing an alternate to serve and vote in his or her absence. However, if an absent delegate fails to name an alternate, the County Chairman may name the alternate to serve and vote in such absence.
 - 6) The provisions set forth in Section B(I)(H) do not apply to the selection process called for and set forth in this section.
- G) Nomination of Presidential Electors.** At the conclusions of balloting for delegates and alternates, the State Delegate Convention shall then proceed to nominate the Presidential Electors. In order to be eligible, each nominee for elector and alternate must gather ten (10) signatures from among the accredited voting members present at the current State Delegate Convention, prior to the start of the nomination of Presidential Electors agenda at the State Delegate Convention. The Chairman of the State Delegate Convention shall submit the signatures with the name and primary residence of each nominee to the convention for verification before the voting takes place. No more than one elector or alternate may be elected from any County. The four (4) persons each of which must be from different counties who receive the most number of votes cast shall be elected as the Presidential Electors and the four persons each of which must also be from different counties receiving the next highest number of votes shall be elected as alternates.

H) Organization and Certification

- 1) Immediately following their selection, the delegates and alternates to the National Convention shall meet at the convention at which they were selected. Alternates shall not have the right to vote at any organization meeting. At such meeting the elected delegates shall elect a chairman and vice chairman of the delegation and such committee members as might be required by the rules of the Republican National Convention or the Republican National Committee. Subsequent organization meetings can be called by the delegation chair be held by electronic means provided all participants can simultaneously hear each other and have the opportunity for recognition analogous to a regular in-person meeting.
- 2) The State Chairman shall sign certificates of election, as credentials of the persons elected as delegates and alternates, and shall file them in a timely manner with the Republican National Committee. The State Chairman shall also sign certificates of nomination of the Presidential Electors and file them in a timely manner with the Montana Secretary of State.
- 3) The results of any presidential primary election held in the state shall be binding upon delegates and alternates in accordance with Part F 3) herein.

IV. State Officers' Convention

- A) **Time.** The Republican State Officers' Convention shall meet at the call of the State Chairman once every odd-numbered year between June 1 and August 1.
- B) **Purpose.** The State Officers' Convention shall elect a State Chairman and a State Vice Chairman, one of whom must be a woman, one of whom must be a man, a Secretary, a Treasurer, and an Assistant Treasurer of the State Central Committee.
- C) **Convention Call - Notice.** Notice of the convention shall be posted on the party website and shall be sent by email and postal mail to all persons eligible to be delegates thereto at least sixty (60) days prior to such convention.
- D) **Convention Delegates.** Those entitled to vote at the State Officers' Convention shall be the members of the State Central Committee, the Republican incumbents in national and statewide office, Republican incumbents on the Public Service Commission, and Republican members of the Legislative Assembly, or their duly appointed proxies. Each delegate shall have one vote.
- E) **Nominations and Elections.** Nominations and elections for the various offices shall be held in the order set forth above, with each office to be elected before balloting is conducted on the next office. Nominations shall be made from the floor, with such time allowed for nominating and seconding speeches as may be determined by the State Chairman.

- 1) If there are four (4) or more candidates on the ballot, the half of the slate receiving the fewest votes shall be eliminated. If the number to be eliminated is fractional, the number to be eliminated shall be rounded up. This procedure shall be repeated until a candidate receives a majority or the number of candidates is reduced to three. If there are three candidates on the ballot, and no candidate receives a majority on the ballot, the candidate receiving the fewest votes shall be eliminated and a runoff between the top two candidates shall occur. A candidate must receive over fifty (50) percent of the votes cast to be elected.

Section C: Committees

I. State Central Committee

- A) **Membership.** The State Central Committee shall be composed of the County Chairman, State Committeeman, State Committeewoman, and Finance Chairman for each county, who have been elected or appointed in the manner provided by these rules.
- B) **Rules.** The State Central Committee is the governing body of the Montana State Republican Party, responsible for establishing all State rules, policies, and programs for the Executive Board in accordance with these Rules.
- C) **Quorum.** A quorum for the transaction of any business at any meeting of the State Central Committee shall be a majority of the members entitled to vote thereat, present in person or by proxy.
- D) **Proxies.** At all meetings of the State Central Committee, members shall be entitled to vote either in person or by written proxy. A person holding a proxy must be a resident elector of the same county as the member being represented by said proxy holder. Members who vote in their own right may not hold and vote the proxies of an absent member. A proxy need not be held by a person of the same sex as the member being represented by said proxy.
- E) **Election of National Committeeman and National Committeewoman.** The State Central Committee shall meet each presidential election year at a meeting called by the State Chairman at a time which shall comply with the Rules of the Republican National Committee. At such meeting, there shall be elected by majority vote one National Committeeman and one National Committeewoman. If there are four (4) or more candidates on the ballot, the half receiving the fewest votes shall be eliminated. If the number to be eliminated is fractional, the number to be eliminated shall be rounded up. This procedure shall be repeated until a candidate receives a majority or the number of candidates is reduced to three. If there are three candidates on the

ballot, and no candidate receives a majority on the ballot, the candidate receiving the fewest votes shall be eliminated and a runoff between the top two candidates shall occur. A candidate must receive over fifty (50) percent of the votes cast to be elected. The State Chairman shall, in a timely manner, file the names of the National Committeeman and National Committeewoman, who have been elected, with the Republican National Committee. Such National Committeeman and National Committeewoman shall represent the State Central Committee as members of the Republican National Committee for a term of four years immediately following their election.

F) **Other Meetings.** Other meetings of the State Central Committee may be called by

- 1) the State Chairman,
- 2) a petition of the majority of the members of the State Executive Board, or
- 3) a petition of a majority of the members of the State Central Committee.
- 4) the state chairman, in the event of a declared Federal or State Emergency encompassing the entire state, in the following fashion. The chairman may call a state central committee meeting to be conducted via electronic means or combination of in-person participation in which all participants can simultaneously hear each other and have the opportunity for recognition analogous to a regular in-person meeting. Persons appearing electronically shall count towards the satisfaction of quorum requirements. Votes may be conducted via roll call vote, mail vote, or other electronic means as determined by the meeting. Any conflicting language in the rules shall defer to this rule. County Central Committees and County Delegate Conventions may meet under these same provisions under the same circumstances with special meetings being called by their County Chairman.

G) **Notice.** Notice of all meetings of the State Central Committee shall be mailed, emailed, and posted online by the Chairman to all members at least ten (10) days prior to any such meeting.

II. State Executive Board

A) **Membership.** The Executive Board of the State Central Committee shall consist of the following:

- 1) The State Chairman, who shall chair all meetings, the Vice chair, Secretary, Treasurer, Finance Chair (appointed by the Chairman), the National Committeeman and National Committeewoman and five Regional Chairs, each elected by the incumbent County Chairmen from their respective Regional Chair

Districts (defined as the Public Service Commission districts as they existed on January 1, 2023).

2) The Regional Chair districts will be comprised of the following counties:

District 1 – Blaine, Cascade, Chouteau, Daniels, Dawson, Fergus, Garfield, Glacier, Hill, Judith Basin, Liberty, McCone, Musselshell, Petroleum, Philips, Pondera, Richland, Roosevelt, Sheridan, Toole, Valley, Wibaux;

District 2 – Bighorn, Carbon, Carter, Custer, Fallon, Powder River, Prairie, Rosebud, Treasure, Yellowstone;

District 3 – Beaverhead, Broadwater, Gallatin, Golden Valley, Jefferson, Madison, Meagher, Park, Silver Bow, Stillwater, Sweetgrass, Wheatland;

District 4 – Deer Lodge, Granite, Lincoln, Mineral, Missoula, Powell, Ravalli, Sanders;

District 5 – Flathead, Lake, Lewis & Clark, Teton.

Ex Officio Members representing affiliated groups of the Montana Republican Party as selected by the State Chairman may attend and participate in Executive Board meetings at the discretion of the Chair, but shall not have voting privileges.

- B) **Term of Office.** The terms of those members of the Executive Board who are appointed by the State Chairman shall expire at the conclusion of the term of office of the State Chairman or upon the resignation or removal of the State Chairman from office.
- C) **Resignations.** The resignation of any office of the State Executive Board or County Central Committee is effective immediately upon receipt by any officer of the State Executive Board or County Central Committee, or upon announcement through the media.
- D) **Function.** The Executive Board shall execute the policies and programs of the Montana Republican Party between meetings of the State Central Committee, and shall exercise those powers conferred upon the Executive Board by these rules.
- E) **Meetings-Notice.** Meetings of the Executive Board may be called by the Chairman or by petition of a majority of the members of the Executive Board. Board meeting notices shall be mailed or emailed by the Chairman to all members at least ten (10) days prior to any such meeting. Notice may be waived by attendance of members at such meeting or waiver in writing of notice of all members not attending the meeting.

The presence of a majority of the members of the Executive Board at any meeting shall constitute a quorum.

- F) **Executive Board Regional Chairs Election.** Immediately following the election of State Party Officers at the State Officers Convention the Chairs of the counties contained in each Regional Chair district shall nominate and elect a Regional Chair to represent each respective district and only those Chairs in each respective district shall vote. If more than one candidate is nominated for one seat, the election shall be conducted by secret ballot and the candidate must receive over 50% of the votes cast to be elected or balloting shall continue. Item five (5) of the Ballot Fairness section shall apply to this section.
- G) **Term of Office of Regional Chairs.** The terms of the Regional Chairs of the Executive Board shall be two (2) years and shall expire at the next regularly scheduled State Officers Convention. Each Regional Chair shall hold office as a county chair until the next regularly scheduled county convention. In the event of vacancy in a Regional Chair position due to death, resignation, or failure to maintain status as a county chair, the vacancy shall be filled by majority vote of the Chairs of the counties contained in such Regional Chair district present at a meeting called by the State Chairman for that purpose.

III. County Central Committee

- A) **Membership.** In each county of the state there shall be a Republican Central Committee which shall consist of the duly elected or appointed Precinct Committeemen and Committeewomen of each precinct within the county. The Precinct Committeemen and Committeewomen shall hold such position for a term of two years from the date of their election or in the case of appointment, until the next regularly scheduled Primary election.
- B) **Selection of Precinct Committeemen and Committeewomen.**
- i. **Election.** Persons wishing to serve as Precinct Committeemen or Committeewomen may declare for nomination in a primary election pursuant to M.C.A. 13-38-201, the candidate winning this election shall be the Precinct Committeeman or Committeewoman for the term.
 - ii. **Appointment.** If no candidate is elected under (i), following the election the County Central Committee may appoint a person to that position. The person appointed must meet the same qualifications as required to run for election to that position, including geographic residence requirements.
 - iii. **Appointment.** If a precinct committee office has not been filled as provided above, and if the County has three or fewer precincts, the County Chairman,

in conjunction with the County Central Committee may appoint four (4) additional “adjunct precinct representatives” who shall be entitled to vote at the county convention.

- iv. **Appointment.** If no elected Precinct Committeemen or Committeewomen exist in a County, the State Chairman may, upon receiving a request in writing from 5 (five) duly registered electors of the County requesting organization of an acting Central Committee, appoint an acting Chairman who shall be empowered to call a special organizing meeting to appoint Interim Precinct Committeemen and Committeewomen to serve until the next primary election.

- C) **Election of County Officers.** Each County Central Committee must hold a convention for the purpose of organizing the Central Committee between December 1 of each even numbered year and March 31 in each odd-numbered year, beginning December 1, 2026*. The State Chairman shall mail notice of this requirement at least ten (10) days prior to the period that elections may commence. Such conventions shall be called and notice of the call must be given as provided by state law. The County Chairman, or the Vice Chairman or other officer as provided in Robert’s Rules of Order Newly Revised, in the absence of the Chairman, shall preside at the county convention and no person other than a duly elected or appointed Committeeman, Committeewoman or officer of the committee is entitled to participate in the convention. Only duly elected and appointed Precinct Committeemen and Committeewomen will be allowed to vote. Appointed Precinct Committeemen and Committeewomen shall have the same rights, privileges, duties, and responsibilities as elected Precinct Committeemen and Committeewomen.

**“beginning December 1, 2026” is removed automatically after that date occurs*

- D) **Absence.** If a Committeeman or Committeewoman is absent, by not appearing either in person or by proxy, the convention may fill the vacancy by appointing some qualified elector of the party, resident in the precinct, to represent the precinct in the convention. A Committeeman or Committeewoman may appoint a proxy to represent him or her at the convention, but no proxy may be recognized unless held by an elector of the precinct of the Committeeman or Committeewoman executing it.
- E) **Elections.** At such convention, the Central Committee shall elect by majority vote the following officers, who need not be Precinct Committeemen or Committeewomen, but who must be registered electors of the county: 1) County Chairman and Vice Chairman, one of whom shall be a man and one of whom shall be a woman. 2) Secretary and Treasurer. 3) State Committeeman and State Committeewoman. 4) Congressional Committeeman and Congressional Committeewoman if the state has

more than one (1) Congressional District. 5) Finance Chairman. 6) Such other officers as may be deemed appropriate.

- F) **Results.** Each County Central Committee will submit a report of the results of the convention to the State Central Committee no later than March 31 in each odd-numbered year. The Report shall include copies of the Convention notice, the approved minutes of the county convention, a roster of those eligible to vote that includes the elected and appointed precinct officers or their respective proxies, a record of who constituted a quorum, a list of those elected along with their contact information including address, email address, and phone number. Failure to file the report within the allotted time period may result in the county delegation not being seated at the next convention if the County does not file corrected reports within thirty (30) days after receiving notice from the State Party office of an incomplete filing.
- G) **County Executive Committee.** Each County Central Committee may adopt its own rules of the determination of membership on its Executive Committee and the function of such committee. In the absence of such rules, the duly elected officers, plus the President of the Republican Women's Club and the Chairman of the Republican Young Professionals in the county, shall constitute the Executive Committee. The Executive Committee is charged with the execution of the county party's policies and programs between meetings of the Central Committee, and the members thereof shall hold office until the next organizational convention. The members of the Executive Committee shall be entitled to participate in the proceedings of the County Central Committee, but such right to participate shall not include the right to vote unless such member is a Precinct Committeeman or Committeewoman. In the event of vacancy in any office which entitles the holder thereof to membership on Executive Committee, except for that of Precinct Committeeman or Committeewoman, due to death, resignation, failure to maintain status as an elector of the county, or removal from the county, the vacancy shall be filled by majority vote of the members of the County Central Committee present at a meeting called for that purpose.
- H) **Vacancy in Precinct Office.** Vacancies in the office of Precinct Committeeman or Precinct Committeewoman may be filled by majority vote of the members of the County Central Committee present at a meeting called and noticed for that purpose. For the appointment to be effective, a quorum of duly elected and appointed Precinct Committeemen and Precinct Committeewomen must be present at the meeting where a vacancy can be filled. Written notification of the appointment must be made to the County Clerk and Recorder or County Election Administrator, and to the Chairman of the State Republican Party, before a Precinct Committeeman or Precinct

Committeewoman can be considered duly appointed. Precinct Committeeman and Committeewomen hold such position for a term of two years from the date of their election or in case of appointment, until the next regularly scheduled Primary election. Immediately after an appointment is made to fill a vacancy, notice of such appointment must be filed by the secretary of the meeting or the County Chairman with the County Clerk and Recorder and State Republican Headquarters.

- I) **Meetings.** Meetings of the County Central Committee may be called (1) by the County Chairman, (2) by a majority of members of the County Executive Committee, or (3) by a majority of the members of the County Central Committee.
- J) **Rules.** The County Central Committee may adopt rules for the government of the Party in its county, including rules governing the approval of campaign literature to be used for public distribution, which rules may not be inconsistent with any of the provision of the election laws of this state or with these rules. County Committee Rules or Bylaws will be effective only if adopted by a two thirds majority vote of all elected and appointed precinct committeemen and committeewomen present and voting at a properly noticed meeting of the Committee and then filed of record with the Executive Office of the Montana Republican Party within two weeks of adoption. Failure to properly file County Rules or Bylaws with the State Party shall render them null and void.

IV. Other Committees, Term, Reports

- A) **Rules Committee.** The Chairman shall appoint a standing Rules Committee, consisting of ten (10) members, to report at each meeting of the State Central Committee and to consider and/or recommend all proposed rule changes.
- B) **Regional Chair Committee.** The Regional Chair Committee will meet from time to time as directed by the State Chair and shall be chaired by one of the Members selected by the State Chair. The Regional Chair Committee is responsible for assisting the State Party Office in providing educational and training opportunities for County and State Central Committee members pertaining to State Party bylaws, and Montana law on party organization. Each Regional Chair shall endeavor to assist the Central Committees within the region in fundraising activities, in understanding and complying with the Montana Republican Party bylaws and state laws so that each County Republican Central Committee properly and legally operates within those parameters and to provide input from County Central Committees to the State Republican Party.
- C) **Other Committees.** The Chairman shall have the power to appoint such special or standing committees as may be deemed necessary or desirable from time to time.

- D) **Term of Office.** The term of the members of all committees appointed by the Chairman shall automatically expire at the conclusion of each term of office of the Chairman, or upon the resignation or removal of the Chairman from office.
- E) **Committee Minutes, Reports.** The chairman of a committee shall report to the next State Central Committee or Convention as to the business conducted at each committee meeting. The chairman of a committee shall also have committee minutes prepared for distribution to each committee member and the State Chairman prior to presentation of the committee report.

Section D: Officers

I. Elected Officers

- A) **Chairman.** The Chairman shall be the recognized leader of the Republican Party organization in Montana and shall have the sole responsibility for the hiring and termination of employment of all paid employees of the State Central Committee, except as provided in Article II. He or she shall preside at all meetings of the State Central Committee, the Executive Board, and all Republican Conventions, except that he or she may appoint a Convention Chairman to preside over the business of a Convention. He or she shall appoint all committees, except the Executive Board, and shall be an ex- officio member of all committees. He or she shall represent the State Central Committee in an official capacity and shall have the usual powers of supervision and management as pertaining to the office of a chairman. The Chairman shall coordinate with the Treasurer to ensure all necessary resources are provided, and all necessary compliance is conducted, to meet the reporting and recording obligations required by Montana and federal law.
- B) **Vice Chairman.** The Vice Chairman shall perform such duties as may be assigned by the Chairman. In the absence of the Chairman, the Vice Chairman shall perform the duties of Chairman.
- C) **Secretary.** The Secretary shall keep the minutes of all meetings of the State Central Committee, the Executive Board, and all Republican conventions, keep the roll of membership and perform such other functions as may be incidental to the office or assigned by the Chairman.
- D) **Treasurer.** The Treasurer shall serve as the controller and oversight person for financial record keeping and practices, and shall require an accounting, at least monthly, for all receipts and disbursements of the State Central Committee and insure the timely filing of all reports require to be made to any governmental body or agency by the State Central Committee. The State Treasurer or his or her designee, namely

- the person appointed by the Chairman as accountant or bookkeeper, shall record all receipts and disbursements as required by the Federal Election Commission (FEC). All disbursements, excepting petty cash, shall be made only upon check countersigned by the two persons, one of whom will be the State Treasurer or assistant Treasurer and one of whom has been authorized to do so by the State Executive Board. The Treasurer shall present a report to the State Central Committee of the financial affairs of the State Central Committee upon request by the Chairman or by written request to both the Treasurer and the Chairman by at least five (5) members of the State Central Committee, and, at a minimum, shall report the financial affairs of the State Central Committee to the Executive Board quarterly. The State Treasurer or his designee shall present a report to the Executive Board of the financial affairs of the State Central Committee at every properly noticed and called meeting of the Executive Board. The Treasurer shall ensure the Party fully complies with all Montana and federal statutes and regulations regarding political party finances.
- E) **Assistant Treasurer.** The Assistant Treasurer shall become familiar with the responsibilities of the office of the Treasurer, and perform such duties as may be assigned by the Chairman or Treasurer.
- F) **Vacancies.** In the event of vacancy in the office of State Vice Chairman, the Chairman may appoint a person to fill such vacancy, with the approval of the Executive Board. In the event of vacancy in the office of State Chairman, the Vice Chairman shall automatically succeed to the office of Chairman. In the event of a vacancy in the office of Treasurer, the Assistant Treasurer will automatically succeed to that office. In all other cases, in the event that a vacancy shall occur in any elected office, the vacancy shall be filled by appointment by the State Executive Board at a meeting held no less than ten (10) days and no more than thirty (30) days after notice is given by the Secretary or the Chairman's designee that there is a vacancy. Any person who succeeds to his or her office under the provisions of this Paragraph F shall serve only until the next State Convention at which time the delegates shall elect a permanent replacement to complete the term.
- G) **Compensation.** No elected official of the Montana Republican Party shall be a paid employee of the Party, nor shall they be entitled to financial compensation other than reimbursement for expenses directly related to business on behalf of the Montana Republican Party.
- H) State party officers may be removed from office for cause by a 2/3 vote of the total membership of the Montana Republican State Central Committee at a special meeting called for that purpose on 15 days advance written notice. The notice shall contain the

charge or charges against the State party officer(s) sought to be removed and be signed by not less than 25 percent of the members of the Committee. Prior to the vote on the charges, the officer(s) sought to be removed shall be given a full hearing and the opportunity to address the charge or charges and to present evidence refuting the charge or charges. This hearing shall be a closed hearing.

- I) County Central Committee officers may be removed from office according to rules established by each County Central Committee so long as those rules are not in conflict with these rules or state law or regulation. In the absence of county rules, County Central Committee officers may be removed from office by a two-thirds vote of the total number of Precinct Committeemen and Committeewomen.

II. Appointed Officers

- A) **Executive Director.** The Executive Director shall be appointed by the Chairman, subject to the prior approval of the Executive Board. The Executive Director shall be a paid employee who shall serve at the pleasure of the Chairman. All terms of employment of the Executive Director must be set out in detail in the minutes of the Executive Board. The Executive Director shall preserve all permanent records of the State Central Committee and upon termination of employment shall relinquish them to the successor Executive Director. The Executive Director shall also perform such duties as may be assigned from time to time by the Chairman.
- B) **Finance Chairman.** The Chairman, subject to the prior approval of the Executive Board, shall appoint a Finance Chairman. The Finance Chairman shall raise funds for the use of the Republican Party.
- C) **Legal Counsel.** The Chairman, subject to the prior approval of the Executive Board, shall retain legal counsel, who shall be licensed to practice law in this state. The legal counsel shall advise the Chairman, the State Central Committee, the Executive Board, and all officers and committees on all legal matters relative to their duties, under circumstances approved by the Executive Board.
- D) **Accountant/bookkeeper.** The Chairman may appoint a person to serve as accountant or bookkeeper for the party. The person so appointed will work with the Treasurer on record keeping and campaign finance filings. The person so appointed may be a paid employee who shall serve at the pleasure of the Chairman. The person so appointed shall also perform such duties as may be assigned from time to time by the Chairman.
- E) **Other Officers.** The Chairman may appoint such other and further officers as may be authorized by the Executive Board.

- F) **Term of Office.** All officers appointed by the Chairman shall serve at the pleasure of the Chairman and their appointment may be terminated by the Chairman at any time. The appointment of all officers appointed by the Chairman shall terminate automatically at the expiration of the Chairman's term of office, or upon the resignation or removal of the Chairman from office.
- G) **Communications of the Montana Republican Party.** (a) All official political communications and electioneering documents of the State Party shall be transmitted through the State Chairman and the General Counsel or their designees to ensure their compliance with state and local laws and regulations. (b) The State Chairman, subject to State Executive Board direction, shall be the only official State Party spokesman.
- However, the State Chairman may delegate his communications duties to other Republicans or to State Party officers or employees as the Chairman deems necessary.

Section E: Candidate Nominations

I. Nominations

- A) In the event that a party candidate for a state office to be filled by the state at large dies or withdraws after the primary and before the general election, the State Central Committee shall appoint a nominee to fill such vacancy at a meeting of such Committee called for this purpose, within the time provided by State law. The person receiving the majority of the votes at such meeting shall be the nominee, pursuant to E.2 below.
- B) In the event that a vacancy occurs in the office of United States Representative, requiring an election to fill the vacancy, or in the event that the party nominee shall die or withdraw after the primary and before the general election, the nominee of the party shall be chosen by the State Central Committee, at a meeting called by the Chairman of the party for that purpose, within the time provided by law. The person receiving the majority of the votes at such meeting shall be the nominee, pursuant to E.2 below. 1) If a candidate for United States Representative withdraws or dies forty (40) days or more before the primary election, the State Central Committee may appoint someone to replace that candidate at a meeting called by the State Chairman for that purpose.
- C) If a candidate for nomination for office to be filled by the state at large, either state or federal, withdraws or dies forty (40) days or more before the primary election, the State Central Committee may appoint someone to replace the candidate at a meeting

called by the State Chairman for that purpose. If such candidate withdraws or dies less than forty (40) days before the primary election, the State Central Committee shall appoint by majority vote someone to replace the candidate, if no other candidate was nominated at such election, at a meeting called for that purpose by the State Chairman after the primary election.

- D) In all other cases where the Party may or is required to nominate a candidate, such nomination shall be made as follows:
- 1) For offices to be filled by the state at large, the State Central Committee shall make the appointment at a meeting called for that purpose. The person receiving the majority of the votes at that meeting shall be the nominee, pursuant to E.2 below.
 - 2) For offices to be filled in districts including more than one county (e.g., Public Service Commission, multi-county legislative districts), a committee appointed by the County Central Committee of all counties in the district shall make the appointment at a meeting called by the State Chairman for that purpose. Such committee shall consist of three persons from each county, who shall be selected by the Central Committee in such county. If a county has no Central Committee, the State Chairman shall select that county's members of the committee. The person receiving the majority of votes at the meeting of the committee shall be the nominee, pursuant to E.2 below.
- E) In all cases provided above:
- 1) The votes of the person entitled to vote at such meeting shall be weighted according to the following formula: Votes shall be determined by comparing the Republican primary vote in each county in the most recent primary election for the office involved to the total Republican primary vote for that office. For each two percent (2%) or less of the total Republican vote, four (4) votes will be awarded to the county. For each additional full percentage point over two percent (2%) of the total Republican vote, an additional vote will be awarded to that county. The delegate to the meeting from each county shall equally divide the number of votes to which their county is entitled, under the foregoing formula, on a decimal basis, and each delegate shall cast his or her vote individually.
 - 2) If there are four (4) or more candidates on the ballot, the half of the slate receiving the fewest votes shall be eliminated. If the number to be eliminated is fractional, the number to be eliminated shall be rounded up. This procedure shall be repeated until a candidate receives a majority or the number of candidates is reduced to three. If there are three candidates on the ballot, and no candidate receives a majority on the ballot, the candidate receiving the fewest votes shall be eliminated

and a runoff between the top two candidates shall occur. A candidate must receive over fifty (50) percent of the votes cast to be elected.

- F) The state Republican Party of Montana supports a closed primary voting system in Montana. This is because the Party asserts that the State of Montana's use of an open primary system to determine the Party's nominees for the general election violates the Party's first Amendment rights to associate as the present voting system allows substantial numbers of voters associate with other political parties to cross over to, to participate in, and impact the outcome of the selection of this Party's nominees. Montana law does not presently require a Montana voter to declare a party affiliation to register or vote in primary or general elections. In the event that Montana law is changed to allow for closed primary elections to be held in the State, the following closed Republican Party Primary Rule will immediately go into effect and be controlling: "Only persons who have registered as a Republican prior to the Primary Election will be allowed to vote on a Montana Republican party ballot in that Primary Election."

Section F: Appeals

In all instances where application of these rules is contested, the aggrieved party must file a written protest with the state chair within ten (10) days. The state chair may designate a subcommittee of the State Rules Committee to investigate and make a determination of the conflict or the state chair may refer the matter to the General Counsel for an opinion. The decision by the subcommittee or the General Counsel, as the case may be, is final unless appealed to and overruled by the Rules Committee.

APPENDIX B



WE'RE BETTER, TOGETHER!

Call of the Montana Republican Party State Officers' Convention

May 3, 2021

Dear Delegate,

Following our historic election in 2020, we are now tasked as the Montana Republican Party to elect our State Officers at the 2021 State Officers' Convention to continue our work on behalf of Montana Republicans. Consequently, I am calling for the State Officers' Convention to be held June 18th and June 19th in Helena, Montana at the Delta Hotel by Marriot. Registration and Credentialing for the Convention will begin on the 18th at 10:00 am, and the election will take place during the full day on June 19th.

As a reminder, our state party bylaws require that the State Party notify all of those eligible to serve as delegates to the State Officers' Convention within 45 days of the Convention [Section B. IV. (C)]. For the 2021 Officers Convention, eligible delegates include members of the State Central Committee, the Republican incumbents in national and statewide office, Republican incumbents on the Public Service Commission, and Republican members of the Legislative Assembly, or their duly appointed proxies. [Section B. IV. (C)] This notification will also provide adequate time for those unable or uninterested in attending the Officers' Convention to vote by proxy. [Section B. I. (C) 1.]

This notification fulfills the obligations above per state party bylaws, which you can view at www.mtgop.org should you need any additional reference.

Included in this correspondence you will find:

1. Briefing for State Officers' Convention (Convention Fee & Proxy Information)
2. Credentials and Proxy Form

Should you have any questions, please do not hesitate to reach out to the MTGOP (406) 442-6469 or our Grassroots Director, Debbie Churchill (debbie@mtgop.org). We look forward to hosting you at this year's convention and are excited about the days ahead!

We're better, together!

Sincerely,

Chairman Don "K" Kaltschmidt
Montana Republican Party

2021 MTGOP State Officers' Convention

On Friday, June 18th, the Montana Republican State Central Committee will gather in Helena for the 2021 State Officers' Convention. The elections will be held on Saturday, June 19th.

2021 Officers' Convention Montana Republican State Central Committee June 18th-19th, 2021 Delta Hotels by Marriot Helena, MT 59601

State Officers' Convention Bylaws

- Call of convention must be sent at least 45-five (55) days prior to convention (**May 5th Deadline**)
- Convention fees were set forth by the MTGOP Executive Board on April 15th, and will cost \$100/individual for full participation, and \$50/ person if only attending the election on Saturday June 19th.
- A person holding a proxy must be a resident of the same county as the delegate being represented by said proxy holder, or if the proxy is given by a Public Service Commissioner, the proxy holder must be a resident elector of the District the Public Service Commissioner represents. If the proxy is given by a Legislator, the proxy holder must be a resident elector of the county if it contains one or more districts or of the district if it contains all or parts of more than one county. A person holding a proxy for a Statewide Elected Official may be any registered elector. Delegates who vote in their own right may not hold and vote the proxies of an absent delegate. A proxy need not be held by a person of the same sex as the delegate represented by said proxy holder.
- In balloting on any motion or election, the voting shall be on an individual basis. Each person entitled to vote shall have the right to cast his or her individual ballot. In the event that any election has more than one person nominated as a candidate, voting must be by secret ballot. Unless a weighted vote is expressly provided for by these rules, each person entitled to vote at any meeting or convention shall be entitled to only one vote. When the chairman of the meeting or convention has determined that everyone is balloted, in his judgment, he shall declare the balloting closed and the election judges shall retire and count the votes. They shall then announce the results of the vote in open meeting.
- In the choice of officers or delegates, there shall be no discrimination because of sex, race, creed, color, or national origin. Those elected to represent the Montana Republican Party as officers or delegates should be only those persons who will actively support and campaign for the platform and nominees of the Republican Party, and who will work in harmony and cooperation with all Republican organizations. No person may be elected or appointed to more than one office of the Montana Republican Party and the Republican National Committee.



WE'RE BETTER, TOGETHER!

**MTGOP State Officers' Convention
June 18-19, 2021 ♦ Helena, Montana**

CREDENTIALING FORM FOR CONVENTION DELEGATES

Name: _____

County: _____

Address: _____

Title/Office: _____

City, State, Zip: _____

☐ State Central Committee

Email: _____

☐ National Elected Official

Phone: _____

☐ State Elected Official

I certify that the above information is correct.

☐ Public Service Commission

☐ Montana Legislator

Signature of Delegate

OFFICIAL PROXY FORM

This is a Proxy for Convention Delegates unable to attend the MTGOP State Officers' Convention on June 18-19, 2021 in Helena, Montana. The person you name as a Proxy must comply with the MTGOP Bylaws. If you do not have a Proxy, leave blank.

I, Proxy Grantor, designate and appoint the following individual, Proxy Holder, to serve as my Proxy to participate in the MTGOP State Officers' Convention on June 18-19, 2021 in Helena, Montana. The person identified below meets the residency requirements set forth in the Rules of the Montana Republican Party (see "Briefing for State Officers' Convention")

Name: _____

Address: _____

City, State, Zip: _____

Email: _____

Phone: _____

We certify that the information in the Official Proxy Form is correct.

Signature of Proxy Grantor/State Central Committee Member

Date

Signature of Proxy Holder

Date

**Please submit this form to the Montana Republican Party via email: elections2021@mtgop.org;
or by mail: PO Box 935, Helena, MT 59624**

APPENDIX C

MTGOP State Officers' Convention

June 27th and 28th Helena, MT

Credentialing Form for State Delegates

Name: Shelley Vance County/District: SD 34
Address: 3008 MacNab St Title/Office: MT State Senator
City, State, Zip: Bozeman, MT 59715
Email: on file ☐ State Central Committee
Phone: on file ☐ Federal Elected Official

☐ State Elected Official

☐ Public Service Commission

I certify that the information above is correct.

☒ Montana Legislator

Shelley Vance
Signature of Delegate

Official Proxy Form

This is a Proxy for Convention Delegates unable to attend the MTGOP State Officers' Convention on June 27th and 28th, 2025 in Helena, Montana. The person you name as a Proxy must comply with the MTGOP bylaws. If you do not have a proxy, leave this portion of the form blank.

I, Proxy Grantor, designate and appoint the following individual, Proxy Holder, to serve as my Proxy to participate in the MTGOP State Officers' Convention on June 27th-28th, 2025 in Missoula, Montana. The person below meets the residency requirements set forth in the Rules of the Montana Republican Party (see "Briefing for State Officers' Convention")

Name: _____ County/District: _____
Address: _____ City, State, Zip: _____
Phone: _____ Email: _____

We certify that the information in the Proxy Form is correct.

Signature of Proxy Grantor/State Central Committee Member

Date

Signature of Proxy Holder

Date

**Return this form to the Montana Republican Party via email: events@mtgop.org
or by mail: P.O. Box 935 Helena, MT 59624**

Pursuant to the Montana Republican Party bylaws, each registrant (delegate, proxy, or non-delegate) at a Officers' Convention shall pay a registration fee that shall be set by the Executive Board of the State Central Committee. *See Bylaws, Section B., I., A.*

Total amount enclosed or to be billed \$ 175.00

Please make checks payable to the Montana Republican Party or enter card information below:

☐ Check ☐ Visa ☐ MasterCard ☐ American Express ☐ Discover

Card Number: _____ Exp. Date: _____

Cardholder Signature: _____ CVV#: _____

You can register for the Convention in any of the following ways:

- 1) Deposit in the U.S. Mail to:
MTGOP
P.O. Box 935
Helena MT 59624
- 2) Scan and email to: **events@mtgop.org**
- 3) Register online at: **www.mtgop.org**

If you have any questions, please do not hesitate to reach out to the MTGOP at (406)442-6469 or email events@mtgop.org.

Montana Republican Party 2025 Officers' Convention

REGISTRATION FORM

June 27th-28th, 2025 – Delta Colonial Hotel, Helena

Full Convention Registration – All Platform Delegates must submit a Registration Form AND Credential Form. All Proxies must submit the Registration Form, Credential Form (signed by Delegate), AND Proxy Form (signed by BOTH Proxy Grantor and Proxy Holder) in order to vote at the Convention.

EARLY BIRD REGISTRATION FEE \$175 – ends May 27th

REGULAR REGISTRATION FEE \$200 – ends June 11st

LATE REGISTRATION \$250 – begins June 12th, ends June 27th @ 7 pm

Friday ONLY REGISTRATION \$100 – ends June 1st

☒ **YES, I plan to attend the Convention and I am one of the following: please return your Credential form by June 5th.)**

D. Convention Delegates. Those entitled to vote at the State Officers' Convention shall be Central Committee Chairman, Finance Chair, Committeeman, Committeewoman, the Republican incumbents in national and statewide office, Republican incumbents on the Public Service Commission, and Republican members of the Legislative Assembly, or their duly appointed proxies. Each delegate shall have one vote.

() YES, I plan to attend the Convention and I am a NON-DELEGATE (Non-delegates are welcome to attend all meetings, but may not participate or vote.)

Registration information:

Name: Shelley Vance

Address: 3008 MacNab St

City/State/Zip: Bozeman, MT 59715

Phone: on file

Email: on file

Employer/Occupation: MT State Senator

✓ Track Your Expenses...

- | | | |
|---|--|---|
| ☐ Auto/Travel | ☐ Education | ☐ Medical/Dental |
| ☐ Business | ☐ Entertainment | ☐ Savings |
| ☐ Charities | ☐ Food | ☐ Taxes |
| ☐ Clothing | ☐ Home | ☐ Utilities |
| ☐ Dependent Care | ☐ Insurance | ☐ Other |

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Duplicate is produced using soy-based materials.
Images may appear light.

☐ TAX DEDUCTIBLE ITEM

Memo

For enhanced security your account number will not be printed on this copy

NOT NEGOTIABLE

MTGOP State Officer's Convention
June 27th and 28th Helena, MT

Credentialing Form for State Delegates

Name: Jason Ellsworth County/District: SD 43

Address: PO Box 30 Title/Office: Senator

City, State, Zip: Hamilton, MT 59840

Email: Ellsworthj40@gmail.com ☐ State Central Committee

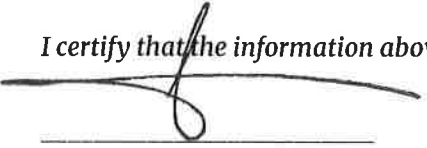
Phone: 406-360-0009 ☐ Federal Elected Official

☐ State Elected Official

☐ Public Service Commission

☒ Montana Legislator

I certify that the information above is correct.



Signature of Delegate

Official Proxy Form

This is a Proxy for Convention Delegates unable to attend the MTGOP State Officer's Convention on June 27th and 28th, 2025 in Helena, Montana. The person you name as a Proxy must comply with the MTGOP bylaws. If you do not have a proxy, leave this portion of the form blank.

I, Proxy Grantor, designate and appoint the following individual, Proxy Holder, to serve as my Proxy to participate in the MTGOP State Officer's Convention on June 27th-28th, 2025 in Helena, Montana. The person below meets the residency requirements set forth in the Rules of the Montana Republican Party (see "Briefing for State Officer's Convention")

Name: _____ County: _____

Address: _____ City, State, Zip: _____

Phone Number: _____ Email: _____

We certify that the information in the Proxy Form is correct.

Signature of Proxy Grantor/State Central Committee Member

Date

Signature of Proxy Holder

Date

Return this form to the Montana Republican Party via email: events@mtgop.org or by
mail: P.O. Box 935 Helena, MT 59624



2025
**MONTANA REPUBLICAN PARTY'S
STATE OFFICERS'
CONVENTION**

MTGOP
MONTANA REPUBLICAN PARTY

Delta Hotel, 2301 Colonial Dr, Helena, MT 59601

JUNE | 27&28th | 2025

Contact: (406) 442-6469 or events@mtgop.org

 Paid for by the Montana Republican State Central Committee.
Brad Tschida, Treasurer. PO Box 935, Helena, MT 59624

Thanks for your donation!

**Please also help support the
Republican ticket in Montana!**



APPENDIX D



DONATE

Resolution of the Montana Republican Party (MTGOP) Rescinding Recognition of Nine Montana Senators as “Republicans”

Whereas, on January 6, 2025, nine Republican Senators joined with all 18 Democrats in the Senate (the “Democrat Party”), undermining the Republican majority leadership, and giving control of the Senate floor to Democrats, without any warning to Republican leadership during the two months prior to January 6, 2025;

Whereas, the nine Republican Senators are: Jason Ellsworth, SD43; Wendy McKamey, SD12; Gayle Lammers, SD21; Josh Kassmier, SD13; Butch Gillespie, SD9; Gregg Hunter, SD15; Denley Loge, SD45; Russ Tempel, SD14; and Shelley Vance, SD34 (the “Nine Senators”);

Whereas, the MTGOP called on the Nine Senators to cease obstructing key Republican priorities, return to the faithful representation of their constituents and the Republican Party, uphold the trust of the voters who elected them, and to work together with Republican leadership;

Whereas, despite calls of the MTGOP and the efforts made by Republican Senate leadership to bring unity to the Republican Party, the Nine Senators continue to align with the Democrat Party in the Senate;

Whereas, the MTGOP recognizes that the votes taken by the Nine Senators are not about policy issues, but rather solely pertaining to ethics, procedure and process which governs the way the Senate operates, and that this is an unprecedented alliance with the Democrat Party by the Nine Senators as follows:

- Beginning on January 6, 2025, the Nine Senators voted with the Democrat Party on a substitute motion by Minority Leader Flowers to undermine the committee assignments made by Republican-led Committee on Committees, so that all committee nominations go through the Executive Review Committee Chair, Jason Ellsworth;
- The Nine Senators again voted with the Democrat Party on January 9, 2025, to defeat the Republican leadership’s efforts to pass the proposed amended Senate Rules, despite significant efforts by Republican leadership to work with the Nine Senators;
- On February 6, 2025, the Nine Senators voted with the Democrat Party to suspend the Senate Ethics Committee investigation in the matter of Senator Jason Ellsworth;
- Ultimately, the final report of the Senate Ethics Committee substantiated the conclusions of the Legislative Audit investigation that Senator Ellsworth artificially bifurcated contracts to avoid the required procurement process, which “constitutes an abuse of his government position” and resulted in “a waste of state resources by Senator Ellsworth;”
- The Nine Senators remain aligned as recently as March 24, 2025 where, despite a call of the MTGOP Executive Board for Senator Ellsworth to resign or be expelled in light of the Senate Ethics Report, they voted with a majority of the Democrats to defeat a motion to expel Senator Ellsworth from the Senate;
- On March 6, 2025, the Nine Senators voted in alignment with a motion made by Senator Vance to refer Senate President Regier to the Ethics Committee (bypassing the normal process of referral to Legislative Audit as was afforded to Senator Ellsworth) in an effort to remove the Senate President.
o Note: These allegations were unsubstantiated and unfounded as determined in the Legislative Audit findings dated March 26, 2025, wherein Senate President Matt Regier was cleared of all allegations of fraud, waste, or abuse.

Whereas, in the opinion of the MTGOP Executive Board, the Nine Senators have engaged in a coordinated scheme with Senate Democrats designed to undermine the Majority Republican Senate Caucus throughout the term of the 69th Legislative Session;

Whereas, the actions of the Nine Senators betray the principles of the MTGOP, Montana Republicans, and the Montana voters of each respective district who put their trust in the Nine Senators;

Whereas, the Nine Senators continue to hold themselves out as Republicans, and as a result may be believed by some to be considered as speaking for Montana Republicans even though their actions prove otherwise;

Whereas, the Montana Republican Party recognizes that Montana statutes do not grant the authority to any entity, governmental or private, to forcibly change any individual’s chosen political affiliation, without the individual who is changing their political affiliation choosing to do so themselves;

Whereas, Montana Republicans have expressed their desire for the Montana Republican Party to formally censure the Nine Senators for violating the precepts of integrity and due process, for failing to faithfully represent the majority of Montana Republican voters, and for neglecting their duties to represent the will of the people who elected them as well as the political party they claim to be a member of, support, and share values with;

Whereas, at great time and expense to the MTGOP Executive Board, the MTGOP Executive Board cancelled a scheduled zoom meeting on March 20th and extended an invitation to the Nine Senators to appear at an in-person meeting on March 27th to explain their actions;

Whereas, the Nine Senators have chosen not to acknowledge, respond to, or satisfy the call to appear before the MTGOP Executive Board at its meeting;

Whereas, the Nine Senators have failed to recognize that their elected position is as a representative of the Montana Republican Party and that they were elected by a

majority of Montana Republican voters to represent the will, values, expectations, and the formally stated preferences of that majority of Montana Republican voters; and

Whereas, the Montana Republican Party has no legal requirement to recognize or embrace the Nine Senators as representatives, friends, or allies of the Montana Republican Party.

Therefore, Be It Resolved that the Executive Committee of the MTGOP makes it be known that:

1. The Nine Senators be censured for their collective, willful, and continual alignment with the Democrat Party throughout the 69th Legislative Session;
2. The Nine Senators are no longer considered by the MTGOP as Republicans for the damage they have exacted on the Montana Senate by undermining the Republican Senate leadership, the Republican Party, and the will of the Montana Republican voters;
3. The MTGOP Executive Board unanimously no longer supports the Nine Senators because they have disqualified themselves as speaking on behalf of Montana Republicans; and
4. The Montana Republican Party will withhold any future political funding for the Nine Senators.
Therefore, be it further resolved that the Executive Committee of the MTGOP, through its Chairman, shall:
5. Make this resolution public knowledge to the Nine Senators: Jason Ellsworth, SD43; Wendy McKamey, SD12; Gayle Lammers, SD21; Josh Kassmier, SD13; Butch Gillespie, SD9; Gregg Hunter, SD15; Denley Loge, SD45; Russ Tempel, SD14; and Shelley Vance, SD34, and to the media;
6. Advise media outlets to stop referring to the Nine Senators as Republicans; and
7. Notify all Republican Central Committees and Republican voters statewide of the irreparable and harmful actions taken by the Nine Senators.



PREVIOUS POST

The Political Show Trial Against Montana’s Attorney General: A Case of Partisan Overreach

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Paid for by the Montana Republican State Central Committee. Brad Tschida, Treasurer.

PO Box 935, Helena, MT 59624
Not authorized by any candidate or candidate’s committee.

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APPENDIX E

III BRANCHES, PLLC

BY: E-MAIL and Regular Mail and VIA FAX 406-442-3293: donk@mtgop.org;
don@donk.com; artw@montana.com; artw@mtgop.org

July 7, 2025

Don "K" Kaltschmidt
PO Box 935
Helena, MT 59624
1300 Aspen St. B
Helena, MT 59601

Art Wittich
PO Box 935
Helena, MT 59624
1300 Aspen St. B
Helena, MT 59601

RE: Written Protest Pursuant to Bylaws Section F. Appeals

Dear Chair Kaltschmidt and Chair Wittich:

This letter serves as a written protest to appeal the failure to recognize the voting rights of Senators Ellsworth, Gillespie, Hunter, Kassmier, Lammers, Loge, McKamey, Temple, and Vance and/or their proxies at the Montana Republican State Central Committee convention on June 28, 2025 in Helena, MT. I represent each Senator in bringing to your attention their protest and corresponding demand for immediate action to set aside any measure or action taken without their voice. They represent the thousands of Montana Republicans committed to Republican values who elected these Senators to speak for them. The Republican Party is not the party of extremists. As Senators they had the right to vote and participate in the party process. The wholesale disregard of fundamental party voting rights embodied in the Bylaws may not be left unaddressed. A convention must be reconvened to correct the parliamentary snafu that left these Senators voiceless and emboldened the Freedom Caucus PAC faction to pursue its manifesto. Inaction will be at the expense of Montanans and only benefit those few who are acting more like fascists cleansing the party from those disloyal to party bosses rather than true Republicans for the people who believe each vote should be counted correctly. The Freedom Caucus is a political action committee, nothing more, using tactics that are not reflective of Republican values, and they certainly are not the values of Montanans.

State Republican Party Bylaws, B IV. (D), entitles each Senator to one vote. Each Senator had the right to vote in person or by proxy. Section B I (D)(1). That right to one vote may not be denied by motion. Per the Bylaws, the Bylaws are the rules that control at the convention. Sec. A I. Any rule change requires a 2/3 vote at a regular or special meeting. Only the Rules Committee may present a rule change without ten days notice to each member of the State Central Committee. Sec. A III (B) (1) & (2). Senator Usher made a motion to exclude the Senators from voting. There

was not a proposed Rule change, nor did Senator Usher give ten days advance notice to amend the Rules to repeal Senators voting rights. Senator Usher's motion was out of order. The subsequent motion by Representative Gillette to override Chair K ruling Senator Usher's motion out of order was similarly out of order. The proper parliamentary ruling was to rule Gillette's motion out of order. Robert's Rules of Order were not implicated because the Rules limit reference to Robert's Rules where the Rules are silent. Sec. B I (F). The Chair must vacate the motion and reconvene a convention so that the duly authorized voters may exercise their vote following a deliberative process that includes their participation. Participation in the deliberative process is fundamental to effectuating a valid and meaningful vote that allows duly elected officials and convention delegates to make well informed decisions rather than react knee jerk to bullying by the Freedom Caucus PAC faction who wish to overthrow the will of the majority. Their exclusionary tactics through subterfuge, surprise, and intimidation are a disservice to uniting a party of strong Republican Montanans.

I look forward to a swift response within the next ten calendar days. The Senators will not allow these transgressions to go unanswered. You may anticipate the Senators will pursue all remedies to include court intervention and injunctive relief should an amicable solution not be forthcoming.

Very truly yours,
III BRANCHES, PLLC

A handwritten signature in black ink, appearing to be 'Joan K. Mell', with a large, stylized initial 'J' and a long horizontal stroke extending to the right.

Joan K. Mell

Lawyer for Senators who have approved as to content and form:

Senate President Jason Ellsworth '23-'25 of Hamilton, SD 43

Butch Gillespie of Etheridge, SD 9

Gregg Hunter of Glasgow, SD 15

Josh Kassmier of Fort Benton, SD 13

Gayle Lammers of Hardin, SD 21

Denley Loge of St. Regis, SD 45

Wendy McKamey of Great Falls, SD 12

Russ Tempel of Chester, SD 14

Shelley Vance of Belgrade, SD 34

CC: Tyler Newcomb, Tyler@mtgop.org