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MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

ANTHONY L. HUDSON,  
  
Petitioner,

vs.

RAVALLI COUNTY REPUBLICAN  
CENTRAL COMMITTEE and its Chairman,  
RONALD STOLTZ,

Respondents.

Cause No. DV 25-82  
Department No. 2

ORDER FOLLOWING HEARING

The matter came before the Court on March 18, 2025, for hearing on *Petition for Writ of Mandate and Declaratory Relief*. At the hearing the Petitioner was represented by Joan Mell, Respondent Ron Stoltz appeared pro se. The Court advised that Respondent Ravalli County Republican Central Committee (“RCRCC”) was an entity and could not self-represent. The Court also noted that the interests of Respondent Stoltz and the RCRCC were identical and therefore proceeded with the hearing.

Given the time constraints in this matter and the nature of Mandamus cases, the Court determined that time was of the essence and proceeded with the hearing. The Court also notes that while testimony was taken the question is essentially one of law.

## **Findings of Fact**

The Court heard first from Petitioner, Anthony Hudson. Mr. Hudson stated he is a duly elected Precinct Captain, elected in both 2022 and 2024. One of the main responsibilities as precinct captains and central committee members, is to represent the voters in the event of a vacancy in the state legislature by nominating potential replacement legislators and forwarding those names to the county commissioners. Similarly, the central committee has a role in making nominations for vacancies in federal legislative positions.

Mr. Hudson stated traditionally, Ravalli County holds its convention at which the new officers are elected (following the June primary where precinct captains are elected) and then representatives to the State party convention are also elected. He stated his interpretation is these two functions can be separate (elections of officers, then selection of representatives to the State convention) but they can be done simultaneously. Since the 2024 primary election, no local county convention has been called, no new officers elected and no representatives to the State convention have been designated. Current RCRCC bylaws require those official acts to occur on or before April 1 of the odd numbered year following the primary (even numbered year) election.

Mr. Hudson testified that no elections have occurred, nor has a convention been called to select representatives to the State convention. He stated his understanding is that the RCRCC chair is the only person who can call the election and convention. Mr. Hudson stated that of 39 active precinct captains, 25 want the RCRCC to comply with the local bylaws and hold the election and representative selection on or before April 1. By failing to adhere to the bylaws, Mr. Hudson genuinely sees the voters of Ravalli County as being undermined and disenfranchised – their elected party representatives are unable to act and the RCRCC is without properly elected officers.

Mr. Hudson stated he and other precinct captains have expressed a desire for the elections to occur, and expressed frustration at numerous meetings which have been canceled, and meetings where agenda items were ignored.

Mr. Stoltz testified for Respondents. Mr. Stoltz did not contest that the RCRCC has not held the requisite elections or convention. Mr. Stoltz stated he was relying on the State bylaws, and not-present representatives of the State Committee's interpretation of the State Bylaws. Mr. Stoltz confirmed that his interpretation of the bylaws, specifically Section III(C), which states in relevant part:

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 of 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.”

...  
\*”beginning December 1, 2026” is removed automatically after that date occurs  
*Rules of the Montana Republican Party, Adopted June 29, 2024, Sec. III (C).*

Mr. Stoltz stated that this section means a) no election or convention may be convened until after December 1, 2026 and b) no election or convention may be convened until the State Chair authorizes the RCRCC to do so. Mr. Stoltz provided two emails from not-present persons stating this is the correct interpretation of that provision. Mr. Stoltz was advised those communications did not have force of law.

The net effect of Mr. Stoltz's interpretation, as told to him by State committee agents, is that there is no election of officers from the slate of precinct captains elected in the June 2024 primary. This results in the duly elected 2024 precinct captains, who serve a term of two years, never having an opportunity to vote on or be elected to officer positions in the RCRCC, nor will they have the opportunity to be selected to participate in the State convention. The next election

of officers and selection of representatives to the State convention will not occur until after the June 2026 primary election. This interpretation results in restraint of those elected officials right and obligation to fulfill their duties as committeepersons and disenfranchises the voters of Ravalli County who thought they were electing committeepersons who then would lawfully elect a slate of officers and representatives to the State convention.

### **Conclusions of Law**

Section 27-26-102, MCA, provides:

(1) A writ of mandamus may be issued by the supreme court or the district court or any judge of the district court to any lower tribunal, corporation, board, or person to compel the performance of an act that the law specially enjoins as a duty resulting from an office, trust, or station or to compel the admission of a party to the use and enjoyment of a right or office to which the party is entitled and from which the party is unlawfully precluded by the lower tribunal, corporation, board, or person.

(2) The writ must be issued in all cases in which there is not a plain, speedy, and adequate remedy in the ordinary course of law.

“A writ of mandate is ‘an extraordinary remedy’ available in only ‘rare’ cases.” *Boehm v. Park City*, 2018 MT 165, ¶ 9, 392 Mont. 72, 421 P.3d 789 (citations omitted). “Mandamus is appropriate only when the public official involved is under a ‘clear legal duty’ to act.” *Richards v. Gernant*, 2020 MT 239, ¶ 19, 401 Mont. 364, 472 P.3d 1189 (citing *O'Brien v. Krantz*, 2018 MT 191, ¶ 8, 423 P.3d 572, 392 Mont. 265). “[T]he official act sought to be compelled cannot be a ‘discretionary function.’” *Id.*

M.C.A. § 1-38-205(1) requires county central committees to meet “prior to the state convention” and elect a presiding officer and vice presiding officers.

Current RCRCC bylaws require a convention for the purpose of organizing the committee to be held between February 1 and April 1 in each odd numbered year. *RCRCC Bylaws, Article IV*. This provides that an election for officers should be held by April 1, 2025.

As noted above, recent amendments to the State Republican Committee Bylaws state in relevant part:

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 of 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.”

...  
\* ”beginning December 1, 2026” is removed automatically after that date occurs  
*Rules of the Montana Republican Party, Adopted June 29, 2024, Sec. III (C).*

Mandamus is appropriate in this matter as there is a clear legal duty of the RCRCC to elect officers and representatives to the State convention. Without intervention, the duly elected precinct captains have no opportunity to fulfill their statutory duties to elect officers and select representatives to the State convention. Without intervention, the voters of Ravalli County are disenfranchised as their elected committeepersons are not free to act.

Respondent’s interpretation of State bylaws is in error. First, the bylaws are silent as to eliminating the required election to be held by April 1, 2025.

Second, the plain reading of the bylaws states the new time period to hold elections/conventions (December 1 of even years through March 31 of odd years) commences December 1, 2026. Akin to statutes with delayed effective dates (and the bylaws follow the form of such statutes by noting the “beginning December 1, 2026” is removed once that date is passed), when a delayed effective date is put in place, prior laws and rules stay in place until the effective date. While Respondent claims the RCRCC bylaws are in current conflict with this section of the State bylaws, this is not the case. The effective date of the new time frame to hold conventions is, as stated in the bylaws “beginning December 1, 2026”. Accordingly, the current

RCRCC bylaw which requires election/convention by April 1 of odd years is in full force and effect.

Third, the requirement that the State Chairman send notice of the requirement to hold the convention is not, as Respondent's state they are informed by state party agents, a prerequisite to holding a convention. The plain language of the bylaws is that the State Chairman has an affirmative duty to essentially remind county committees that the convention is required. It does not state that no convention may be held without the State permitting the convention to be held, and an interpretation to that effect is baseless.

Accepting Respondents' interpretation of the State bylaws' effect on current RCRCC bylaws serves to remove from current elected precinct captains the right to run for and elect officers and select representatives to the State convention. It also disenfranchises the voters of Ravalli County resulting in an infringement on their constitutional right to vote by nullifying their vote of the 2024 precinct captains.

Therefore, the relief requested by Petitioner is GRANTED. The Court issued a separate *Writ of Mandate* at the conclusion of the hearing.

*ELECTRONICALLY DATED AND SIGNED BELOW*

cc: Counsel of Record