

March 12th, 2019

Dear Chairman Lamm,

This report, respectfully submitted by the Rules Subcommittee of Mary McLaughlin, Jeff Essmann and Terry Nelson, is in response to a determination of validity of a rule request submitted to you on March 7th, 2019 by Roger Hagan of Cascade County, Montana. The request includes new rules adopted by the Cascade County Republican Central Committee Executive Board on February 5th, 2019. As noted in Mr. Hagan's letter, Section C.III.G of the Montana Republican Party Bylaws state that ***“Each County Central Committee may adopt its own rules of the determination of membership on its Executive Committee and the function of such committee”***. The same section goes on to include the following statement ***“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.”***

According to Mr. Hagan's letter, the section outlining a nominating committee for their county convention, as outlined under the Cascade County Republican Central Committee Bylaws, Article IV(B), which states ***“A nominating committee shall be appointed by the Chairperson and approved by the Board, at least sixty (60) days prior to the convention, which committee shall submit one or more nominees for each office to the convention. Executive Board nominations will continue to be handled by a nominating committee with one significant difference. At the County Convention when the proposed slate is announced, additional nominations, should there be any, will be made through a petition process and not from nominations from the floor. Petitions must be receive by email, or in person, to the Vice Chairman 30 days prior to the County Convention.”*** was amended at a February 5th, 2019 Closed Executive Board Meeting and has requested the Montana Republican Party to find the amendment invalid and unenforceable.

It is the opinion of this subcommittee that the Executive Board serves at the pleasure of the Committeemen and Committeewomen (which is also clearly outlined in the Cascade County Republican Central Committee Bylaws). The State

Bylaws only allow voting by Precinct Committeemen and Committeewomen. The Executive Board would be able to propose amended rules for the committee, however, the Executive Board could not, as non-voting members, adopt and enforce those rules on the Committeemen and Committeewomen, without the consent and a vote by the Committeemen and Committeewomen. The authority of the County Central Committee is clearly set forth in the State Party Rules Section III. County Central Committees Part 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. (emphasis added)

The power to amend the county rules can therefore NOT be delegated to the Executive Committee. It is therefore recommended that the Montana Republican Party determine that any changes made to the Cascade County Republican Central Committee Bylaws since the June 2018 primary election be null and void until such time as the Cascade County Republican Central Committee votes in the affirmative to the changes.