

STATE OF MICHIGAN	SUMMONS	CASE NO.
9th JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE		23 - 0169 CZ

Court address 201 W. Kalamazoo Ave Kalamazoo Mi 49007 **Court telephone no.** 2693838837

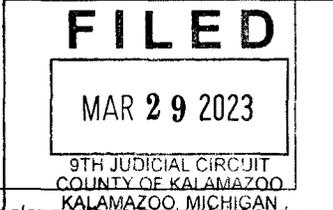
Plaintiff's name(s), address(es), and telephone no(s).
 Sabrina Pritchett-Evans 4925 Pepper Bush Ln
 Kalamazoo, Mi. 49004 2697204809

Kimberly Harris 579 Bay Meadow Trail
 Portage, Mi. 49024 2698304308

Plaintiff's attorney, bar no., address, and telephone no.
 James A Thomas (P80931)
 1925 Breton Rd Suite 250
 Grand Rapids, Mi 49506
 6167471188

v

Defendant's name(s), address(es), and telephone no(s).
 REPUBLICAN PARTY OF KALAMAZOO, STATE OF
 MICHIGAN (KGOP)
 KALAMAZOO GRAND OLD PARTY EXECUTIVE
 COMMITTEE (KGOPEC)
 KELLY SACKETT
 1911 W Centre Ave A, Portage, MI 49024
 2693230067



Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in this court, _____ Court, where it was given case number _____ and assigned to Judge _____.

The action remains is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 3-29-2023	Expiration Date JUN 28 2023	Court clerk <i>Kelise Wilson</i>
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO

SABRINA PRITCHETT-EVANS and KIMBERLY HARRIS
Plaintiffs,

CASE NO.: 23-0169 - CZ

v.

DIVISION:

REPUBLICAN PARTY OF KALAMAZOO COUNTY, STATE OF MICHIGAN (KGOP),
KALAMAZOO GRAND OLD PARTY EXECUTIVE COMMITTEE (KGOPEC),
and KELLY SACKETT
Defendants.

Attorney for Plaintiffs
James A. Thomas, Esq. P80931
1925 Breton Rd. Suite 250
Grand Rapids, Michigan 49506
(616) 747-1188

VERIFIED COMPLAINT
INJUNCTIVE RELIEF
IMMEDIATE DECLARATORY RELIEF
MANDAMUS

There is no other pending or received civil action arising out of the transaction or occurrence alleged in the verified complaint filed by Plaintiffs against Defendants. Plaintiffs, state as their verified complaint against Republican Party of Kalamazoo County, State of Michigan also known as Kalamazoo Grand Old Party (KGOP), Kalamazoo Grand Old Party Executive Committee (KGOP EC), and Kelly Sackett as follows:

GENERAL ALLEGATIONS

1. The KGOP EC is made up of 36 individuals, eighteen of the 36 are persons delegate elected by a super-majority of the duly elected Kalamazoo County Precinct delegates by statutory authority of MCL 168.599. This new slate began its two-year term on December 2, 2022 to serve as the new executive committee for the KGOP each of which are residents of Kalamazoo County, Michigan.

2.. Plaintiff Sabrina Pritchett –Evans is a resident of Kalamazoo County and ex-officio member of the KGOPEC as the chair of the Kalamazoo Republican Women's Association in Kalamazoo County. Any chair of a republican organization in Kalamazoo County is an ex-officio member of the Executive Committee according to the Republican Party of Kalamazoo, State of Michigan (KGOP) Bylaws amended March 2015.

3. Plaintiff Kimberly Harris is a resident of Kalamazoo County and a delegate elected member of KGOPEC.

4. Defendant, Republican Party of Kalamazoo County, State of Michigan (KGOP) is a political organization within Kalamazoo County, Michigan with its primary address 1911 W Centre Ave A, Portage, MI 49024.

5. Defendant Kelly Sackett is the current “chair” for KGOP through December 31, 2024 and is a resident of Kalamazoo County.

6. On or about December 2, 2022, the duly elected Kalamazoo County Precinct Delegates slated 18 members into the KGOPEC equal to the number of county offices and state legislative offices for which candidates were nominated at the last 2 preceding elections. County Offices and State Legislative offices nominated at the last 2 preceding fall primary elections are statutory members of the KGOPEC. Eighteen delegated elected KGOPEC members plus 18 statutory members of KGOPEC form a total of 36 members for the current KGOPEC. Immediately following the selection of members of the executive committee, including filling vacancies, the secretary of the county committee shall certify the names and addresses of the persons chosen to the county clerk who immediately shall notify each person chosen by authority of MCL 168.599. Within 30 days following the convening of the fall county convention, the EC, acting without the officers of that county committee, meet to select a temporary chair and secretary. The KGOPEC

met on or about December 12, 2022, and voted in permanent officers. The Defendant Kelly Sackett was voted in as Chair for the KGOPEC for the current two-year term.

7. The language of MCL 168.599 that enacts the definition of who makes up in part the entirety of the KGOP's EC states as follows: "...select a number of persons equal to the number of county offices and state legislative offices for which candidates were nominated at the last 2 preceding fall primary elections, who, together with the persons most recently nominated by the party for each of those offices shall constitute the executive committee of their party for that county." In Kalamazoo County there are 18 county offices and state legislative offices that are automatically members of the KGOPEC and those seats are to be matched by 18 delegate-elected persons who are residents of Kalamazoo County. Delegate-elected KGOPEC members are nominated and elected by the duly elected delegates to be members of the KGOPEC and are not by definition a nominated county officer or state legislator.

8. Under information and belief, three statutory members to the KGOPEC who were nominated to a county office or state legislative never took or vacated their position in the KGOPEC either as a result of moving outside of the county of Kalamazoo or by resignation. This left the statutory members in the KGOPEC at 15 members. This does not negate that the KGOPEC can still nominate and elect 18 delegate-elected members into the KGOPEC, which they did.

9. The second KGOPEC meeting was held on January 9, 2023, and those minutes are attached as Plaintiffs' Composite **Exhibit A** consisting of four pages. Starting on Page 3, the chair, Kelly Sackett stated, "Okay, so we are on to the nomination and election of the three open statutory seats that we have on the executive committee." A committee member, RJ Bregenzer, rose to a point of order stating, "Statutory positions, according to our bylaws, are not elected

positions.” Dr. Lloyd Peterson quoted that 3A and 6A of the KGOP Bylaws allowed for the statutory positions to be filled by their election. Discussion followed and a motion by the co-chair Charley Coss moved to fill the 3 open positions with another member who seconded the motion. Defendant Kelly Sackett, knowing that the KGOPEC Bylaws do not allow the KGOPEC statutory seats to be filled by election of the EC took a vote, which passed with 14 Ayes for filling the seats versus 9 nays against filling the seats. The motion passed and then it was tabled by vote until the next EC meeting that was held on February 13, 2023.

10. A vote to seat three precinct delegates into the statutory seats took place on February 13, 2023 at the regular monthly KGOP EC meeting. The three precinct delegates receiving the highest votes were Matthew DePerno, Corey Spencer and Joanne Weber. Each was voted into a statutory seat that none were eligible to be seated in. See Plaintiff’s Composite **Exhibit B** minutes (draft) of the February 13, 2023 KGOP EC meeting. This was a violation of MCL 168.599, Michigan Republican State Committee (hereafter MRSC) Bylaws as amended February 8, 2020, and the KGOP Bylaws as amended March 2, 2015.

11. Kelly Sackett, acting as the KGOP chair, breached her fiduciary duty, by knowingly moving forward with a vote for 3 precinct delegates as statutory members of the KGOPEC and then seating them as elected precinct delegates in a statutory seat contrary to MCL 168.599 and specifically Article XIII of the MRSC Bylaws. The Defendants have no authority under the KGOP Bylaws 3A or 6A to elect precinct delegates for statutory seats. Defendant Sackett further breached her duty by censoring and removing Plaintiff Harris as a member of the KGOPEC by returning her membership fees and accepting a motion from KGOPEC statutory member, Dr. Tamara Mitchell, to consider removing Plaintiff Harris as a delegate-elected member of the KGOPEC with a final vote for removal to be taken at the upcoming KGOPEC meeting

April 10, 2023. No notice was given to Plaintiff Harris that she was motioned to be removed from the committee and she found out on her own.

12. The prevailing law for the selection of the executive committee is MCL 168.599 Executive committee; selection by delegates to fall county convention in county with population of less than 1,500,000; replacement of former nominee; vacancy; appointment of officers; certification of names and addresses; temporary officers; proxy; county committee; delegates at large; vacancy in district delegation. The KGOP Bylaws govern the operation of the executive committee but does not give the EC the authority to replace empty statutory seats with elected delegates. The pertinent language of the law shall be bolded in the statute and Bylaws set out below.

Sec. 168.599.

“(1) In the year 1966 and every second year thereafter, the delegates to the fall county convention of each political party in each county in this state having a population of less than 1,500,000, **shall convene at the call of the county chairperson within 20 days following the November election to select a number of persons equal to the number of county offices and state legislative offices for which candidates were nominated at the last 2 preceding fall primary elections, who, together with the persons most recently nominated by the party for each of those offices shall constitute the executive committee of their party for that county. When a new nomination is made for an office, the nominee for which is entitled to serve as a member of the executive committee, the new nominee shall replace the former nominee as a member of the executive committee. If a vacancy occurs in the position of delegate-appointed member of the executive committee, the remaining delegate-appointed members shall fill the vacancy. Except as otherwise provided in this section...**”

The language of the statute is clear that the EC **shall** convene to select a number of persons **equal to the number** of county offices and state legislative offices. This language was clearly breached by the KGOPEC and Defendant Sackett who has seated precinct delegates into statutory seats that they are not entitled to be seated.

In looking at the language of the MRSC Bylaws, the same language follows the statute.

The Michigan Republican State Committee Bylaws (MRSC) in Article XIII subsection B, addresses the selection precinct delegate EC members are to match the statutory members of the new executive committee members at the post-election convention that was held in Kalamazoo County on December 2, 2022. Article XIII subsection B, states "...In even numbered years, the delegates to the fall county convention in each county except Wayne County, shall convene at the call of the county chairperson within thirty (30) days following the November election (the "Post-election Convention") **to select a number of persons equal to the number of county offices and state legislative offices for which candidates were nominated at the last two (2) preceding fall primary elections, who, together with the persons most recently nominated by the party for each of those offices shall constitute the executive committee for that county. A nominee for state legislative office shall be a nominee member of the county executive committee for each county which, in whole or part, comprises such nominee's state legislative district. Additionally, a person who is a Republican statewide officeholder shall be a member of the executive committee for the county in which such person resides during his or her term of office.**"

13. The authority that the KGOPEC is attempting to use to name three precinct delegates into three statutory positions is based on the KGOP Bylaw Section 3 written below.

3 – Membership

The membership of the Executive Committee shall be as follows:

A. Those persons who shall have been most recently nominated at the last two (2) preceding fall primary elections for county and state legislative offices in the fall elections of even numbered years. These persons shall be known as Statutory Members of the Executive Committee.

B. A number of persons, equal to the number of candidates of the Party for election to county

and state legislative office in Kalamazoo County, shall be selected by the precinct delegates to the Fall County Convention of the Party taking place in even-numbered years. These persons shall be known as Elected Members of the Executive Committee.

C. The President or Chairman of any Republican Organization in Kalamazoo County shall be an ex-officio, nonvoting member of the Executive Committee. The committee may appoint other ex-officio members by majority vote. Ex-Officio members shall have a voice on the Executive Committee, but not a vote.

In 3A above, the language follows both the statutory intent of MCL 168.599 and MIGOP bylaws Article XIII regarding how only nominated persons who were up for election for county and state legislative offices qualify as statutory members of the EC. In 3B it clearly defines that a number of persons equal to the number of “statutory members” must match and must be selected by the precinct delegates to be voted upon to become members of the EC, unlike the statutory members who get their positions automatically by their nomination of the Kalamazoo electorate. The Defendant Sackett, chair of the KGOPEC also relies on section 6 of the KGOP Bylaws that are reprinted here and state:

6 – Vacancies

A. If a vacancy occurs in the position of a Statutory Member of the Executive Committee and there is a special election held to fill the office, the vacancy may only be filled by the person who is the new Republican nominee for the office in question. If the office is filled by appointment and the new official is a member of the Party, he shall fill the vacancy and if an Elected Member, shall surrender this position.

B. If a vacancy occurs in the position of an Elected Member of the Executive Committee, the remaining Elected Members of the Executive Committee shall select a person to fill the vacancy

by majority vote, with a runoff if necessary. The committee members shall receive a minimum of ten (10) days notice prior to any vote to fill a vacancy.

The common sense reading of this section of the Bylaws clearly sets out that a vacancy of a statutory position can be filled by a special election to fill the office meaning that the people of Kalamazoo can fill a statutory seat and then the Bylaw states that the vacancy can be filled by the person who is the new Republican nominee for the office in question. The Bylaw gives no authority to the KGOPEC to run its own election to fill statutory seats with nominees as it did on February 13, 2023.

14. There is persuasive case law that was argued by the MRSC general counsel in the Macomb County case in regard to a similarly situated case where elected members have been removed from their positions as members of the EC. This is styled as Macomb County Republican Party, Eric Castiglia v Forton and Langer 22-1953-NZ in front of Judge Sabaugh in the 16th Circuit Court for Macomb County. This was done in a quo warranto action that will also be addressed in this current action via filing a motion with this complaint requesting permission from the court to file an amended complaint pursuant to the quo warranto rules MCR 3.306(B)(2) and (E). The Macomb County case order is attached for edification along with the trial brief and Court's order are submitted as Plaintiff's Composite **Exhibit C**.

15. The Defendant Kelly Sackett breached her fiduciary duties as an officer for the newly elected executive committee by violating not only state law MCL 168.599 but the MRSC Bylaws and KGOPEC Bylaws by filling statutory seats with precinct delegate members who had not been elected in any special election to become the nominee for the statutory seats that they were given by the KGOPEC. This was clearly done in an effort to pack the KGOPEC with more friendly votes toward the agenda of Defendant Sackett.

16. As a result of the breach of the KGOPEC and MRSC Bylaws, Defendant Sackett breached her fiduciary duties under the bylaws and common law depriving Plaintiff Harris of her position in KGOPEC and diluting her voting rights on items that only the precinct delegates get to vote upon, in this situation, a possible vacancy in the EC as a precinct delegate. Pursuant to MCL 168.599 her rights were stripped, without notice and due process of law, and without her consent, acting against her interests by having her removed from her duly elected positions that were certified by the Secretary of the County Committee.

17. Defendant Sackett unilaterally brought an unlawful action to the floor and took a vote, with her own interests at stake, without statutory or bylaw authority and with malice aforethought acted in a manner to strip the new duly delegate elected executive committee member of her elected office and all rights there-under and ultimately her placement into the KGOPEC. Should the Court not intervene this vote will take place on April 10, 2023.

18. The Defendants' KGOPEC and Kelly Sackett have slated on the April 10, 2023 agenda that they intend to remove at least three delegate-elected members of the KGOPEC. This was laid out in Defendant Sackett's Press Release put out by her on February 21, 2023 and reiterated with specific names on the KGOPEC website on March 1, 2023. The documents were published on KGOP letterheads signifying that they were coming from the authority of the Defendant chairperson, Kelly Sackett. These two documents are marked as Plaintiff's Composite **Exhibit D** two press releases. (Plaintiff Harris also received a letter in the mail dated March 14, 2023 from Defendant Sackett Re: Notice of vote to consider removal of an elected member from the EC on KGOP letterhead). The Defendant wrote in these press releases that the named Plaintiffs attended the February 17, 2023 Michigan Grand Old Party (MIGOP) State Convention District 4 on February 17, 2023 and voted in favor of a rule change that the Defendant states "diluted" the

delegates of the Kalamazoo. In part, the Defendant wrote in the press release that a delegate from Kalamazoo made a motion to set aside or amend Rule 9 of the District 4 rules for Kalamazoo County. There was discussion on this issue by the person who made the motion. That person stated before the convention that the motion was made because, the chair of KGOPEC, Kelly Sackett, unlawfully sat three delegates into statutory seats contrary to MCL 168.599 and the MRSC and KGOP Bylaws for which this verified complaint is being filed. A vote was taken on the request for special consideration for Kalamazoo County on Rule 9 based on this issue, specifically whether the chair, Kelly Sackett, unlawfully seated precinct-delegates into statutory seats. The Michigan Republican Party District 4 congregation of delegates voted by a 2/3rds vote to amend Rule 9 for Kalamazoo County. Rule 9 allows for individual counties to caucus and vote to nominate county delegates for District 4 committeepersons and executive office positions. The Amendment of Rule 9 allowed Kalamazoo county to nominate its nominees on the floor in front of the entire District 4 delegation instead of a private caucus. Only Kalamazoo County delegates nominated nominees for its position on the Michigan Republican Party District 4 committee. The entire District 4 delegation voted on each county's nominees upon presentation to the delegation. On February 19, 2023, Defendant Kelly Sackett sent a text message to all Kalamazoo County Precinct Delegates based on District 4 that stated in summary, a coup d'etat had been attempted. The Rule 9 amendment allowed other counties to vote on Kalamazoo County's allotted three District Executive Committees and 2 State Committee Seats. Effectually 174 delegates voted on these seats rather than just the 39 Kalamazoo delegates. However, approximately 174 delegates voted on each county's nominees because counties can only put forth nominees for District 4 seats for the full delegation's vote. This led to the Defendant to retaliate against 6 individuals, (9 in all), 3 of which are sitting EC

members with voting rights and one ex officio to the KGOPEC, Sabrina Pritchett-Evans. The Plaintiffs Kimberly Harris and Sabrina Pritchett-Evans were named in the press released distributed on the KGOP website linked to the February 21, 2023 press release. The Plaintiffs were censured and stripped of their membership for running what the Defendant called a coup d'etat. However, these two plaintiffs along with two other unnamed members only made up four votes of the 174 who voted to amend Rule 9 (2/3rds vote means at least 116 people voted to amend Rule 9) which was based on the unlawfulness of the Defendant placing her allies onto the KGOPEC into statutory seats where they do not have the standing to be by statute or by-law. The other two parties have refrained from this lawsuit out of fear of further retaliation. The censures were written and published defaming the Plaintiffs as a conspiracy theory to somehow overrun the KGOPEC.

19. The censures against both Plaintiffs state that they falsely stated the KGOP EC took an illegal vote on February 13, 2023 when the KGOP EC did in fact take a vote to seat three delegates into statutory positions contrary to MCL 168.599 and both the MRSC and KGOP Bylaws. The censures say that both Plaintiffs voiced their support of a hostile motion to set aside Rule 9 for the Kalamazoo County delegates and allow all 4th District counties to vote on and select Kalamazoo County delegate nominees. The Defendant Sackett has in fact chilled the rights of the Plaintiffs by censoring their voting rights under the guise that the Defendant's own illegalities led to the Plaintiffs voting in favor of a rule change. The censure continues to point the finger at both Plaintiffs by stating that their votes were a betrayal to her illegal seating of precinct delegates into statutory seats. These slanderous statements have appeared on the internet and have been distributed to their entire email list and to all the members in the KGOPEC, Kalamazoo County duly elected precinct delegates and KGOP membership with no

substantiation. It took at least 116 votes to overturn Rule 9 which was based on the exposure of the Defendant breaking the rules of the MRSC and KGOP Bylaws. It is foreseeable that the resulting defamation will lead to unjust harm to the plaintiffs by virtue of their status in the community, business, and in the Republican Party and future endeavors of serving the party as a result of the Defendant's slanderous remarks and execution of the censure. It is foreseeable that the resulting defamation will have long-standing affects and has already harmed Plaintiff Pritchett-Evans current business and future income. The censures are attached as composite **Exhibit E**.

20. As a result of the censures and the press releases, the Plaintiffs retained counsel to notify the KGOP and Kelly Sackett that she in fact maligned and defamed their names and character. A letter was sent via regular and certified mail and by email to retract their false statements by February 28, 2023 and to do so in the same manner their false statements were made, via press release. It also demanded that the delegates who were placed unlawfully into statutory seats be removed. This letter to mitigate damages went unanswered and this lawsuit ensued. See Attorney Letter to KGOPEC, KGOP and Kelly Sackett dated February 23, 2023 marked as Plaintiff **Exhibit F**.

21. The KGOP Bylaws relevant to the removal of a member are within section 7 of the KGOP Bylaws which are labeled Roles and Responsibilities of Executive Committee Members specifically sections D and E stated below.

D. Elected Members are subject to removal from the Executive Committee should they fail to fulfill the responsibilities of their office. These responsibilities include, but are not limited to attendance at regular monthly meetings, special meetings and sponsored events of the organization. Elected Members who are unable to attend a regular monthly or special meeting

have a responsibility to notify the Chairperson, or another officer of the Executive Committee of their inability to attend. Their failure to do so will be classified as an unexcused absence. Elected Members who have three consecutive unexcused absences, or six unexcused absences in a calendar year are subject to dismissal from the Executive Committee.

E. A motion to consider the removal of an Elected Member from the Executive Committee requires a two-thirds vote of the Elected Members present at a regular meeting of the committee. If the motion to consider removing an Elected Member is approved, a letter must be sent to the delegate informing him of the action taken, and the right to appear at the next regular meeting of the organization to appeal the action taken. Final approval to remove an Elected Member requires a two-thirds vote of the members present at the meeting held subsequent to the one where the motion to consider removing an Elected Member was approved.

Plaintiff Harris has one excused absence from a regularly scheduled meeting and there is no just cause presented for her removal. There has been no violation pursuant to these rules that Plaintiff Harris has committed to bring her up for a removal vote. There is no language in section E other than following section D's language that can subject a dismissal from the EC that states unexcused absences or not fulfilling the responsibilities of the office. The Defendant chair, Kelly Sackett, moved for censure ship of 3 elected members and one ex officio with no substantiation and based it on her beliefs that their votes undermined the KGOP EC when in fact, she was on notice by many delegates at the February 13, 2023 KGOP EC meeting that she could not seat precinct delegates into statutory seats.. The memberships to the KGOP were stripped and their yearly membership fee of approximately \$40.00 (some members have different prices for membership) was returned to each one. This too is in violation of the Bylaws and the due process rights afforded to these individuals by virtue of these bylaws.

22. The attached affidavits by the Plaintiffs verify that this complaint and its facts are sworn to under oath under the penalty of perjury. See Composite **Exhibit G** Affidavits.

23. Plaintiff Sabrina Pritchett-Evans also attempted to have her campaign video on the KGOP website. Plaintiff Evans announced her candidacy to run for Vice Chair of the Michigan Republican Party District 4 Committee on January 24, 2023. On February 7, 2023, the Plaintiff requested that the Defendants place her campaign video on the KGOP website. The candidate she was running against already had her campaign ad on the website. After three days of that request, the ad was still not on the website. The Plaintiff received confirmation from the Defendant that they were only putting up KGOP produced videos and were not sure about campaign finance issues with the FEC or State of Michigan. The Plaintiff inquired whether this was a decision made by the KGOPEC. The Defendant, Kelly Sackett, text the Plaintiff that she only inquired with a consultant but never followed up with a consultant name. Defendant Sackett reiterated that only KGOP produced videos would be placed on the KGOP website. The ad was never placed on the website. The Plaintiff later learned that another person who was in the office (to be named later) told her that Both the Defendant and her Vice-Chair Charley Coss were mocking the Plaintiff and the Defendant specifically stated that "If she thinks she is getting her video on our website she has another thing coming." The Plaintiff, Sabrina Pritchett-Evans is an African American and believes that the Defendant purposely kept her video off of the website due to her race in violation of the Elliott-Larsen civil Rights Act, discriminating and mocking her because of her race.

IMMEDIATE DECLARATORY RELIEF UNDER MCR 2.605

24. Under Michigan law, “whenever a litigant meets the requirements of MCR 2.605, it is sufficient to establish standing to seek a declaratory judgment.” *League of Women Voters v. Secretary of State*, 506 Mich 561, 585-586; 957 NW2d 731 (2020).

25. MCR 2.605(A)(1) states that, “in a case of actual controversy in its jurisdiction, a Michigan court of record may declare the rights and other legal relations of an interested party seeking a declaratory judgment.”

26. To show an actual controversy, the plaintiffs need only “plead and prove facts which indicate an adverse interest necessitating the sharpening of the issues raised.” *Lansing School Educational Association v. Lansing board of Education*, 487 Mich at 372 n.20; 792 NW2d 686 (2010).

27. Michigan’s appellate courts have consistently found that a plaintiff pleads an actual controversy where they allege that an invalid rule or illegal action jeopardizes their rights or interests. See *Lash v. Traverse City*, 479 Mich 180, 196-197; 735 NW2d 628 (2007) *UAW v. Central Michigan University Trustees*, 295 Mich App 486, 496-497; 815 Nw2d 132 (2012).

28. The Plaintiffs’ allege that the Defendants, violated MCL 168.599 and the cited bylaws above by taking a vote to seat precinct delegates into statutory seats, had no authority to do so, and used unilateral power as the chair of the KGOPEC to do so . After discussion with the members of the KGOPEC and being put on notice of the illegality contrary to Michigan Law 168.599, the Bylaws of MRSC and KGOPEC did so anyway.

29. MCR 2.605(D) states that a court may order a speedy hearing of an action for declaratory relief and otherwise advance it on the calendar. Because of the legal nature of the issues presented and the rights being deprived to the Plaintiffs, the Plaintiffs’ are seeking immediate

relief and an expedited hearing on these counts based on the allegations in the Verified Complaint.

30. Courts should use “common sense” when interpreting a statute, *Diallo v. Larrochelle*, 310 Mich App 411, 418; 871 NW2d 724 (2015); accord *Marquis v. Hartford ACC & Indem*, 444 Mich 638, 644; 513 22 NW2d 799 (1994), and should avoid absurd results, *People v. Pinkney*, 501 Mich 259, 266; 912 NW2d 535 (2018). In this case, although it is not a statute, it is MHSAA guidance that controls when transfers meet an exception under the rules.

31. The Defendants are violating the Plaintiffs’ rights by putting forth precinct delegates into statutory seats, censuring them for challenging their lawful votes in the State Convention, removing them without cause from membership by returning their membership fees, and potentially removing them when the KGOPEC meets to vote on April 10, 2023 from the EC. Their removal is also contrary to the KGOPEC Bylaws and there is no lawful basis to act on their removal. Plaintiff Harris is a sitting member of the EC and Plaintiff Evans is the ex officio of the KGOP EC with no voting rights in that committee.

32. The Defendant’s unlawful and unwarranted actions of voting in precinct delegates into statutory positions and censuring members for their vote are violations of their rights under the MCL 168.599 and MIGOP and KGOPEC Bylaws.

33. The Plaintiffs’ request emergency relief in this matter. Without further intervention of the Court, the Plaintiffs’ will suffer irreparable harm by being permanently removed from the KGOPEC, by the dilution of their votes by new members having voting rights as statutory members who were not nominated into those seats by the Kalamazoo electorate among other harms and unlawful precedent that the Defendants have ignored the law. The Plaintiffs have been denied the equal protection of the laws, the right to assembly and tortious interference in

the enjoyment of the lawfully elected rights that the people of Kalamazoo voted upon for their representation from their county and individual precincts. The electorate of Kalamazoo County did not vote for the precinct delegates who have been seated into the statutory positions and as such, they were not placed there by the will of the people, just the will of the Defendant Sackett.

COUNT I

JUDICIAL DECLARATION: MICHIGAN COMPILED LAWS 168.599

MRSC BYLAW ARTICLE XIII and KGOPEC BYLAW SECTION 7

34. Plaintiffs incorporate by reference paragraphs 1-33 as if fully stated herein.

35. (1) In the year 1966 and every second year thereafter, the delegates to the fall county convention of each political party in each county in this state having a population of less than 1,500,000, shall convene at the call of the county chairperson within 20 days following the November election to select a number of persons equal to the number of county offices and state legislative offices for which candidates were nominated at the last 2 preceding fall primary elections, who, together with the persons most recently nominated by the party for each of those offices shall constitute the executive committee of their party for that county. When a new nomination is made for an office, the nominee for which is entitled to serve as a member of the executive committee, the new nominee shall replace the former nominee as a member of the executive committee. If a vacancy occurs in the position of delegate-appointed member of the executive committee, the remaining delegate-appointed members shall fill the vacancy. Except as otherwise provided in this section, the executive committee may appoint the officers it considers proper to carry out the purposes of the committee, and may fill a vacancy in any of its offices.

36. The Defendants violated MCL 168.599 when they purposely ignored the statute and the MRSC and KGOP Bylaws by voting and seating precinct delegates into statutory seats that the statute clearly states cannot be done lawfully. Further MRSC Bylaw Article XIII follows the language of the statute that the statutory seats must be filled by nominated Republicans from their respective counties. KGOP Bylaws under section 3 also follow the same language. The Defendants have ignored the law and bylaws that detail how a statutory vacancy must be filled by a new nominee which will not occur until the next election cycle after primaries for 2024 or

there must be a special election for that particular seat which in this case, those positions were won by democrats and will not be available for a special election.

37. The Defendants, acted outside any actual authority of MCL 168.599, MRSC and KGOP Bylaws by holding an election to seat precinct delegates into statutory positions.

38. The Defendants have censored and are in a position to remove three elected KGOPEC members, one being Plaintiff Harris, a party to this lawsuit, based on a lawful vote cast by a member at the Michigan Republican State Convention and contrary to KGOPEC Bylaw section 7. Her removal is for retaliatory reasons only.

WHEREFORE, the plaintiffs request this Court issue an order declaring that

A. Under MCR 2.605, grant equitable relief and a declaratory judgment in favor of Plaintiffs.

B. Grant a declaratory judgment that Defendants violated Plaintiff's Michigan rights under MCL 168.599, MRSC BYLAW ARTICLE XII and KGOP BYLAW section 7.

C. Grant Plaintiff costs, expenses and attorney fees incurred for having to bring this action to protect the Plaintiffs' rights.

D. Grant compensatory, incidental, noneconomic, and punitive damages that a jury may find on any disputed facts.

E. Grant any other relief this Court deems just and proper.

COUNT II

JUDICIAL DECLARATION: MICHIGAN CONSTITUTION: ARTICLE 1 § 2 EQUAL

PROTECTION OF THE LAWS AND DUE PROCESS

39. Plaintiffs incorporate by reference paragraphs 1-38 as if fully stated herein.

40. The Defendants have censored and removed a delegate-elected EC member and ex officio from the KGOPEC for casting a lawful vote on the request for special consideration by

District 4 of Kalamazoo County with nominations from the floor that was cast based on the Defendants unlawful act of voting precinct delegates into statutory seats contrary to the relevant Michigan Statutes and Bylaws of both MRSC and KGOP.

41. Plaintiff's have been enjoined from being members of the KGOPEC as a result of the unlawful sanction of punishing a lawful vote.

42. Pursuant to the facts alleged in this verified complaint in the general allegations there is immediate irreparable harm, and loss to the plaintiffs that violates the Michigan Constitution, state law, and the relevant by laws of MRSC and KGOP. Any delay in this request will precipitate adverse action that the plaintiffs will never be able to recover from because their removal negates any further participation in this committee in the future.

43. The Defendants' had a fiduciary duty to the duly elected executive committee members including these plaintiffs and instead of realizing that the precinct delegates were unlawfully voted into the statutory seats, the KGOPEC and its chair censured them and have revoked their membership for casting a vote against their illegal actions.

44. The executive committee member and its ex officio (Plaintiffs), have been denied equal protection under the laws and rules set out by not only Michigan election statutes, but by the governing bylaws. The chair, who is also in a statutory seat, cast a vote for Plaintiff Harris that called for only delegate-elected votes to be cast because Plaintiff Harris does not hold a statutory seat contrary to KGOP Bylaws. The Defendant, Sackett has usurped the state laws and bylaws by denying equal protection to Plaintiff Harris.

45. Based on the general allegations that the Defendant has used her position of power to call for a vote for seating of precinct delegates and censure ship, the plaintiffs seek declaratory and injunctive relief to refrain the Defendant from being able to take a vote on the removal of the members in this verified complaint or any other member not named in a similar circumstance.

WHEREFORE, the plaintiffs request this Court issue an order declaring that

- A. Under MCR 2.605, grant equitable relief and a declaratory judgment in favor of Plaintiffs.
- B. Grant a declaratory judgment that Defendants violated Plaintiffs; Michigan Constitutional rights.
- C. Grant Plaintiffs' costs, expenses and attorney fees incurred for having to bring this action to protect the plaintiffs' rights.
- D. Grant compensatory, incidental, noneconomic, and punitive damages that a jury may find on any disputed facts.
- E. Grant any other relief this Court deems just and proper.

COUNT III

JUDICIAL DECLARATION: MICHIGAN CONSTITUTION: ARTICLE 1 § 3

ASSEMBLY, CONSULTATION, INSTRUCTION, PETITION

- 46. Plaintiffs incorporate by reference paragraphs 1-45 as if fully stated herein.
- 47. The Defendants have violated Plaintiffs rights to assemble without due process and with malice aforethought to revoke their right to partake in the KGOPEC that they were duly elected and certified by the Kalamazoo Clerk of Court, thus denying them the ability to assemble as committee members recognized by MRSC Bylaw Article XIII (B).
- 48. As a result of Defendants bad acts, Plaintiffs' have been enjoined from being recognized as duly elected members of the KGOPEC contrary to the law and election statutes and in violation of their due process rights under the Constitution of Michigan's right to assemble as a body. These individual Plaintiffs casted lawful votes during the State Republican Convention based on their conscience and were duly censured and removed as members as a result of their right and freedom to cast their votes. As a result, they were slandered and defamed as a coup

d'etat and called liars by way of the KGOPEC and its chair, Defendant Sackett naming them specifically and accusing them of making false statements when in fact, the Plaintiffs made correct statements based on Michigan Statutes and the pertinent bylaws. This specifically pertains to precinct delegates being illegally voted into statutory seats.

49. Pursuant to the facts alleged to in this Verified Complaint in the general allegations there is immediate irreparable harm, and loss to the plaintiffs that violates the Michigan Constitution, state law, and the relevant bylaws of MRSC and KGOP. Any delay of this request will precipitate adverse action that the plaintiffs will never be able to recover from because their removal from the KGOPEC is itself a retaliation and permanent by the KGOPEC and its chairperson.

50. The Defendants had a fiduciary duty under common law and the MRSC and KGOP Bylaws to the Plaintiffs who were duly elected executive committee members pursuant to MCL 168.599 and instead defamed, censured and motioned for their dismissal from the KGOPEC as a retaliation not supported in the law or the pertinent bylaws.

51. The Plaintiffs have been denied the right to assemble under the laws and rules set out by not only Michigan election statutes, but by the governing bylaws and by the MICHIGAN CONSTITUTION: ARTICLE 1 § 3. The Defendants unilaterally used their power of position to usurp the rights of the elected executive committee members by having them removed from their general meetings, stricken of membership, membership fees returned and warned that they would be arrested for trespassing if they came back on to the KGOPEC property.

52. Based on the general allegations that the Defendants used their position of power to revoke the Plaintiffs membership status, the Plaintiffs' seek declaratory and injunctive relief to refrain the KGOPEC from being able to revoke membership, vote to remove the members based on their lawful votes at the Michigan Republican State Convention or to do any further damage to their reputations from their false press releases.

WHEREFORE, the plaintiffs request this Court issue an order declaring that

- A. Under MCR 2.605, grant equitable relief and a declaratory judgment in favor of Plaintiffs.
- B. Grant a declaratory judgment that Defendant violated Plaintiffs' Michigan Constitutional rights.
- C. Grant Plaintiff costs, expenses and attorney fees incurred for having to bring this action to protect the plaintiffs' rights.
- D. Grant compensatory, incidental, noneconomic, and punitive damages that a jury may find on any disputed facts.
- E. Grant any other relief this Court deems just and proper.

COUNT IV

MANDAMUS

53. Plaintiffs' incorporate by reference paragraphs 1-52 as if fully stated herein.

54. Although mandamus cannot be used to compel an outcome, mandamus is properly employed to require a body or an officer charged with a duty to take action in the matter, notwithstanding the fact that the execution of that duty may involve some measure of discretion. *Teasel v. Department of Mental Health*, 419 Mich 390, 410; 355 NW2d 75 (1984).

55. So while the Defendants have ignored the rule of law MCL 168.599, the MRSC and KGOP Bylaws to vote on precinct delegates to take statutory seats contrary to all of the rules provided herein, in violation of fiduciary duties pursuant to law and under MCL 168.599, and the MRSC and KGOP Bylaws and willfully and with malice exercised a chairperson's authority to conduct a vote to do so, the Plaintiffs move for mandamus.

56. Being that Defendant Sackett demonstrated infidelity to duties and obligations as the chairperson, and now has members being removed from duly elected positions based on her

retaliation tactics breaching the trust, dignity and fiduciary duties of her position Plaintiffs' seek mandamus for:

A. To have Defendant Sackett remove the unlawful precinct delegates from their positions in statutory seats in the KGOPEC which rightfully belong to nominees who are elected to county and legislative state seats.

B. Plaintiff's further seek the Court to order that the KGOPEC cannot lawfully vote to remove members for casting a lawful vote during the Michigan Republican State Convention. The KGOP EC and its chairperson do not have the power to manipulate and groom members to vote pursuant to their wants and needs.

C. That the Court orders that KGOPEC cannot take a lawful vote to remove its members on April 10, 2023 based on the language of Section 7 of the KGOP Bylaws.

COUNT V

BREACH OF FIDUCIARY DUTY

57. Third Party-Plaintiffs incorporate by reference paragraphs 1-56 as if fully stated herein.

58. At all times relevant to this litigation, Defendant Sackett owed a common law and other fiduciary duties to the individual members of the KGOPEC through her position as chairperson of the KGOPEC, having legal obligations to uphold the statutory rights and will of the Kalamazoo County Republican delegates exercised under MCL 168.599, to recognize that each person in that committee has individual rights including the right to vote their conscience. Further, the KGOPEC body recognized that the Defendant was breaching and usurping the rule of law when Sackett put up a vote to elect precinct delegates to statutory seats, a clear violation of the law under MCL 168.599, and both the MRSC and KGOP Bylaws. The Defendant ignored these rules and did so anyway in breach of her fiduciary duty. This breach of her duty escalated

when it came time for the Michigan Republican State Convention when a motion was floored and explained to the delegates who voted upon the news that the chair of Kalamazoo breached her duty by seating precinct delegates into statutory seats. This led to a vote being taken that in essence amounted to the Republican delegate who voted upon that motion to understand that this chairperson violated the law and bylaws voting to amend Rule 9. In part, Rule 9 states that “The District shall hold nominations and vote to fill those unfilled seats. The county shall have the right to reject any nominees they feel will not represent their county properly.” As part of that vote, it is apparent the delegates did not have trust in the KGOPEC chair and took away valuable voting rights based on the mistrust. This resulted in the Defendant pointing the finger at 4 people who were only a small fraction of the voters who voted to amend Rule 9. In conclusion, the Defendant did this to herself by not following the law. The general counsel from MRSC, Dan Hartman, Esquire, will be supplementing this verified complaint with an opinion that corroborates the Defendants breach of following the statutes and bylaws spread out across this complaint.

59. An Article presented by Vincent R. Johnson (hereafter VJ) cited as Vincent R. Johnson, The Fiduciary Obligations of Public Officials, 9 ST. MARY'S J. ON LEGAL MALPRACTICE & ETHICS 298 (2019) on The Fiduciary Obligations of Public Officials is being used as an abstract to show that Defendant Sackett in fact, also at common law, had a fiduciary duty to KGOP EC and to not use her position to retaliate against these members of the KGOPEC. VJ writes, “At various levels of government, the conduct of public officials is often regulated by ethical standards laid down by legislative enactments, such as federal or state statutes or municipal ordinances. These rules of government ethics are important landmarks in the field of law that defines the legal and ethical obligations of public officials. Such provisions can form the

basis for the kinds of government ethics training that helps to minimize wrongful conduct by public servants and reduces the risk that the performance of official duties will be clouded by appearances of impropriety. Codified government ethics rules also frequently provide mechanisms for the investigation of charges of misconduct, and for the enforcement of ethical standards through criminal penalties and other sanctions. However, codified government ethics rules vary widely in quality and scope. Such provisions are often incomplete, poorly drafted, and weakened by legislative compromises made during the adoption process. This article argues that, notwithstanding the proliferation and usefulness of government ethics codes, common law fiduciary-duty principles continue to play an important role in shaping the law of government ethics. Regardless of whether specific rules of government ethics have been adopted, public officials have a broad fiduciary duty to carry out their responsibilities in a manner that is faithful to the public trust that has been reposed in them. The duties of public officials may extend beyond minimal compliance with codified ethics rules. Even if no ethics code has been adopted, or if no code provision is on point, public officials must act in a manner that comports with their common law fiduciary-duty obligations. Government ethics laws, criminal provisions, 299 and other legislative enactments should be interpreted and applied in light of the demanding loyalty obligations that are imposed on public officials as fiduciaries.”

60. The Defendants’ negligently breached that fiduciary duty on more than one occasion, namely by ignoring the plain language of MCL 168.599 and the pertinent bylaws regarding the election of precinct delegates into statutory provisions. As a result of the breach of fiduciary duty, by KGOPEC and chair Defendant Sackett, the defendants placed the blame on sitting members of the KGOPEC who objected to EC members electing precinct delegates into statutory seats at their regular meeting. Defendant Sackett overruled those objections and moved forward

with a vote that was contrary to the laws of the state and the bylaws of their institution. Such breaches were the actual and proximate cause of harm to these members, being that Defendant Kelly Sackett stripped the delegates of their votes by not following the law and usurping MCL 168.599 and relevant bylaws. The reality of the vote to amend Rule 9 at the Michigan Republican Party State Convention District 4 was that only 4 votes were cast by these 4 members who lawfully voted their conscience. The motion to amend Rule 9 required 2/3^{rds} vote of District 4 delegation. Of the 174 eligible people to vote on this issue, over 116 voted to amend, winning the vote by over 2/3rds.

61. Accordingly, Defendants' are liable in damages to the Plaintiffs in excess of \$25,000.00, the exact amount to be proven at jury trial, arising out of the Defendants' negligent breach of her fiduciary duty to the Plaintiffs.

WHEREFORE, the plaintiffs request this Court issue an order that

- A. Grant Plaintiffs' costs, expenses and attorney fees incurred for having to bring this action to protect the plaintiffs' rights.
- B. Grant compensatory, incidental, noneconomic, and punitive damages in excess of \$25,000.
- C. Grant any other relief this Court deems just and proper.

COUNT VI

TORTIOUS INTERFERENCE

62. Plaintiffs incorporate by reference paragraphs 1-61 as if fully stated herein.

63. The actions taken by the Defendants were premised on an unlawful act, being a violation of statute, governing bylaws, and her fiduciary duties, such conduct also being extreme and outrageous such as it leading to the KGOPEC being stripped of its voting power during the Michigan Republican State Convention District 4. This also led to the Plaintiffs being stripped

of their membership into the KGOPEC, all in violation of the Defendants' various obligations and fiduciary duties under the law.

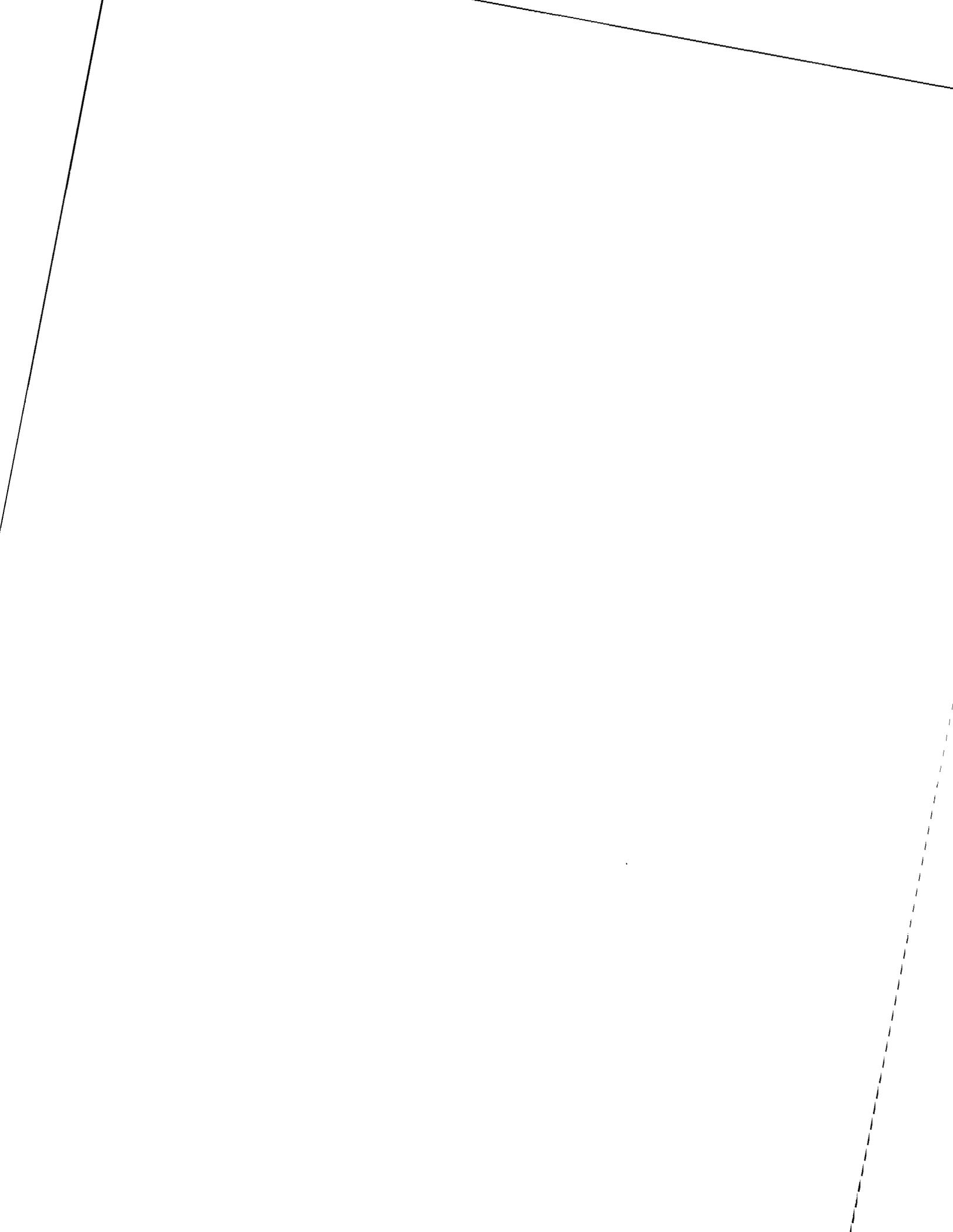
64. The Defendants' had a fiduciary duty to all of the members of the KGOPEC to follow the law and to act in their best interests.

65. The Defendants willfully, purposely, and with malice aforethought violated MCL 168.599 and both the MRSC and KGOP Bylaws contrary to their interests and were identified to the delegates at the Michigan Republican State Convention District 4 as being usurpers of the law, leading to a retaliation and defamation of the Plaintiffs to be removed from office with censure.

66. The Defendants' breached the trust and dignity of the Plaintiffs by retaliating against their lawful votes and conscience, putting out a negative and false press release and removing the Plaintiffs membership from the KGOPEC.

67. The Defendants' interfered with the member's rights to vote their conscience and were befuddled that the rest of the Michigan Republican State Convention District 4 delegates voted to amend rule 9 and strip the voting rights from Kalamazoo County delegates. This resulted in retaliatory tactics, a false press release and an attack on character for members who voiced their opinion as to the chairperson putting up a vote to seat precinct delegates into statutory seats.

68. The Defendants purposely violated the law (MCL 168.599) ignored the members who voted against the seating of precinct delegates into statutory seats and then chided them for expressing their objection at the state convention. The retaliation by the Defendants against the Plaintiffs to properly assemble, have a voice, have a vote has been removed because they wanted the Defendant to follow the law and she has now enjoined them from being members and tortuously interfering in their right to be sitting members.



WHEREFORE, the plaintiffs request this Court issue an order that

- A. Grant Plaintiffs' costs, expenses and attorney fees incurred for having to bring this action to protect the Plaintiffs' rights.
- B. Grant compensatory, incidental, noneconomic, and punitive damages in excess of \$25,000.
- C. Grant any other relief this Court deems just and proper.

COUNT VII

MCL 600.2911 ACTION FOR LIBEL OR SLANDER

69. Plaintiffs incorporate by reference paragraphs 1-68 as if fully stated herein.

70. Plaintiffs' allege that KGOP, and KGOP EC vicariously through their chairperson Defendant Sackett defamed them with false propaganda via a mass text message and also in a press release published February 21, 2023 and republished the same on their website, naming them individually as members of the KGOPEC and not private citizens on March 1, 2023. They were then publicly censured and labeled as giving false statements (lying) marring their character and reputations not only as members of the Republican GOP but as to members of the committee KGOPEC, Kalamazoo County Community and business relationships. As elected members of their respective positions in the EC and District 4, their reputations have been tarnished bringing unwanted fame for their lawful actions at the Michigan State Republican Convention. The Defendants published this material knowing it was false and with reckless disregard as to its veracity. The documents were published on KGOP letterhead signifying that they were coming from the authority of the Defendant chairperson, Kelly Sackett.

71. Doing a simple Google search of the Plaintiffs' names pulls these negative and false accusations to light and it is foreseeable that any future endeavors to run for elected office within

the Republican Party or current and future business activities will bring light to the tainted reputation that the KGOPEC and Defendant Sackett intentionally meant to do.

72. The specifics of libel and slander are within the general allegations. Namely, the press releases were written to finger the Plaintiffs as the whistleblowers who voted for a Rule 9 amendment during the state convention. The Defendant Sackett knowingly and purposely floored a vote to seat precinct delegates into statutory seats contrary to MCL 168.599 and both the MRSC and KGOP Bylaws. By doing this, a motion was asked for during the state convention to vote upon the rogue acts of the Defendant Sackett who as acting chair of the KGOPEC illegally floored the vote to seat persons not eligible to sit in statutory seats in the KGOPEC. Composite Exhibits D and E are incorporated by reference as the documents of the libel perpetrated by the Defendants to tarnish their character and reputations within the Republican Party. Exhibit F is incorporated as the demand letter to retract the false accusations.

73. Sec. 600.2911 reads as follows:

(1) Words imputing a lack of chastity to any female or male are actionable in themselves and subject the person who uttered or published them to a civil action for the slander in the same manner as the uttering or publishing of words imputing the commission of a criminal offense.

(2)(a) Except as provided in subdivision (b), in actions based on libel or slander the plaintiff is entitled to recover only for the actual damages which he or she has suffered in respect to his or her property, business, trade, profession, occupation, or feelings.

(b) Exemplary and punitive damages shall not be recovered in actions for libel unless the plaintiff, before instituting his or her action, gives notice to the defendant to publish a retraction and allows a reasonable time to do so, and proof of the publication or correction shall be admissible in evidence under a denial on the question of the good faith of the defendant, and in mitigation and reduction of exemplary or punitive damages. For libel based on a radio or television broadcast, the retraction shall be made in the same manner and at the same time of the day as the original libel; for libel based on a publication, the retraction shall be published in the same size type, in the same editions and as far as practicable, in substantially the same position as the original libel; and for other libel, the retraction shall be published or communicated in substantially the same manner as the original libel.

(3) If the defendant in any action for slander or libel gives notice in a justification that the words spoken or published were true, this notice shall not be of itself proof of the malice charged in the complaint though not sustained by the evidence. In an action for slander or for publishing

or broadcasting a libel even though the defendant has pleaded or attempted to prove a justification he or she may prove mitigating circumstances including the sources of his or her information and the ground for his or her belief. Damages shall not be awarded in a libel action for the publication or broadcast of a fair and true report of matters of public record, a public and official proceeding, or of a governmental notice, announcement, written or recorded report or record generally available to the public, or act or action of a public body, or for a heading of the report which is a fair and true head note of the report. This privilege shall not apply to a libel which is contained in a matter added by a person concerned in the publication or contained in the report of anything said or done at the time and place of the public and official proceeding or governmental notice, announcement, written or recorded report or record generally available to the public, or act or action of a public body, which was not a part of the public and official proceeding or governmental notice, announcement, written or recorded report or record generally available to the public, or act or action of a public body.

(4) A person against whom a judgment is recovered for damages arising out of the authorship or publication of a libel is entitled to recover contribution in a civil action from all persons who were originally jointly liable for the libel with the defendant or defendants, whether joined as defendants or not, to the same extent as and with the same effect that joint sureties are liable to contribute to each other in cases where they are sureties on the same contract. If the libel has been published in a newspaper, magazine, or other periodical publication or by a radio or television broadcast, the servants and agents of the publisher or proprietor of the periodical or radio or television station or network, and the news agents and other persons who have been connected with the libel only by selling or distributing the publication containing the libel and who have not acted maliciously in selling or publishing the libel, shall not be required to contribute and shall not be taken into account in determining the amount that any joint tortfeasor is required to contribute under the provisions of this section. If the author of the libel acted maliciously in composing or securing the printing or the publication of the libel and the printer, publisher, or distributor of the libel acted in good faith and without malice in printing and publishing the libel, the author of the libel is liable in a civil action to that printer, publisher, or distributor for the entire amount of the damages which are recovered against and paid by that printer, publisher, or distributor.

(5) In actions brought for the recovery of damages for libel in this state, it is competent for the defendant or defendants in the action to show in evidence upon the trial of the action that the plaintiff in the action has previously recovered a judgment for damages in an action for libel to the same or substantially the same purport or effect as the libel for the recovery of damages for which the action has been brought, or that the plaintiff in the action has previously brought an action for the libel or has received or agreed to receive compensation for the libel.

(6) An action for libel or slander shall not be brought based upon a communication involving public officials or public figures unless the claim is sustained by clear and convincing proof that the defamatory falsehood was published with knowledge that it was false or with reckless disregard of whether or not it was false.

74. Plaintiffs assert that the Defendants violated the statute by printing falsehoods. The Defendants were given an opportunity to correct the effort by certified mail demanding a

retraction of the press releases and to publish a new press release with a correction of the facts.

The Defendants did not respond either by self-representation or through legal representation.

WHEREFORE, the plaintiffs request this Court issue an order that

A. Grant Plaintiffs' costs, expenses and attorney fees incurred for having to bring this action to protect the Plaintiffs' rights.

B. Grant compensatory, incidental, noneconomic, and punitive damages in excess of \$25,000.

C. Grant any other relief this Court deems just and proper.

COUNT VIII

ELLIOT -LARSEN CIVIL RIGHTS ACT

ACT 473 OF 1976 AS TO PLAINTIFF EVANS ONLY

75. Plaintiffs incorporate by reference paragraphs 1-74 as if fully stated herein.

76. Plaintiff Sabrina Pritchett-Evans is an African American and the current ex officio of the KGOPEC. Plaintiff Sabrina Pritchett-Evans attempted to have her campaign video on the KGOP website. Plaintiff Pritchett-Evans announced her candidacy to run for District 4 Vice Chair of the Michigan Republican Party on January 24, 2023. On February 7, 2023, the Plaintiff requested that the Defendants place her campaign video on the KGOP website. The candidate she was running against already had her campaign ad on the website. After three days from that request, the ad was still not on the website, however, her opposition's campaign ad was placed on the website. The Plaintiff received confirmation from Defendant Sackett that they were only putting up KGOP produced videos and were not sure about campaign finance issues with the FEC or State of Michigan. The Plaintiff inquired whether this was a decision made by KGOPEC. The Defendant texted the Plaintiff that she only inquired with a consultant. Plaintiff asked for the name of the consultant but was not given the name and the campaign video was

never placed on the website. The Plaintiff later learned that another person who was in the office (to be named later) told her that both the Defendant and her vice-chair Charley Coss were mocking the Plaintiff and Sackett specifically stated that "If she thinks she is getting her video on our website she has another thing coming." The Plaintiff, Sabrina Pritchett-Evans is an African American and asserts that the Defendant purposely kept her video off the website due to her race in violation of the Elliott-Larsen Civil Rights Act, discriminating and mocking her because of her race.

77. Section 37 of the Elliot-Larsen Civil Rights Act applicable is as follows:

37.2302a States: Applicability to private club. Sec.302a. (1) This section applies to a private club that is defined as a place of public accommodation pursuant to section 301(a). (2) If a private club allows use of its facilities by 1 or more adults per membership, the use must be equally available to all adults entitled to use the facilities under the membership. All classes of membership shall be available without regard to race, color, gender, religion, marital status, or national origin. Memberships that permit use during restricted times may be allowed only if the restricted times apply to all adults using that membership.

37.2301 Definitions. Sec. 301. As used in this article: (a) "Place of public accommodation" means a business, or an educational, refreshment, entertainment, recreation, health, or transportation facility, or institution of any kind, whether licensed or not, whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the public. Place of public accommodation also includes the facilities of the following private clubs: (i) A country club or golf club. (ii) A boating or yachting club. (iii) A sports or athletic club. (iv) A dining club, except a dining club that in good faith limits its membership to the members of a particular religion for the purpose of furthering the teachings or principles of that religion and not for the purpose of excluding individuals of a particular gender, race, or color. (b) "Public service" means a public facility, department, agency, board, or commission, owned, operated, or managed by or on behalf of the state, a political subdivision, or an agency thereof or a tax exempt private agency established to provide service to the public, except that public service does not include a state or county correctional facility with respect to actions and decisions regarding an individual serving a sentence of imprisonment.

78. Defendant Sackett, under the authority as chairperson for the KGOP EC purposely and with intention disallowed the Plaintiff an accommodation on the KGOP website while allowing her opponent full usage. Under information and belief, the Plaintiffs opponent was also a

minority, however an independent witness reported to the Plaintiff that the Defendant further mocked the Plaintiff and refused a similar accommodation believing it to be race based.

A. Grant Plaintiffs' costs, expenses and attorney fees incurred for having to bring this action to protect the Plaintiffs' rights.

B. Grant compensatory, incidental, noneconomic, and punitive damages in excess of \$25,000.

C. Grant any other relief this Court deems just and proper.

WHEREFORE, the Plaintiffs request that this Court set a trial by jury to seek damages to the Plaintiffs, issue declaratory relief, mandamus and injunctive relief.

DEMAND FOR JURY TRIAL

The Plaintiffs hereby demand a trial by jury for all issues so triable.

Dated this 29th day of March 2022.

Respectfully Submitted,

/s/James A. Thomas
JAMES A. THOMAS, ESQUIRE
1925 Breton Rd. SE
Suite 250
Grand Rapids, Michigan 49506
(616) 747-1188
MBN P80931
Attorney for Plaintiffs

PLAINTIFFS'

EXHIBIT A

January 9, 2023 Minutes from the KGOP EC



Minutes of the KGOP EC meeting Jan 9, 2023. Submitted by Kathleen Olmsted-Secretary

A regular meeting of the **Executive Committee of the Republican Party of Kalamazoo County** was held on January 9th, 2023 at the Kalamazoo GOP office, 1911 W. Centre Ave. Portage, MI 49002.

Attendance Present: Jason Mikkeltorg, Kathleen Olmsted, Brian Kincaid, Janet Quiring, Dan Koshelnyk, David Stevens, Tony Lorentz, Jamie Swafford, Veronica Pero, RJ Bregenzer, Roger McMillan, Emily Crawford, Nicole Wagner, Carrie Prendergast, Dr. Lloyd Peterson, Dennis Kehoe, Dr. Tamara Mitchell, Kelly Sackett, Terry Haines, Nicole Sabel, Charley Coss, Pete Strazdas, John Gisler, Wendy Mazer, Ronald Austin

Excused: William Bennet. Kim Harris, Thomas Albert, Sarah Lightner, Matt Hall, Mary Balkema, Gary Hahn, Jeff Hepler, Tom Graham

Guests:

See Attache Guest Signin list

The meeting was called to order at 7:06 pm.

Chairwoman Kelly Sackett called the meeting to order at 7:05. A quorum was present.

Dr. Tamara Mitchell gave the Invocation. Kathleen Olmsted gave the Pledge of Allegiance.

Minutes need updating from December. Kathleen Olmsted updated.

Agenda amended. Dan Koshelnyk motioned to adopt the agenda & Jason Mikkeltorg 2nd. Agenda adopted as amended.

Remarks from the New Chairperson:

Kelly Sackett talked about mission, vision & goals. Various Committees. Generate more members & more funds. Went over our mission of the by-laws. Focus on townships, rural areas, create task force. Precinct Captains. Be more specific by precinct & target accordingly.

Elected Officials:

Renk: Minority leader, Matt Hall still focusing on tax cuts, bring new business. Pushing for safer communities. Joe Tate: speaker . Infighting within democrat party. Wednesday is the new session.

Ben McLeod: Bill Huizenga is happy to be sworn in. Over 200 republicans in office. Subpeona the IRS.

Bill wants to be on financial services committee. Watchdog over the IRS. Overlooking crypto currency. Term limits bill. Still looking for a location for Bills new office.

John Gisler: John Taylor elected chair- Tamy Rey elected vice chair. Jeff Hepler is now vice chair pro tem.

Jeff will watch finances diligently & trying to eliminate stuff that doesn't pertain to our county.

Wendy Mazer- Seconded everything John Gisler said.

Emily Crawford gave brief schoolboard info.



Jason Mikkeltorg. Road Commissioners should not be elected. Constituent found a rail road car buried with a bunch of barrels of oil next to the portage creek.

Dan Koshelnyk – making a motion to abolish Fred Upton- admonish him. He's not trustworthy and should not hold public office ever again. *Tony Lorentz* said to leave Fred alone- he's retired.

Dr. Lloyd Peterson said we should leave it alone- why acknowledge his behavior – we did censor Fred.

we do nothing unless Fred seeks an office. John Gisler agreed

Jamie Swafford said the 6th district already sent Fred Upton a letter

Pete Strazdas agreed with Dr. Loyd Peterson & John Gisler. Jason Mikkeltorg 2nd the motion

Motion on the floor – if Fred Upton makes any type of move we will send letter – kick the sleeping dog. The Ayes have it.

Old business: Convention & Nominating Committees County Convention.

Vice Chair proposed for the 4th District Caucus to meet in 6 groups for the purpose of electing delegates and alternates for the State Convention. They would bring the results for the 4th district as a whole to vote on the proposed slate. The 5th district would similarly meet as a single caucus.

The proposed plan would have 5 in the 5th & 39 in the 4th district. Break caucuses into cities or contiguous regional areas. Richland=7. Oshtemo=5. Pavillion=6. Texas Twp=5, Kalamazoo=7 Portage=9. Caucus would choose their own chair, secretary and how the nominate Delegates. An equal number of alternates would be selected.

Dr. Lloyd Peterson so moved to adopt the Vice Chairs plan. Roger McMillan 2nd the motion.

The motion was amended to add a method rank the Alternates - Drawing out of a hat for the alternates.

There was a unanimous vote for adoption.

New Business:

New Budget: *Ron Austin*- Fixed expenses=rent, website, phone etc.... those are fairly straight forward.

They're easy to budget. I know that we have fundraisers, I'm looking for all of you in terms of your ideas as relative to me as to what you think we should do and how we should all those Committees. are going to have to come up with what you want to do for setting goals & get ideas from all the Committees on how to fundraise, increase membership.....

Dr. Lloyd Peterson brought up by-laws that you need to pay by February 1. Per the bylaws just for this group here. I know, it's kind of set up how people pay their membership dues throughout the year.

However, as the executive committee voting member, your dues must be paid by February 1. So anybody who's an executive committee, make sure you have your payments in before February 1

Terry Haines: Fundraising people should give # to Candidates, not use your membership b/c they don't trust leadership. I think it's a lot more effective for people to use their money on the individual candidates, ones that they really believe in. And that I just go back to the fact that even in the Republican Party, a lot of Republicans don't trust the Republican leadership right now.

Kelly Sackett: It's a running 12. In the past, we used to do in January, you had to pay again, pay every January. But then if people signed up in June, to expect them to pay in January, it should be a running 12 months.



Charley Coss: But to the point this needs to get rolled into the bylaws properly. Even though it's on our it was voted for at the committee, we need to update the bylaws reflect that. And then during this process, we're going have people sign up that we're working on the bylaws so that in the next couple of months, probably March, maybe we will have a point where we might be able to bring them to the table. So, it takes a process. There is a notice period, there's a working period, and then we have to bring it back. And then there may be changes that the executive committee wants. So, it could be April before we see the bylaws change.

Tony Lorentz: But it says you have to do a membership in here.

CharleyCoss: I think he's referring to the fact that our membership dues add to the kitty. And in the past we've put money out the executive committee towards candidates.

Terry Haines: I got a feeling that's what the problem is. People don't want to pay membership.

Charley Coss: Question on the treasurer, is there a way to separate out the Operating expenses from a political donations and operations? *Ron Austin:* yes. *Charley Coss:* Okay. So, if you talk to the Treasurer, membership fees go towards the operations only.

Kelly Sackett: Yeah. A membership committee can work on making membership cards and anything else.

Kelly Sackett swore in Ron Austin/treasurer.

Charley Coss asked for tech help for CRM (Civic CRM. Customer Relationship Management System) We need teams of people to help media & communications, press releases. Podcasting. Get the message out. In a brief summation, we have a CRM system that we're looking at that we're going to probably implement that'll handle the membership, the donations, a lot of it. So when we do an Executive Committee, it sends an email out, we do the tracing delegates and sends information out to them, they can manage their own data, or their name and all that. And then also, it's partially a membership system to so that it'll remind people some texts, or emails out when they're needed.

Kelly Sackett: Okay, so we are on to the nomination and election of the three open statutory seats that we have on the executive committee,

RJ Breginzer: I rise to a point of order. Statutory positions, according to our bylaws, are not elected positions. Dr. Lloyd Peterson quoted by-laws and that we can fill the statutory positions.

Rj Breginzer & Veronica Perro state that we can't elect anyone. Dr. Lloyd Peterson countered by 3A & 6A. Discussion ensues for & against

Charley Coss: I move that we fill the 3 open positions, I make a motion that we go ahead and move to fill the seats with applications that have been presented with the Duly noted. Roger McMillan 2ndd

Kelly Sackett: Call for a vote. All of those in favor.

Veronica Pero & Emily Crawford oppose moving forward to vote for filling the 3 positions

More discussion on filling positions and interpreting the by-laws

Dr. Lloyd Peterson, Emily Crawford & Dan Koshelnyk agree to not fill the 3 positions tonight

Kelly Sackett: all those in favor of filling these positions Ayes=14

Kelly Sackett: all those opposed to filling these positions Nayes=9.

Kelly Sackett: Motion passes.

Discussion ensues if the chair can vote or is a nonvoting member. The Chair is a statutory member...

Charley made a motion to table the vote until the next meeting.

Roger McMillan made a second



Kelly Sackett: So, we need to vote to table. All of those in favor? Say Aye. Not in favor? Opposed?

Ayes = 24 and Nays = 1

Dr. Tamara Mitchell: Opposed –why I oppose this is because in our last meeting, where we took votes for who would be chair there were seven people who voted for someone to be chair where it was not clear whether they could be actually considered, yet you voted for them in. But now tonight, you come here and you flip the script, as if none of that happen. If it was okay, last time we met, why is it not okay, tonight?

RJ Beginzer opposed Dr. Tamara Mitchell's assertion.

Dr. Tamara Mitchell: Went on to elaborate her opposition.

Committee sign up papers available for Exec Committee to sign.

Kelly Sackett: Is there a motion for us to adjourn the meeting and to move the rest of the new business to next month.

Roger McMillan: I'll make the motion we adjourn and move the remaining items. Till next meeting. Jason Mikkleborg 2ndd. Ayes were unanimous, the meeting was adjourned.

Meeting adjourned 9:29pm & remaining items moved to next meeting.

Next meeting is February 13, 2023 at 7:00pm

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Composite

EXHIBIT B

February 13, 2023 Minutes from the KGOP EC



Minutes of the KGOP EC meeting February 13, 2023. Submitted by Kathleen Olmsted-Secretary

A regular meeting of the **Executive Committee of the Republican Party of Kalamazoo County** was held on February 13th, 2023, at the Kalamazoo GOP office, 1911 W. Centre Ave. Portage, MI 49002.

Attendance

Present: Jason Mikkeltorg, Kathleen Olmsted, Brian Kincaid, William Bennett, Janet Quiring, Dan Koshelnyk, Tony Lorentz, Kim Harris, Jamie Swafford, Veronica Pero, RJ Bregenzer, Roger McMillan, Nicole Wagner, Carrie Prendergast, Dr. Lloyd Peterson, Dennis Kehoe, Dr. Tamara Mitchell, Kelly Sackett, Nicole Sabel, Charley Coss, Treasurer: Ronald Austin, Emily Crawford (attended late due to her school-board meeting)

Excused: David Stevens, Thomas Albert, Terry Haines, Sarah Lightner, Matt Hall, Mary Balkema, Gary Hahn, Pete Strazdas, John Gisler, Jeff Hepler, Wendy Mazer, Tom Graham.

Guests: Karen Williams, Joanne Weber, Ben McLeod, Fred Kynns, Christine Augustine, Corey Spencer, Lee Hutt, Hazel Brophy, Sam Nelson, Tony Dugal, Rod Halcomb.

Chairwoman Kelly Sackett called the meeting to order at 7:05. A quorum was present.

Dr. Tamara Mitchell gave the Invocation. **Janet Quiring** gave the Pledge of Allegiance.

Remarks from the Chairwoman:

Kelly Sackett spoke about the upcoming County Caucusing on Friday 2-17-2023 & State elections on Saturday 2-18-2023. At the County Caucus we are going to have to break off in caucus. And then we'll come forward with our selections of who we're going to elect for the district & State committee spots. I just think that we all need to remember that we want to put Kalamazoo County first, that should be our main focus in selecting people that we know are going to going to be true to us here in Kalamazoo County, we shouldn't be letting outside countries influence us or even try to dictate who we select for those positions. If there are changes to the rules I will send them out again, so far for the State Elections it was approved that there will be three votes and it will be a hand count for all the votes. More discussion on who is running and if the delegates can get a list of who is running by Friday, what to bring for credentials and proof of \$50.00 Convention payment for all delegates.

January 9, 2023 minutes were amended to include:

Dr. Lloyd Peterson: It mentions I countered with section 3A & 6A that the 3 vacant positions can be voted on. It's just the opposite in my counter with 3A & 6A... I state the bylaws it could not....

Dan Koshelnyk suggested removing the extra word "abolishing" Fred Upton and keeping "admonishing" him.

Dr Lloyd Peterson made a motion to approve the minutes, as amended, and **RJ Bregenzer** 2ndd.

Chairwoman: Kelly Sackett – as soon as we get the financials, we will get them to you. Treasure Ron Austin is out sick.

Chairwoman: Kelly Sackett: all those in favor of approving the minutes. Aye/Nay. Ayes unanimous.

Elected Officials:

Ben McLeod for Bill Huizenga: Bill is going to start meeting all over the district, like on Friday, and we've spent quite a bit of time in Van Buren County. Bill is on the ESG workforce - it's a working group for the Financial Services Committee. He's in charge of that because he's the chair of the Oversight and Investigations Committee.

Jason Mikkeltorg asks Ben McLeod: Do you have any veteran information from Bill's office that you can give me? I got some colleagues that are having problems with their trip at the border when Whitmer sent them down there... **Ben**

McLeod: 100%. In fact, he's taking back some of Maxine Waters' committees. More discussion on Maxine Waters & Chinese Balloon floating over US, Ukraine & Russia peace...

Dennis Kehoe: voiced concerns that elected officials are not bringing information back to the KGOP. Discussion ensues.



Emily Crawford gave brief schoolboard info, after she arrived from her school board meetings which started at 4pm:... We got our hand slapped for having communication out to the community for having a Facebook page that was not strictly for all the workers. But they don't want to have one for their own work...We heard from the Library Team, about how the process about how books are introduced into their system and they do a pretty thorough evaluation..... then we had the election and the president board reelected during when the regular election in November and then with the two resignations the other two people that were on the slate now have returned to the board.....

Old business:

Executive Committee vote to fill 3 open positions.

Vice Chair-Charley Coss removed the tabled motion from the table for filling the 3 Executive Committee positions. It previously had discussion, so we're just going straight to the vote now. Motion was to take the top 3 vote getters and fill the EC Statutory positions, using a paper ballot.

EC Candidates Applicants (7) are: Corey Spencer, Joanne Weber, Lee Hutt, Karen Williams, Matt DePerno, Rene Saar, & Dr. Gary Mitchell. Brian Lenardson withdrew his name.

Top 3 Vote Getters are: Matt DePerno, Corey Spencer & Joanne Weber. Tellers= Sam Nelson & Kathleen Olmsted, Witnesses=Tony Dugal & Christine Augustine.

During Vote tabulating time-chairwomen Kelly Sackett asked who wants to run for District & State Chairs:

4th District Committee: Brian Kincard, Roger McMillan, Veronica Pero, Sandra Vanderlugt, Christine Augustine, Jason Mikkleborg.

5th District Committee: RJ Breginzer

State Committee: Dr. Tamara Mitchell, Kim Harris, Tony Lorente

EC Meeting Time: EC Meeting time is now changed to 6:30pm on the 2nd Monday of the month. Discussion occurs in pros, cons of changing date or doing 6:30pm or keep at 7PM.

County Committee Discussion:

Kim Harris reads MCL 168.599 about County Committee.

Charley Coss: our state bylaws which we fall under the Michigan GOP, section (Article) 13, paragraph D actually say, "optional county committee".

Kelly Sackett: with all of our committees, and some committees that haven't met yet, I can't envision running a 2nd organization along-side the KGOP....

RJ Breginzer: It has the ability to have their own officers. In that law, we can draft new bylaws very simply, and put what needs to be done into that structure. But it would be a separate structure.

Kelly Sackett: Roger McMillan to speak & then we are closing discussion....

Roger McMillan: look at the fundamental concept- that is, do we want a separate, largely independent organization providing the same territory using the same people supporting the same candidates.....??? That can be as big as if we have two separate organizations equal their own leadership, their own budget, their own things, inevitably, their agendas will drift apart and inevitably collide..... Roger McMillan concluded - I believe it is better to keep more tightly controlled.

Corey Spencer makes a motion to close discussion. **Janet Quiring** 2nds.

Kelly Sackett: all those in favor of closing discussion say Aye/ Nay - the Ayes have it.

Corey Spencer: "Chair, I make a motion to vote on NOT moving forward with the County Committee, **Jason Mikkleborg** 2nd.



Kelley Sackett: all those in favor of not having a County Committee within the KGOP. Say Aye/Nay. Ayes have it.

New Business:

Standing Committee Reports:

Election Committee: Dennis Kehoe: Quick update, I've been attending the weekly team leader zoom calls with Michigan Fair Election Coalition. Michigan Fair Election Coalition is a new organization, established at the behest of Election Integrity Network. And it's getting itself established in the way of identifying county team leaders like myself, I have Renee Saar, who has also stepped up and offered to co-lead that team....the Michigan Fair Elections MFP as a whole, has a very broad based approach. They're going to tackle qualified voter rolls, they've done a great deal of analysis that identified anomalies in certain parts of the state. Kalamazoo just happen to be one of them....

Charley Coss: commended Dennis on his work as a liaison and wanting to reach out to other clerk's...

Dennis Kehoe talked about the Letter to Commissioners to ban Private Money from Elections...talk then began about Dr. Tamara Mitchell to help assist with letter....

Out Reach Committee

Dr. Tamara Mitchell: Our first meeting was February 3 via Zoom. Four attendees= Roger McMillan, Dan Koshelnyk,, Veronica Pero, and myself. It was mainly introductions, talking a bit about the schedule that is currently posted on the KGOP website for the month of February, on our Black History Month, and some of the events. The vision for this is that people who are at Outreach ambassadors, and our committee members can participate in those events at will....we will have cards and name badges for our Outreach Teams.

Kelly Sackett: added that she is ordering name badges. I'm having badges made for the Veterans Committee, and also the outreach committees so that when you guys are out there promoting the KGOP, you have a badge that says Kalamazoo, GOP, volunteer ambassador....

Kim Harris brought up a point of information of getting information onto the KGOP website. Doesn't the EC have to vote on what goes on the website? No, Tony Lorentz stated that it is up to the Chair's discretion.

Planning Committee: Roger McMillan: We had an organizational meeting on 02/08/2023. Good meeting, we got a lot accomplished. Basically, four areas we're going to go into we're going to go into the bylaws. We're going to go into trying to lay out planning events and we're going to do a lot of cooperation with other people. Down the road going to look into the rules beyond the bylaws, the policies that we work with, again, a lot of cooperation. And then the fourth thing is to write a party platform.

RI Bergner: an addendum to Dennis's report. I would ask that if anybody is available tomorrow night, the Schoolcraft township board meeting starts at six o'clock. And we would appreciate anyone that would be able to just come and attend and listen...

Kelly Sackett: RI tomorrow night's meeting, maybe you could write something and we can put it on the KGOP website, just to inform everybody...

Christine Augustine gave a campaign speech for herself to the KGOP EC that she was campaigning for the 4th District EC.

Tony Lorentz made a motion to adjourn. **Roger McMillan** 2ndd.

Meeting adjourned 9:14pm & next meeting is March 13, 2023 at 6:30pm @ KGOP Office, 1911 W Centre, Ste A, Portage MI 49024.

PLAINTIFFS'

Composite

EXHIBIT C

Order and Trial Brief as persuasive authority from Macomb County

STATE OF MICHIGAN
SIXTEENTH JUDICIAL CIRCUIT COURT

MACOMB COUNTY REPUBLICAN PARTY and
ERIC CASTIGLIA,

Plaintiffs,

vs.

Case No. 2022-1953-NZ

MARK FORTON and
DAVID LANGER,

Defendants.

OPINION AND ORDER

This matter is ripe for adjudication based on stipulated facts and exhibits.

I. BACKGROUND

Plaintiffs Macomb County Republican Party and Eric Castiglia filed this action on May 24, 2022. Plaintiffs assert plaintiff Castiglia is the current chairman of plaintiff Macomb County Republican Party. Defendant Mark Forton is the former chairman and defendant David Langer is the former treasurer of plaintiff Macomb County Republican Party.

Plaintiffs aver the County Convention—a meeting of the elected Macomb County Republican precinct delegates and at-large delegates—was convened on April 11, 2022. The delegates duly elected plaintiff Castiglia (158 votes) as permanent chair over defendant Forton (123 votes). Executive members were also replaced by new members that were duly elected as the Macomb County Executive Committee. Delegates from the 9th and 10th District Caucuses were also duly elected to attend the Republican State Convention. Defendant Forton and Dawn Beattie's challenges to these decisions were rejected by the MIGOP Credentials Committee.



Plaintiffs contend a special meeting of the Macomb County Executive Committee was held April 18, 2022 to elect a new Macomb County Republican Party chairman. A quorum of the Executive Committee members were present and elected plaintiff Castiglia as chairman.

Plaintiffs avow defendant Forton has failed to comply with the April 11, 2022 County Convention outcome, claiming he (defendant Forton) is still chairman. Defendant Forton has refused to turn over the bank accounts, records of transfer, keys to the office building on Garfield Road (Clinton Township) and Facebook (and any other social media account) information. Instead, defendant Ford said he emptied the \$24,000 bank account balances by making contributions and paying checks without the approvals of the executive and finance committees.

Accordingly, plaintiffs' amended complaint seeks: I. Declaratory relief that (1) the actions taken April 11 and 18, 2022 are valid and (2) defendant Forton be required to return all property (bank accounts, office keys and social media information) belonging to the Macomb County Republican Party to the Executive Committee; II. Quo warranto and III. Accounting.

On May 24, 2022, plaintiffs also moved for a temporary restraining order and order to show cause regarding the return of the property identified in their complaint.

A hearing on plaintiffs' motion for a TRO and order to show cause was held June 6, 2022. Based on the hearing, a *Temporary Restraining Order and Scheduling Order* was signed June 7, 2022 that (1) required defendant Forton to turn over the office keys, (2) required defendant Forton and/or defendant Langer to turn over all bank account information, (3) granted plaintiff Castiglia access to all websites, emails and social media accounts, and (4) set a briefing schedule and date for defendants' motion for summary disposition. An *Order Regarding Motion for Reconsideration* was also signed June 7, 2022, staying the TRO until a rehearing on June 24, 2022.

An Order of Adjournment, Order Granting a Substitution of Counsel; Scheduling Order

was signed June 24, 2022, adjourning the hearing on the preliminary injunction until July 8, 2022. The *Order* contained the parties' stipulation that only existing automatic payments drafts will be released from MCRP bank accounts and they will refrain from taking any official action until the preliminary injunction is resolved.

On July 26, 2022, defendants filed a counter-claim for quo warranto.

The matter is now ripe for adjudication based on stipulated facts and exhibits.

II. ANALYSIS

In *Hanlin v Saugatuck Twp*, 299 Mich App 233, 240-241; 829 NW2d 335 (2013), the court stated:

Quo warranto is a “ ‘common-law writ used to inquire into the authority by which a public office is held or a franchise is claimed.’ ” *Davis v Chatman*, 292 Mich App 603, 612; 808 NW2d 555 (2011), quoting Black’s Law Dictionary (9th ed). * * * Generally such actions are brought pursuant to MCL 600.4505—which echoes the procedure of MCR 3.306(B)(2)—and are pursued against a person in public office by one who seeks to challenge that person’s right to hold office, but no assertions are made of fraud or error. *Barrow[v Detroit Mayor*, 290 Mich App 530, 541; 802 NW2d 658 (2010)]. MCL 600.4545(1), on the other hand, provides for an action in the nature of quo warranto “whenever it appears that material fraud or error has been committed at any election in such county at which there has been submitted any constitutional amendment, question, or proposition to the electors of the state or any county, township, or municipality thereof.” This type of action is brought to challenge the validity of the election itself. *Barrow*, 290 Mich App at 543. Thus, to pursue an action for quo warranto to challenge the validity of the election, plaintiffs must establish that a material fraud or error was committed at the election.

See also *Barrow*, 290 Mich App at 541 (“plaintiff can prevail under MCL 600.4505 only by showing ‘his own good title’ to the office”).

As a preliminary matter, plaintiffs filed this matter seeking judicial imprimatur of the actions taken at the April 11, 2022 County Convention. Plaintiffs also stipulated to having this action decided by a trial. Having repeatedly invoked this Court’s jurisdiction, plaintiff conceded and will not be heard to challenge this Court’s authority to hear this matter.

Additionally, whether the April 11, 2022 County Convention complied with the clear statutory and bylaw requirements (see below) in removing and electing delegate members of the Executive Committee can be determined by objective considerations that do not implicate any ideological/political policy considerations. Defendant's constitutional rights are also implicated, permitting judicial review of the April 11, 2022 County Convention actions. *American Indep Party v Secretary of State*, 397 Mich 689, 696; 247 NW2d 17 (1976).

MCL 168.599 provides in pertinent part:

(1) In the year 1966 and every second year thereafter, the delegates to the fall county convention of each political party in each county...shall convene at the call of the county chairperson...to select a number of persons equal to the number of county offices and state legislative offices for which candidates were nominated at the last 2 preceding fall primary elections, who, together with the persons most recently nominated by the party for each of those offices shall constitute the executive committee of their party for that county. * * * If a vacancy occurs in the position of delegate-appointed member of the executive committee, the remaining delegate-appointed members shall fill the vacancy. Except as otherwise provided in this section, the executive committee may appoint the officers it considers proper to carry out the purposes of the committee, and may fill a vacancy in any of its offices.

* * *

(3) Within 30 days following the convening of the fall county convention the executive committee, acting without the officers of the county committee who are not otherwise members of the executive committee, shall meet and select a temporary chairperson and temporary secretary. The temporary officers shall serve only during the selection of the officers of the executive committee who shall also serve as the officers of the county committee for the 2 years commencing on January 1 next. * * *

(4) After the officers of the county committee have taken office..., the executive committee shall select a county committee for the party.... The committee shall have the right to appoint officers which in its judgment are proper to carry out the purposes of the committee, and shall have power to fill a vacancy which may occur in the membership of the committee or in any of its offices. Between meetings of the county committee the executive committee shall have all of the powers and perform all of the duties of the county committee, including the filling of vacancies in nominations as prescribed by law. The term of service of a county committee shall continue for 2 years and until the selection of its successor.

The Bylaws of the Michigan Republican State Committee as Amended February 4, 2012

provide in pertinent part:

ARTICLE III

Membership And Vacancies

- A. Regular Members. The regular members of this Committee shall be seven (7) persons...and elected from each congressional district caucus at the Spring State Convention....

- K. Termination Of Membership Privileges. The Committee shall have the authority and power to terminate the membership of any member of this Committee should any such member be found guilty of any felony in any Court of Record. In such case, such membership can only be terminated and the member expelled by an affirmative vote of the majority of the entire Committee. * * *

ARTICLE IV

Officers

- A. Officers. The Committee shall have the following officers...:
 - 1. Chairman;
 - 2. Co-Chairman;
 - * * *
 - 9. Secretary;
 - 10. Treasurer....

- G. Removal Of Officers.
 - 1. Removal By The Chairman. The Chairman shall have the power to declare vacant the seat of any officer who refuses to support the Republican nominee for any office within the State of Michigan.
 - 2. Removal By The Committee. Any officer may be removed as an officer and member of the Committee by the Committee upon a seventy-five percent (75%) vote of the Committee...provided...a petition requesting that such a vote be taken, bearing the signatures of at least fifty percent (50%) of the entire Committee....

ARTICLE VIII

Resolutions and Rules

Prior to action by the Michigan Republican State Committee, a resolution or rule (including, without limitation, rules for the selection of delegates to conventions, or rules to supersede state election law) must first be submitted in writing to the appropriate standing committee not less than fourteen (14) days prior to said committee meeting.... A copy thereof shall be mailed to all State Committee members not less than seven (7) days prior to their next meeting, provided that the foregoing provisions may be waived by a majority vote of the respective committee.
* * *

ARTICLE XIII

County Executive Committees and Optional County Party Committees

- A. Number. * * * The county executive committee of each county shall adopt its own bylaws and rules of procedures.
- B. Membership. In even numbered years, the delegates to the fall county convention...shall convene at the call of the county chairperson...to select a number of persons equal to the number of county offices and state legislative offices..., who, together with the persons most recently nominated by the party for each of those offices shall constitute the executive committee for that county. * * * The term of office of a county executive committee commences at the adjournment of the Post-election Convention and terminates at the adjournment of the next even numbered year Post-election Convention. * * * If a vacancy occurs in the position of a delegate-appointed member of the executive committee, the remaining delegate-appointed members shall fill the vacancy. Except as otherwise provided in this section, the executive committee may appoint the officers it considers proper...and may fill a vacancy in any of its offices.
- C. Officers. Within thirty (30) days following the convening of the fall county convention the executive committee...shall meet and select a temporary chairman and temporary secretary/ These temporary officers shall serve only during selection of the officers of the executive committee who shall also serve as the officers of the county committee (if any) for two (2) years commencing on January 1 of the next odd numbered year.

The Bylaws of the Macomb County Republican Party similarly provide in pertinent part:

Article I – Name

The name of this organization shall be the Macomb County Republican Party (the

Party), and shall be governed by an executive committee identified as the Macomb County Republican Executive Committee.

* * *

Article IV – Executive Committee

A. All powers of the Party shall be vested in the Macomb County Republican Executive Committee (the Committee).

B. The members of the Committee shall be:

1. Statutory members: Those persons who shall have been the most recent nominees for county and state legislative offices in the fall elections of even numbered years and any Statewide or Federal Office Holder...whose official residence lies within Macomb County. * * *
2. Elected members: A number of persons, equal to the number of Statutory members, which shall be elected at the Fall county convention of every even numbered year....

C. The duties of the Committee shall be:

1. To select the Officers of the Party.

* * *

D. Vacancies in the Committee:

1. If a member of the Committee misses three (3) consecutive Committee meetings, or five (5) overall meetings, without giving just cause for the absences, s/he shall have vacated their office.
2. If any elected member has their membership in the county party expire or they are not a member, the membership chair shall contact them...to notify the elected member their membership has expired. The elected member will have 30 days to renew or become a member. If they do not they are removed from the Executive Committee.

* * *

4. If a vacancy shall exist with an elected member of the Committee there shall be an election for the open position at the next regularly scheduled Committee meeting, provided at least ten (10) days notice has been given that an election will take place, unless a two-thirds(2/3) majority of those present waives the notice requirement.

* * *

Article V – Officers

- A. The officers of the Party shall be: Chair, Vice-Chair, Treasurer, Recording Secretary, Corresponding Secretary...and any such other officers the Executive Committee may deem necessary and proper.

* * *

- K. The terms of the officers shall be two years from January 1st of odd numbered years until December 31st of the following even numbered year.

- L. Each officer shall turn over to his/her duly elected successor all funds, books, records, assets, and any other property pertaining to the office days upon leaving such office.

Article VI – Elections

* * *

- B. The elected members of the Executive Committee

1. The elected members of the Committee shall be elected at the Fall county convention of each even numbered year within 30 days of the November general election at a date, time and location determined by the incumbent Chair, with the proposed Convention rules to accompany the Call to Convention.
2. The terms of the elected members of the Committee shall be from the adjournment of the Fall county convention in which they are elected until the adjournment of the next Fall county convention where an election takes place.

Article VII – Meetings

- A. The Committee shall meet as often as deemed necessary; and all meetings shall have at least ten (10) day notice from the Corresponding Secretary to the members of the Committee.

- B. Special meetings of the Committee shall be called by the Chair or by signed petition of twenty-five percent (25%) of the Committee.

1. Notice must be given to the member ship at least ten (10) days in advance of such a special meeting.
2. The notice shall contain a summary of the matters to be considered and only such matters shall be discussed.
3. Special meetings shall be conducted only if the matters to be discussed require timely resolution and cannot wait for the

next regular meeting.

* * *

Article XII – Parliamentary Authority

Robert’s Rules of Order, newly revised, shall be the parliamentary authority for the Committee where they do not conflict with these bylaws and any standing rules the Committee sees fit to adopt.

Article XIII – Amendments

- A. The text of any proposed amendment(s) must be presented at a regular meeting of the Committee for a first reading.
- B. The amendment(s) will be considered at the next meeting of the Committee after presentation.
- C. A vote of two-thirds (2/3) of the Committee present is necessary for adoption of any amendment.

The parties stipulated to the admission of various exhibits as well as the following relevant facts:

1. The MCRP held a County Convention in the fall of 2022 and elected thirty-one (31) members of the Executive Committee, the delegate members. There are also thirty-one (31) statutory members.
2. The Executive Committee has a term of office until the next Executive Committee is elected in November 2022.
3. The Executive Committee elects officers twenty (20) days after the Executive Committee is elected. In 2020, the Executive Committee elected defendant Forton as chairman.
4. The Executive Committee officers have a two-year term of office. Defendant Forton’s term of office is from January 1, 2021 to December 31, 2022.
5. A Call to Convention for April 11, 2022 was issued. Plaintiff Castiglia was elected permanent chair of the April Convention. Delegates were selected to attend the April 23, 2022 State Endorsement Convention.
6. A motion was made, supported and adopted to approve the “Rules of Macomb County Republican Convention – 11 April 2022”.
7. A motion was made, supported and adopted to remove the delegate members of the Executive Committee.
8. New delegate members were elected to the Executive Committee.
9. The reconstituted Executive Committee elected plaintiff Castiglia as county chairperson.

A challenge has arisen to the events described in §§6-10 of the stipulated facts.

The plain language of the Rules of Macomb County Republican Convention – 11 April 2022 established certain additional events and procedures that would be take place at the Convention. Significantly, the Rules did not purport to amend the Bylaws of the MCRP. Moreover, as there is no evidence establishing any purported amendment of the Bylaws by the Rules complied with the procedure set forth in Article XIII of the Bylaws of the MCRP, any amendment would necessarily have been void.

The Bylaws of the MIGOP and MCRP contain provisions for *vacancies* in the Executive Committee (none of which are applicable) but do not address *removal* of members of the Executive Committee. However, the Bylaws of the MCRP adopted Robert’s Rules of Order, which provide:

Removal from Office

* * *

- If however, the bylaws provide that officers shall serve *only* a fixed term, such as “for two years”..., or if they provide that officers shall serve “for years *and* until their successors are elected”, an officer can be removed from office only for cause—that is, neglect of duty in office or misconduct—in accordance with the procedures described in 63, that is, an investigating committee must be appointed, charges must be preferred, and a formal trial must be held.

Id. at § 62:16.

As noted above, delegates elected to the Executive Committee serve “from the adjournment of the Fall county convention in which they are elected until the adjournment of the next Fall county convention where an election takes place”. Bylaws of the MCRP, Article VI, § B(2); see also Bylaws of the MIGOP, Article XII, § B. Inasmuch as Fall County Conventions are held every two years, delegates elected to the Executive Committee serve a fixed term.

In an unsigned missive, the MIGOP apparently recognized delegate-elected members of

the MCRP Executive Committee are elected in even numbered years and serve “*terms...from the adjournment of the Fall county convention in which they were elected until the adjournment of the next Fall county convention where an election takes place*”. Bylaws of the MCRP, Art 4, § B(2); Art IV, § B(1) and Art VI, § B(2) (emphasis added); see also Bylaws of the MIGOP, Art XII, § B. Despite this unambiguous two-year term, the MIGOP curiously concluded the Bylaws of the MCRP did not specify a term of service for delegate members of the MCRP Executive Committee. Given the MIGOP’s obvious error in reasoning, its subsequent conclusions based thereon lack merit and will not be further considered.

Consequently, delegates elected to the Executive Committee can only be removed for cause after charges are preferred, an investigating committee appointed and a formal trial held. However, charges alleging cause for removing the delegates elected to the Executive Committee at the 2020 Fall County Convention were not preferred, an investigating committee was not appointed and a formal trial on the charges was not held. Therefore, the vote to remove the delegates elected at the 2020 Fall County Convention is void.

Moreover, assuming *arguendo* that the vote to remove the delegates elected at the 2020 Fall County Convention was not void, the proper procedure for replacing a delegate member of the Executive Committee is for the Executive Committee to hold an open election at its next meeting. Bylaws of the MCRP, Article IV, § (D)(4). Therefore, the vote taken at the April 11, 2022 County Convention to elect new delegates to the Executive Committee was also void.

Accordingly, the actions removing delegates elected to the Executive Committee at the 2020 Fall County Convention and electing new delegates to the Executive Committee at the April 11, 2022 County Convention are null and void.

III. CONCLUSION

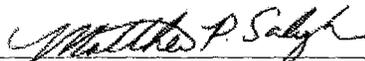
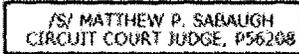
For the reasons set forth above, defendant Mark Forton, defendant David Langer and the other delegates elected to the Macomb County Republican Executive Committee at the 2020 Fall County Convention are REINSTATED as delegate members of the Executive Committee.

This *Opinion and Order* resolves the last pending claim in this matter and closes the case. MCR 2.602(A)(3).

IT IS SO ORDERED.

DATE SIGNED August 5, 2022




MATTHEW P. SABAUGH, CIRCUIT COURT JUDGE


STATE OF MICHIGAN
IN THE 16th CIRCUIT COURT FOR THE COUNTY OF MACOMB

MACOMB COUNTY REPUBLICAN PARTY,

ERIC CASTIGLIA,

Plaintiff,

CASE NO: 22-1953--NZ

HON. MATTHEW SABAUGH

V

MARK FORTON, and

DAVID LANGER

DEFENDANTS.

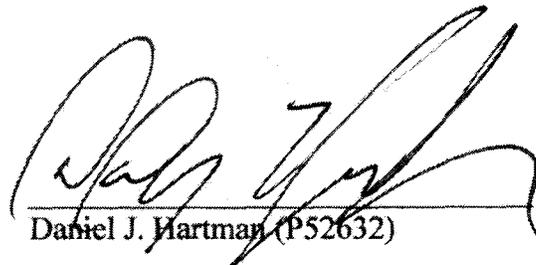
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DEFENDANT'S TRIAL BRIEF

Respectfully Submitted

Dated July 26, 2022



Daniel J. Hartman (P52632)

INTRODUCTION

The issue before the Court is who is entitled to the office of the Chairman and Treasurer of Macomb County Republican Party (MCRP) which is defined and controlled by chapter XXV of Act 116 of 1954 as Amended. The officers are defined in MCL 168.599. This law is the starting point for the determination of how an officer is elected or removed from office. The cause of action has pleaded at the defendant's insistence as a quo warranto action and is properly positioned before the court. A quo warranto action is governed by MCR 3.306. A QUO WARRANTO action is defined in MCL 600.4505 when the court is called on to determine the right of a person to hold an office. If a party plaintiff alleges that he is entitled to the office, the court may decide which of the parties is entitled. MCL 600.4505(1). Both parties have pled in an amended complaint for the Court to determine the right of a person to hold office.

The cause of action as postured by Plaintiff has failed to include any of the other officers or the remainder of the Executive Committee who in addition to the Defendant's continue to claim a lawful title to their offices. The MIGOP has failed to intervene in the lawsuit.

The defendants have in their counterclaims asked for all remedies and asserted damages, costs, and attorney fees. The defendant has asked for declaratory relief as to the Executive Committee and other Officers as well as a permanent injunction against Eric Castiglia as to his representations as Chair of the MCRP and has objected to his caption on the lawsuit which errantly asserts he represents the MCRP. The last thing the defendant has asked for was an accounting but failed to show why it was necessary or why they are entitled to it. All financial records have been disclosed at the regular scheduled Executive Committee Meetings which are open to the party.

The matter is scheduled for one day of a trial and the Court should set aside equal time for the presentation and confrontation of the witnesses at the commencement of the proceedings. It should be noted that in prior hearings Eric Castiglia testified and Mark Forton was examined by the Plaintiff but no cross-examination occurred before the matter was rescheduled. Defendant requests that the defense examination of Mark Forton be permitted to proceed and the Court take notice of the testimony previously heard.

STATEMENT OF FACTS

The starting point is April 10, 2022. On that date, the MCRP had established an Executive Committee that had been in charge of the party since the Fall of 2020 which was elected by the County Convention within the 20 days of the November 2020 election and in accordance with MCL 168.599 (1). The Executive Committee has a term of office until the next County Convention convened pursuant to MCL 168.599 (1) which will occur in November 2022. There is absolutely zero factual contest to the fact that a lawfully elected executive committee for the MCRP was in place from 2020 forward to April 10, 2022.

MCL 168.599 is very clear that the Executive Committee shall appoint a County Committee which shall appoint officers. All of these procedures were complied with according to the LAW and resulted in Mark Forton being named the Chair and David Langer being named the Treasurer. This is the status quo as of April 10, 2022.

THE CONTROLLING LAW

When MCL 168.599 is examined closely we see that the law does not provide any authority for delegates (whether in convention or not) to remove an officer or member of the executive committee, the county committee or officers of the county committee. There is law on the governance of the COUNTY PARTY which controls this dispute.

STEP ONE: MCL 168.599(1) describes how within 20 days after the general election there is a county convention in which a new executive committee is created. This executive committee is a position of authority in the county party established by law and subject to quo warranto.

STEP TWO: The Executive Committee then meets within 30 days without the delegates or officers that are NOT part of the newly formed Executive Committee and select a new set of officers.

...the selection of the officers of the executive committee who shall also serve as the officers of the county committee for the 2 years commencing on January 1 next. The officers shall be a chairperson, a vice-chairperson who shall be of the opposite sex of the chairperson, a secretary, and a treasurer.

MCL 168.599 (3)

The officers are selected for a two year term which in the instant case runs from January 1, 2021 to December 31, 2022.

STEP THREE: The Executive Committee takes office and within 45 days appoints A COUNTY COMMITTEE.

After the officers of the county committee have taken office, and within 45 days after January 1 of each odd numbered year, the executive committee shall select a county committee for the party, which committee shall consist of not less than 2 members from each township and 2 members from each ward of each city in the county, or shall consist of at least 2 members from each election precinct in the county, as the executive committee may determine. MCL 168.599(3).

STEP FOUR: The County Committee also has a two-year term and once appointed is able to fill vacancies on the membership of its committee of in any of the committee officers. The Executive Committee can act "between" county committee meetings.

The committee shall have the right to appoint officers which in its judgment are proper to carry out the purposes of the committee, and shall have power to fill a vacancy which may occur in the membership of the committee or in any of its offices. Between meetings of the county committee the executive committee shall have all of the powers and perform all of the duties of the county committee, including the filling of vacancies in nominations as prescribed by law. The term of service of a county committee shall continue for 2 years and until the selection of its successor. MCL 168.599(3)

The COUNTY committee as selected by the Executive Committee of the County has the primary statutory grant of power to fill a vacancy. There is conditional authority for the Executive Committee to perform the duties of the County Committee BUT there is a restriction both that it act between committee meetings and that the filing of vacancies in Nominations AS **PRESCRIBED BY LAW.**

There is no authority of MIGOP to express any opinion on the governance of the County Party. There is no authority of law to transfer any power back to the delegates (at a convention or otherwise. The Executive Committee functions as the authority of the party. This is reinforced in the MCRP Bylaws in Article IV (A) which restates that "All powers of the party shall be vested in the Macomb County Republican Party Executive Committee."

MCRP BYLAWS

It is an untenable position to assert that the delegates at a convention can take the power from the Executive Committee or that the MIGOP can even express an opinion and act as though it has some sort of superintending control over a county political party. There is an objective in Article III that recognizes the independence and sovereignty of the MCRP in that in Section E it states that the objective is "To work in close cooperation with the Republican National Convention and Michigan Republican State Party. There can be no other interpretation except independent and autonomous authority over county affairs with an objective to work together closely not a pledge of fidelity or obedience.

The MCRP Bylaws in Article IV D address the topic of Vacancies in the Committee.

How is a vacancy created?

Section 1 provides for a standard for vacating an office when (3) consecutive meetings or (5) total meetings are missed which can be called non-engagement. Section 2 is when an elected member of the Executive committee lets the county party membership lapse which continue for 30 days after notice without correction. Section 3 is concerned with a statutory member allowing their county membership to lapse for 30 days after notice and concerns their voting privileges but not removal from the committee.

How is a vacancy filled?

Section 4 states that it an election at the next regularly scheduled executive committee meeting. There is no filling of vacancies on the executive committee provided for at a convention—much less the Spring Convention. The requirement is that it is an EXECUTIVE COMMITTEE MEETING but is restricted to a *regularly scheduled meeting*—not a special meeting. The convention is not a regularly scheduled meeting. There is a further limitation on the election...the executive committee can not act without either 1) ten days notice or 2) 2/3 vote of

those present to waive notice. The only persons entitled to cast a vote are the members of the executive committee that have not vacated or had their voting privileges suspended as per sections 1-3.

Section 5 limits the addition of elected members to an amount equal to the statutory members.

Article V Section J discusses the vacancy of officers in the same manner as replacing the members of the executive committee but provides for the vice chair to assume a vacant chair until election or the the chair to appoint an acting officer until the next election. Both require ten days notice or 2/3 vote by the present and eligible executive committee members to waive notice. The persons voting are NOT delegates or the MIGOP rather the executive committee.

Article V Section K provides a term of officers to be two years mirroring the statute.

Article VI of the Bylaws governs the process for election. This article applies to both the initial election and to fill vacancies.

Article VII describes both a regular and special meeting and establishes quorum and proxy rules for the executive committee to take action. There is a ten-day notice requirement with no provision for waiving it by 2/3 vote.

Article XI Requires that a Resolution be provided to the Executive Committee in writing 10 days prior to the meeting unless waived by 2/3 of the Executive Committee.

Article XIII Controls Amendments. While there was no claim that the convention rules amended the MCRP Bylaws there is a requirement that a bylaws amendment be made by the executive committee not delegates. It must be passed by 2/3 vote. It must be presented at a first meeting and adopted at a second meeting.

There is no provision for a *delegate* to make a resolution or amendment of the bylaws nor may a *permanent convention chair* that is not part of the executive committee (such as claimed by Usurper Castiglia) to act to govern the county party.

THE CONVENTION OF APRIL 11, 2022

The convention was called by a call to convention issued by Mark Forton in accordance with the "Republican Party Of Michigan Rules for Selection of Delegates and Alternatives to the 2022 Republican County and State Endorsement Convention as amended by the Policy Committee on 9/2/21.

These rules govern the Convention. This is under the control of the Republican State Party as the purpose of the convention is limited to the selection of person to attend the state endorsement convention. The rules do not discuss any other activity to occur at the convention. The rules can only be amended pursuant to Section 18 by the action of 2/3 of the members of the MICHIGAN REPUBLICAN STATE COMMITTEE...not by a convention chair.

The scope of the convention does not deal with county issues. It is a delegate convention and not part of the executive committee or the governance of the county party. THERE was no notice of any other action to call persons with an interest in county party leadership only the people interested in participating in the April 23, 2022 State endorsement convention.

Section 2 states "In addition to electing delegates and alternatives to the Endorsement Convention, each county convention shall discuss (but not necessarily take any action) the issues that will be considered by the Endorsement Convention." No other purpose is identified in the rules.

There is an important restriction in Section 3 which provides for the vote for the permanent chair (of the convention) must be conducted by any method allowable under the Roberts Rule of Order. Even the election of Eric Castiglia in which he claims he was elected the permanent convention chair did not comply with the Rules of the Convention which mandated the use of the Roberts Rules of Order.

Usurper Castiglia contends that the election of the convention's permanent chair permits him to disregard the statute and bylaws and to remove the entire executive committee. In fact, the role of a convention chair ends when the convention does and it is to run the convention in an orderly manner.

Usurper Castiglia also cites that the fact that there was a challenge filed as to the credentials of the delegates to attend the April 23, 2022 convention which was denied by the state credentialing committee is some indication that the actions taken were somehow legitimate as to the attempted rearrangement of all county party authority is invalid. The legitimacy of the delegates is moot as the convention is over and not relevant but Chair Forton and Treasurer Langer state that the state does have the final say over delegate attendance at the STATE convention and when they chose to ignore the enforcement of the Method Of Electing within their own rules that required PREFERENCE and limited the elevation of non-delegates that it did very little to inspire confidence in the Macomb County Republican Party Delegates as to the ability or interest of the State to follow laws or rules. In fact the dismissal of the claim that was a clear violation of rules and the ignoring of the preference and the excessive elevation being cited that the defendants are without merit in retaining their office because the "state party says so" actually backfires and weakens the claim that the state made a considered and fair judgment in

their opinion on this matter of the persons entitled to be on the MCRP Executive Committee or act as officers.

The Court should also consider MCL 168.622

168.622 County conventions; time and place; election and duties of chairperson; vacancies; rules and regulations.

Sec. 622.

The county conventions of each political party shall be held at the time and place that the county committee of each political party, through its chairperson, designates. **County conventions at which delegates to a state convention are to be selected shall be held only at the times designated by the state central committee of the political party.** The convention shall be called to order by the chairperson of the county committee of each political party. The chairperson shall act as temporary chairperson until the delegates elect a permanent chairperson. A permanent chairperson shall be elected before any other business is transacted. The election of a permanent chairperson shall be conducted as provided in this section. The chairperson of the county committee shall cause to be read the list of elected delegates and delegates at large under section 599(5) for the convention furnished to the chairperson by the county clerk under section 608. However, before reading the list, the chairperson of the county committee shall delete from the list the names of delegates that have been certified by the county clerk as disqualified under section 624a and shall add to the list the names of delegates elected to fill a vacancy for the balance of an unexpired term under this section, if any. When the name of each delegate on the list is called, the delegate shall state his or her choice for permanent chairperson. The person receiving a majority of the votes of the delegates present shall become permanent chairperson. The convention may fill any vacancy occurring in any delegation to a county convention by a majority vote of the delegates present. However, a vacancy shall not be filled by any person not a qualified, registered elector residing in the precinct in which the vacancy occurs. ***The convention shall prescribe the rules and regulations for the conduct of its affairs.***

Now we see a problem emerge. There is a statute that controls how a permanent chairman is elected at the county convention. It is a roll call vote of qualified electors. The law is also clear that the authority of the state to regulate the time of convention is only to conventions at which

delegates to a state convention are selected. And that the power lies with the state committee—not its officers.

The closing phrase of MCL 168.622 states that convention shall then create and prescribe the rules and regulations for the conduct of its affairs. The “its” refers to the convention and not the affairs of the other parts of the party.

MIGOP MEMO

The MIGOP Memo is offered along with press clippings in an effort to legitimize the claim of Eric Casitgilia. The memo was offered and objected to as not being authenticated. There is no identified officer and there certainly was no LAWFUL authority to issue the memo. There is no law granting the MIGOP authority. There is no provision in the MCRP for the State to resolve such a dispute. However, the defendants also raise that lawful action of MIGOP requires action by the STATE CENTRAL COMMITTEE much like lawful action of the MCRP requires action by the COUNTY EXECUTIVE COMMITTEE.

Attached as Exhibit 1 to this brief is the Bylaws of the Michigan Republican State Committee as amended on February 8, 2020. This is the current governance document of MIGOP (“MIGOP BYLAWS”). The Purpose listed as Item B 2 states, “to work in close cooperation with other Republican state, district and county organizations” which again affirms that the County is a separate organization that requires cooperation and is not under their authority but remains autonomous.

Article III Section K of the MIGOP Bylaws provides for the removal of members. In order to remove a member, there must be a petition signed by 50% of the entire committee with

no proxies. This is a good time to point out the MCRP bylaws do not provide for removal. Of course, the rules provide for notice by petition and a 50% requirement in order to obtain a vote.

Article IV Section G provides for removal of an officer. It is limited to removal by chairman for non-support of a Republican Nominee OR by the committee by petition signed by 50% with no proxies permitted and then a 2/3 vote.

Article VIII provides that RESOLUTIONS AND RULES must be first submitted to the appropriate standing committee 14 days before a committee meeting and mailed to all state committee members with seven (7) days notice before their next meeting unless waived by majority vote.

Article XI Section A states that the Michigan Republican Party is made up of three types of committees. The State Central Committee, the Congressional District Committees and the County Executive Committees. Section B reads as follows:

Non-affiliation of Political Party Committees. Although the Committee works in cooperation with congressional and county party organizations so that any contributions made by these political party committees shall be presumed to be made by one political committee under the Federal Election Campaign Act 2 USC Section 431 et seq. and any corresponding regulation under the Michigan Campaign Finance Act, MCL 169.201 et seq. No Provision in these bylaws shall be interpreted

to allow funds to be transferred between political party committees for the purpose of funneling funds to avoid contribution limits of 2 USC Section 441a(a) (5). Political party committees shall not make any contributions in cooperation, consultation or concert with, or at the request or suggestion of any other political party committee. No provision in these Bylaws shall be interpreted to allow any political party committee to control any other political party committee so that any contributions made by one political committee under the Federal Election Campaign Act, 2 USC Section 431 et seq and corresponding regulation under the Michigan Campaign Finance Act, MCL 169.201 et seq.

There is a reason—campaign finance regulation—and there is a clear unequivocal statement that the MIGOP does not control the county party—except as to the selection of delegates to their conventions. The three committees are independent and share members but have specific roles and functions. The party shares a common goal but has three autonomous actors—this allows each to disavow the others when it comes to liability which can arise for many reasons including the campaign finance laws of the federal and state governments.

Article XIII is captioned County Executive Committees and Optional County Party Committees. Under section B the discussion explains that the term of office is as stated in the law of MCL 168.599 and the MCRP as two years. It discusses that the remaining members of the EXECUTIVE COMMITTEE will fill vacancies—not delegates at a convention. No provision for removal or vacancy is described. The discussion of rules for the county is not oversight rather a reiteration of the state law.

Article XIV Requires the Central Committee use to Robert Rules of Order.

Article XV requires Amendments to the rules have notice and a supermajority.

What is missing from the MIGOP BYLAWS is any language

- permitting a "no confidence vote" of a county party at convention
- delegates to remove an executive committee member or the entire committee
- delegates to amend state law or county bylaws at a convention
- the state committee to offer an opinion by memo on county disputes
- the state committee to act without a resolution or even a meeting
- the state committee to authorize action by an officer or agent to act without a resolution following a meeting

THE MEMO

Plaintiff places great weight upon the unsigned memo which was never served on Mark Forton or David Langer. This memo has not been authenticated. To be authenticated it must be passed with the authority of the state committee not authored by some officer or even an attorney of the state party. This burden cannot be met. Proofs will show that the matter has never been presented to the state committee members for a vote and whether it was sent to a standing sub-committee it did not constitute official action.

However, even if it was authenticated as action it would be **ULTRA VIRES** as the statute and the **NON-AFFILIATED** party committees act independently. If the state party has superintending control as asserted then there are federal and state campaign finance issues and liability to the state for all party acts. This is non-sensical.

Now we will examine the arguments of the MEMO

The opening line relates to a claim that it has been brought to them for resolution. There was no process of reviewing evidence or hearing from both parties. This was cronyism at its

finest. The memo then addresses four issues which are the removal and replacement of elected executive members and officers.

The memo then seeks to interpret the MCRP and states that the removal of officers for administrative reasons is a far lower bar than a democratic process. First, the alleged democratic process did not provide notice, did not follow the Robert Rules of Order, and was a "goat rodeo" that was anything but democratic. Ironically, the Republican Party has already created a representative process (not democratic) in which the executive committee has authority, not delegates. This is representative governance which the Republican Party supposedly stands for in place of a democratic process that often lead to mob rule where the passions of the people can cause many negative effects. However, the rules as interpreted do not authorize any action. Imagine if at the fall convention of the Republican Party the delegates decide to remove the state committee and all its officers—is that also permitted?

I first must point out that the recall of a fixed term of an office created by statute is governed in the election code. The MIGOP bylaws require a petition and notice signed by 50% to initiate and a 2/3 majority vote in order to remove an individual member. Does a convention and a democratic process over rule that provision?

The MEMO cites the Roberts Rules of Order. Should the Court want to entertain this line of inquiry that a majority vote is permitted to undue an action this general rule will yield to the rule that requires the removal of a fixed term position (either the Executive Committee Member or the Officer) is entitled to an investigation and trial after notice. Expert testimony is available.

The Robert Rule of Order point is that the convention is a special meeting. This must be ratified at a regular meeting. This did not occur as the MCRP did not address the issue at the next

meeting. Further, the special meeting is not the governing body but the delegates when the MCB bylaws reserve the right to replace to the executive committee.

The Third Robert Rule of Order point is that the removal was purportedly done after suspending the rules—this is a violation.

A fourth Robert Rule of Order point is that the RULES expressly prohibit a “No Confidence Vote”

The MEMO citing the Robert rules of order was drafted a though it was selective in ignoring four critical failures which render the claimed action invalid. While the defendants do not even agree that the Roberts rules of orders should be invoked as the usurper fails for lack of legal authority, should the rules be considered they fully support the action as ILLEGAL AND UNWARRANTED AND DISORDERLY.

The section entitled II will make a serious person chortle. The cited rule describes action taken at a REGULAR COMMITTEE meeting not a convention to suggest notice can be waived to fill a vacancy. The citation to eliminate notice on ITS FACE requires it occur at a regular meeting and that the Executive Committee has the authority to fill a vacancy, not the delegates.

This is compounded by citing back to the Roberts Rules of Order and its cites an alternative choice between the bylaws directing appointing authority (WHICH IS WHAT HAPPENS WHEN THE BYLAWS AND STATUTE PROVIDE FOR THE EXECUTIVE COMMITTEE TO APPOINT) and the limitation of IF IF IF the assemble has the power of selection, replacement or removal. The rules only permitted initial selection of the executive committee for a fixed term and no power for removal or replacement which was limited to a vacancy created by the failure to participate or loss of party membership and a failure to cure. There is no default provision to the assembly in the Roberts Rule of Order to remove merely by

the fact that a DIFFERENT assembly at a DIFFERENT time had the ability to Elect. The author of the MEMO claims that an election can be reconsidered and misstates the fact that the motion carries by 2/3 of those present.

It is becoming repetitious but the authority belongs to the Executive Committee to replace a vacancy—there is no removal provided in the rules. It can not be inferred. It can not happen for no-confidence and it can not happen without an allegation, investigation and trial. There are notice requirements.

Item III of the memo then goes into the absurd. The memo agrees that an officer can only be removed by the executive committee but says the removal of the officer from the executive committee operates to automatically remove them therefore rendering the matter as a yes.

Item IV of the memo then states that the new Executive Committee may appoint new officers.

The MEMO then states that without reviewing disputed issues of fact including that factual claims made are just outright distortions of the truth. Video of the convention and testimony will contradict the false statements of Eric Castiglia that the removal of the executive committee was unanimous. This may be perjury.

CONCLUSION

IF the Executive Committee (not the delegates had the power to remove the Executive Committee (without a violation of the rules for non-engagement or uncured lapse in membership) at a regular meeting—there is no authority—then the Executive Committee would have to have 2/3 vote which would have required in addition to the Statutory Members that the Executive Committee members would have voted to remove themselves.

The MIGOP should be very cautious considering the We the People Movement of telling the Fall August Convention that the People can seize the floor with no notice and vote them out of office.

The poorly written MEMO defies the statute, the MIGOP BYLAWS, the NCRP Bylaws and the Roberts Rules of Orders and is not supported by actual facts as to the occurrence of the Activity of April 11, 2022.

EXHIBIT 1

BYLAWS
OF THE
MICHIGAN REPUBLICAN STATE COMMITTEE
AS AMENDED FEBRUARY 8, 2020

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BYLAWS
OF THE
MICHIGAN REPUBLICAN STATE COMMITTEE
AS AMENDED FEBRUARY 8, 2020

ARTICLE I

Name

This Committee shall be identified as the Michigan Republican State Committee and for the purpose of these Bylaws, unless otherwise specified, shall be designated as the Committee. Notwithstanding the foregoing, the official name of this Committee shall be the "Michigan Republican Party".

ARTICLE II

Purposes

The purposes of this Committee shall be as follows:

- A. To perform all duties delegated to a State Committee by law, and such other duties not prohibited by law.
- B. To direct, manage and supervise the affairs and business of the Republican Party in Michigan. This shall include, but shall not necessarily be limited to:
 1. work for the election of nominees of the Republican Party in Michigan; and
 2. work in close cooperation with other Republican state, district and county organizations.
- C. To adopt Bylaws by which the Committee shall be governed.

ARTICLE III

Membership And Vacancies

- A. Regular Members. The regular members of this Committee shall be seven (7) persons, no more than four (4) of which shall be of the same gender (one of whom shall be the District Chairman) nominated and elected from each congressional district caucus at the Spring State Convention; the Chairman, the Co-Chairman (who shall be the running mate of the Chairman), a Coalitions Vice Chairman, an Outreach Vice Chairman, a Grassroots Vice Chairman, an Ethnic Vice Chairman, an Administrative Vice Chairman, and a Youth Vice Chairman, all of whom shall be nominated and elected at the Spring State Convention in odd-numbered years; the Secretary of the Committee who shall be elected at the second meeting of the Committee following its election; the Treasurer and General Counsel of the Committee who shall be nominated by the Chairman and confirmed by the Committee at the second meeting of the Committee following its election; the Finance Chairman of the Committee who shall serve at the pleasure of the Chairman; the National Committeeman and National Committeewoman selected according to law until their successors are elected; and the president of the Republican Women's Federation of Michigan; and a Chairman of a county executive committee as selected by the County Chair Advisory Committee.
- B. Ex-Officio Members. The following persons or their designees shall be ex-officio members of the Committee: (1) the Governor, if the Governor is a Republican; (2) the Secretary of State, if the Secretary of State is a Republican; (3) the Attorney General, if the Attorney General is a Republican; (4) a United States Senator, if the United States Senator is a Republican; (5) a Congressman selected from the Republican Caucus of the Michigan Congressional Delegation; (6) a Senator selected from the Republican Caucus of the Michigan State Senate; (7) a Representative selected from the Republican Caucus of the Michigan House of Representatives; and (8) the Chairman of each county executive committee during his/her term of office to serve until his/her successor is elected or qualified (hereinafter referred to as a "County Ex-Officio Member"). Ex-Officio members are non-voting members of the Committee except as otherwise specifically provided in these Bylaws. Ex-officio members shall be sent notice of Committee meetings in the same manner as regular members of the Committee.
- C. Non-Voting Members. There shall also be seven (7) non-voting members from each of the following: Michigan Women's Federation, the Michigan Young Republicans, the Michigan Federation of Teenage Republicans, the Michigan Federation of College Republicans, the Michigan Black Republican Council, the Michigan Republican Nationalities Council, and the Republican National Hispanic Assembly of Michigan, with one member from each group to serve on a different Standing Committee. The foregoing members shall be nominated by each of the above-referenced groups, and confirmed by appointment of the Chairman.

- D. Paid Members. There shall be a "paid member" category of membership of the Committee. For the purposes of these Bylaws, the term "paid member" shall have the same meaning as Section 6(2)(a) of the Michigan Campaign Finance Act, or any successor or similar statute. In order to be eligible to become a paid member of the Committee on any given date, an individual must make a contribution to the Committee within eight (8) years from such date. If the requirements to become a paid member are otherwise met, each regular member, ex-officio member, or non-voting member may become a paid member of the Committee. Except pursuant to written authorization by the Chairman or by a majority vote of all of the regular members of the Committee: (1) there shall be no meetings of paid members; (2) paid members shall not have a voice or vote on any matter before the Committee or any subcommittee of the Committee; and (3) paid members, either individually or collectively, shall have no authority to speak or act on behalf of the Committee. The benefits of being a paid member of the Committee shall be determined from time to time by the Chairman. Notwithstanding anything in these Bylaws to the contrary, the Chairman may, at any time and for any reason or no reason, terminate an individual's status as a paid member of the Committee.
- E. Qualifications and Rights of Regular Members. Each regular member of the Committee shall be a registered voter in Michigan; in the case of District members, a resident of the Congressional District such member represents. Regular members shall have the right to vote on all matters which come before the Committee, except as otherwise provided in these Bylaws. To help defray State Committee Meetings costs, each regular member of the Committee must annually contribute at least twenty-five dollars to a regulated fund of the Committee by April 1st at 11:59PM. Beginning on April 2nd, the fee increases to at least fifty dollars. Failure of a regular member of the Committee to contribute to a regulated fund of the Committee on or before April 2nd shall result in the automatic suspension of all rights and privileges of such regular member until the contribution is made. Any person filling a vacancy shall have 60 days to make a \$25 contribution, thereafter it shall increase to \$50. No individual may serve as a regular member of the Committee in more than one capacity; consequently, in the event that an individual (currently serving as a regular member of the Committee) is subsequently selected to serve as a regular member of the Committee in another capacity, the regular member position first held by such person shall automatically become vacant, to be filled pursuant to these Bylaws.
- F. Qualifications And Rights Of County Ex-Officio Members. In the event that: (1) a county ex-officio member resigns from this Committee, is removed from this Committee, or refuses to serve as an ex-officio member of this Committee; (2) a county ex-officio member is selected to serve as a regular member of this Committee; (3) there are Co-Chairmen from a particular county; (4) a county ex-officio member of this Committee resigns or is removed as Chairman of the county executive committee; or (5) there exists any other issue relating to the qualifications of a county ex-officio member to serve on this Committee, then in such an event, the county executive committee of the county in question shall determine the county ex-officio member to serve on this Committee. Each county ex-officio member shall be a registered voter of the county such member represents. If a county ex-officio member is not present for any particular meeting, the county ex-officio member may provide a proxy or, if no proxy is provided, the county

ex-officio member's county executive committee may designate a substitute county ex-officio member; provided, however, that the proxy or substitute county ex-officio member must be a registered voter of the county ex-officio member's county. Each county ex-officio member of the Committee must be a financial contributor to a regulated fund of the Committee each calendar year; failure of a county ex-officio member of the Committee to contribute to a regulated fund of the Committee by March 1st in each calendar year shall automatically suspend all rights and privileges of such member until the contribution is made in that calendar year.

- G. District Chairman Vacancies. A permanent vacancy in the District Chairman position arising from any cause whatsoever shall be filled by the committee of the Congressional District in which the vacancy arises within sixty (60) days after such vacancy arises. The position of District Chairman may be filled without respect to gender, even though the selection of a replacement District Chairman may cause five (5) men and two (2) women, or five (5) women and two (2) men, to be the regular members of this Committee from such Congressional District. Notice in writing to the Chairman of the State Committee of the name and address of the person selected to fill the vacancy shall be signed by the Acting Chairman of the Committee of the appropriate Congressional District. Notwithstanding anything in these Bylaws to the contrary: (1) In no event shall there be more than five (5) men or five (5) women as regular members of this Committee from any Congressional District; and (2) only in the event of a vacancy in the District Chairman position will these Bylaws ever permit more than four (4) men or more than four (4) women as regular members of this Committee from any Congressional District.
- H. District Member Vacancies. Permanent vacancies in District membership, other than District Chairman, arising from any cause whatsoever shall be filled by the committee of the Congressional District in which the vacancy arises within sixty (60) days after such vacancy arises. A permanent vacancy in District membership (other than District Chairman as provided for in Article III, Section G) must be replaced with a qualified person as a regular member of this Committee; provided, however, if such Congressional District has replaced its District Chairman so that there are five (5) men or five (5) women as regular members of this Committee from such Congressional District (as provided in Article III, Section G), then a permanent vacancy in the District membership must be replaced with a qualified person of the gender which will result in no more than four (4) men or four (4) women as the regular members of this Committee from such Congressional District. Notice in writing to the Chairman of the State Committee of the name and address of the person selected to fill the vacancy shall be signed by the Chairman of the Committee of the appropriate Congressional District.

- I. When A District Member Has Not Provided A Proxy. If a District member is not present for a particular meeting and has not provided for a proxy, the District Chairman, or in his absence, the remaining members present from the absent member's Congressional District, may select a registered voter from their Congressional District to fill the vacancy for that meeting only. If the absent member should subsequently appear during the course of the meeting, said regular member shall regain full voting rights.
- J. When Any Regular Member Other Than A District Member Has Not Provided A Proxy. If any other regular member of the Committee is not present for a particular meeting and is not represented by proxy, that position shall not be filled by any other person.
- K. Removal Of Members.
 1. Removal By The Committee. Any member may be removed as a member of this Committee by the Committee upon a seventy-five percent (75%) vote of the Committee present and voting as any meeting of the Committee, provided there is a quorum present, and such seventy-five percent (75%) vote must be made in person by such members and not by proxy; provided, further, that in order to bring the question before the Committee as to the removal of a member, a petition requesting that such a vote be taken, bearing the signatures of at least fifty percent (50%) of the entire Committee (no proxies allowed), shall be filed with the Chairman (or, if the Chairman is the member in question, then such petition shall be filed with the Secretary).
 2. Procedures for Removal. Since removal by the Committee is discretionary, there shall be no formal procedures required to remove a member as a member of this Committee.
- L. When An Officer Becomes A Candidate. Should any Committee officer become a candidate for State or Federal elective office prior to a primary by announcing his or her candidacy or forming, or authorizing or acquiescing in the formation of an exploratory or draft committee on his or her behalf, that officer shall immediately, effective on the day of the announcement of such a candidacy effort, take a leave of absence from his or her office.

During that sixty (60) day period, that officer shall have none of the titles, rights, powers, resources and perquisites of his or her office.

On or before the expiration of that sixty (60) day period, that officer shall notify the State Party Chairman (or Co-Chairman in the event the Chairman is the officer in question) of that officer's determination to continue or discontinue his or her candidacy.

Should that officer determine to discontinue his or her candidacy, then that officer shall immediately resume his or her office and all the rights, titles, powers, resources and perquisites of that office.

In the event that the officer determines to continue his or her candidacy, or fails to notify the Chairman (or Co-Chairman in the event the Chairman is the officer in question), or refuses to comply with any of the terms of this Section, then that officer shall automatically be deemed a candidate and shall no longer have the titles, rights, powers, resources and perquisites of his or her former office.

If, prior to the passage of sixty (60) days, the deadline passes for candidates to enter the race in question and the officer is the only Republican candidate for the post, the officer shall immediately submit his or her resignation to a committee comprised of the State Chairman or, in his absence, the Co-Chairman, the Chairman of the Budget Committee, and the Chairman of the Policy Committee. Said committee shall then meet and either:

1. accept the resignation of the officer, declare the post vacant, and initiate the process set forth in these Bylaws for filling the officer vacancy; or
2. grant the officer a leave of absence through the general election. In the event this course is followed, the State Chairman or the Co-Chairman shall, with the State Committee's approval, designate an individual to handle the officer's duties in an acting capacity until the general election; or
3. permit the officer to resume his or her duties. Should the committee choose to follow this course of action, it shall reconvene every thirty (30) days until the general election, at which time the committee shall either continue the candidate active status or, instead, follow one of the alternative courses of action set forth above.

M. Conflicts Of Interest.

1. Purpose. The purpose of this Section is to protect the character and integrity of the Committee and the shared values of all Republicans by adopting conflict of interest rules that address both actual conflicts of interests and those situations that may give rise to the appearance of a conflict of interest. Underlying these rules is the recognition that service on the Committee is a privilege and appropriate measures must be instituted to protect the integrity of the Republican Party.
2. Disclosure. All members of this Committee must disclose the following:
 - a. The receipt of any compensation that exceeds \$500 dollars in value on an annual basis from any candidate or candidate committee for election to any state or Federal office; any officeholder who is subject to election under the laws of the State of Michigan or the United States of America; any political party or committee subject to the reporting requirements of the Michigan Campaign Finance Act or the Federal Election Campaign Act (or any successor statute) including candidate committees, political committees, and independent committees or political action committees commonly known commonly as "pacs". This Subsection is intended to cover anyone who receives \$500 or more from any candidate, committee, or officeholder subject

to the reporting requirements of state or Federal law, including employees of the Committee. This Subsection is not intended to cover public employees subject to civil service rules; only political appointees or contract employees of an officeholder need disclose. This Subsection is only intended to cover candidates or committees that participate in state or Federal elections in the State of Michigan.

- b. For purposes of the conflict of interest rules, "compensation" includes, but is not limited to, any of the following: money, contract, property, gift, gift card or certificate, fee, contribution, rebate, discount, loan, office, position, appointment, job, employment; or any agreement to provide the foregoing or any other service or item having value.
 - c. Since the Committee is a political organization, it is recognized that the members of this Committee may receive complimentary tickets or promotional gifts from candidates or other political organizations. Accordingly, "comp" or free tickets to fundraisers, rallies or other political events are not considered compensation as defined above regardless of the face value price of the ticket unless the member receives something of value other than attendance, food and drink at the fundraiser, rally, or event.
 - d. Food and drink provided at a campaign center or on the campaign trail and campaign or issue-related clothes are excluded from this provision.
3. Spouses. If the spouse of a member of this Committee would meet the criteria for disclosure under Subsection 2 above, then the member must disclose said compensation.
 4. Ownership. If a member of this Committee has any ownership interest in any company or entity that fits the criteria for disclosure under Subsection 2 of this Section, then the member must disclose said ownership and compensation.
 5. Form Of Disclosure. The Chairman or Chairman's designee shall design a disclosure form for purposes of this Section.
 6. Compliance Officer. The Chairman shall appoint a compliance officer to accept and maintain a record of all such disclosures for at least three (3) years. This compliance officer may be either a paid employee of the Committee or unpaid volunteer. However, in all circumstances, the list of disclosures must be maintained by the Committee and available to any current member of the Committee.
 7. Time Of Disclosure. All members who are subject to disclosure pursuant to this Section, must disclose within thirty (30) days of meeting the \$500 threshold. The member must

provide the disclosure in writing to the Chairman's designated compliance officer. The compliance officer shall provide a list of disclosures monthly to the Chairman and the Chairman of each standing committee. Any member who is required to disclose by virtue of his or her status as employee of an elected Michigan or Federal officeholder need only disclose one time during the course of employment by that officeholder.

8. Current Officers And Members. Any current members of the Committee who meet the criteria for disclosure under Subsection 2 are not required to disclose until ninety (90) days after the adoption of this rule.
9. Determination Of Violation. The compliance officer appointed in Subsection 6 above, either after receiving a complaint or utilizing his or her own discretion, will make a recommendation to the Policy Committee whether or not a violation of this Section has occurred. The Policy Committee, in turn, shall make a recommendation to this Committee whether or not a violation of this Section has occurred. Thereafter, whether or not a violation of this Section has been committed shall be determined by a sixty-six and two-thirds percent (66.67%) vote of the regular members of this Committee.
10. Penalty. Any member of the Committee who violates this Section shall lose their position on the Committee and shall remain ineligible for service on the Committee for a period of five (5) years from the time of discovery of the violation. An expelled member may become eligible for membership on the Committee before the five (5) year penalty period expires only if his or her penalty is waived by a majority vote of the regular members of the Committee.

ARTICLE IV

Officers

- A. Officers. The Committee shall have the following officers, none of whom need be a duly selected or elected member of the Committee from a Congressional District prior to becoming an officer of the Committee:
 1. Chairman;
 2. Co-Chairman;
 3. Coalitions Vice Chairman;
 4. Outreach Vice Chairman;
 5. Grassroots Vice Chairman;
 6. Ethnic Vice Chairman;
 7. Administrative Vice Chairman;
 8. Youth Vice Chairman, who when elected shall not have obtained the age of 25;
 9. Secretary;

10. Treasurer;
11. General Counsel; and
12. Finance Chairman.

- B. Election Of Secretary, Treasurer, And General Counsel. The Secretary, Treasurer, and General Counsel shall be selected at the second regular meeting of the Committee after its election, and they shall hold office until their successors are elected and qualified. They shall have the right to vote on all matters which come before the Committee except for the election of its officers, including their successors, unless they be convention-elected members.
- C. Vacancy In Office Of Chairman. In the event the office of Chairman becomes vacant, the Co-Chairman shall become Acting Chairman until a successor is elected at the next meeting of the Committee (unless the call for the next meeting of the Committee has already been issued before the vacancy occurs, in which case a successor shall be selected at the meeting following the next meeting after the vacancy occurs). In the event the Co-Chairman is unable to serve, the office of Acting Chairman shall pass to the Secretary, Treasurer, General Counsel, and Finance Chairman, in that order.
- D. Vacancy In Offices Of Secretary, General Counsel, Co-Chairman Or Any Vice Chairman. In the event the office of Secretary, General Counsel, , Co-Chairman or any Vice Chairman becomes vacant, a successor shall be selected at the next meeting of the Committee (unless the call for the next meeting of the Committee has already been issued before the vacancy occurs, in which case a successor shall be selected at the meeting following the next meeting after the vacancy occurs), which meeting shall be in part called for that purpose.
- E. Vacancy In Office Of Treasurer. In the event the office of Treasurer becomes vacant, the Secretary shall become the Acting Treasurer until a successor is elected at the next meeting of the Committee (unless the call for the next meeting of the Committee has already been issued before the vacancy occurs, in which case a successor shall be selected at the meeting following the next meeting after the vacancy occurs), which meeting shall be in part called for that purpose. In the event the Secretary is unable to become Acting Treasurer, the office shall pass to the General Counsel and Finance Chairman, in that order, until a successor is elected at the next meeting of the Committee.

F. Selection Method Of Filling Vacancies. In the event that the office of Chairman, Secretary, or any Vice Chairman becomes vacant, a successor shall be selected by the Committee. In the event that the office of Co-Chairman, Treasurer, or General Counsel becomes vacant, a successor shall be selected by nomination by the Chairman and confirmation by the Committee.

G. Removal Of Officers.

1. Removal By The Chairman. The Chairman shall have the power to declare vacant the seat of any officer who refuses to support the Republican nominee for any office within the State of Michigan.
2. Removal By The Committee. Any officer may be removed as an officer and member of this Committee by the Committee upon a seventy-five percent (75%) vote of the Committee present and voting at any meeting of the Committee, provided there is a quorum present, and such seventy-five percent (75%) vote must be made in person by such members and not by proxy; provided, further, that in order to bring the question before the Committee as to the removal of an officer, a petition requesting that such a vote be taken, bearing the signatures of at least fifty percent (50%) of the entire Committee (no proxies allowed), shall be filed with the Chairman (or, if the Chairman is the officer in question, then such petition shall be filed with the Secretary).
3. Procedures For Removal. Since removal by the Chairman or by the Committee is discretionary, there shall be no formal procedures required to remove an officer as an officer and member of this Committee.
4. Selection Of Successor. In the event of the removal of an officer, a successor shall be selected at the next meeting of the Committee, which meeting shall be in part called for that purpose. Upon removal, an officer shall not be eligible to become a member of this Committee for the remainder of the term of office for which such officer was removed.

ARTICLE V

Duties Of Officers

- A. Chairman. The Chairman shall preside at all meetings of the Committee, and the Chairman or his/her designee shall sign all contracts, agreements and documents, submit reports to the Committee at each meeting of the Committee and at such other meetings as the Committee, by resolution or motion, may require, appoint and hire such employees as the business of the Committee may require, and shall perform such other duties as these Bylaws provide and as the Committee shall from time to time designate. The Chairman shall be an ex-officio member of all standing committees and of all sub-committees. The Chairman's compensation, if compensation is to be accepted by the Chairman, shall be no less than the salary of the Senate Majority Leader and no more than the salary of the Governor, as approved by the Budget Committee.

- B. Co-Chairman. The Co-Chairman shall be a registered voter (and in his/her absence the Secretary) shall have like power as the Chairman in the absence of the Chairman, and shall perform such other duties as the Committee may determine. The Co-Chairman shall be an ex-officio member of all committees of which the Chairman serves as an ex-officio member.
- C. Coalitions Vice Chairman. Shall serve ex-officio as a member of all committees, and shall supervise and direct all coalition building activities, including activities relating to senior citizens, women, union members, blue collar workers, white collar workers, professionals, small businessmen, farmers, sportsmen, conservationists and any other group that should rightfully be a part of the Republican Party coalition. The Coalitions Vice Chairman shall perform such other duties as the Committee or the Chairman may determine.
- D. Outreach Vice Chairman. Shall serve ex-officio as a member of all committees, and shall supervise and direct all activities necessary to deliver the Republican message, including activities relating to media, letters to the editor, local cable access, Internet, assisting candidates with editorial boards, endorsements, and arranging for speakers to spread the Republican message. The Outreach Vice Chairman shall perform such other duties as the Committee or the Chairman may determine.
- E. Grassroots Vice Chairman. Shall serve ex-officio as a member of all committees, and shall supervise and direct all activities relating to precinct delegate recruitment, voter registration, volunteers, and get-out-the-vote efforts. The Grassroots Vice Chairman shall perform such other duties as the Committee or the Chairman may determine.
- F. Ethnic Vice Chairman. Shall serve ex-officio as a member of all committees, and shall supervise and direct all ethnic activities designed to attract citizens of every race, color, creed, and nationality to the Republican Party. The Ethnic Vice Chairman shall perform such other duties as the Committee or the Chairman may determine.
- G. Administrative Vice Chairman. Shall serve ex-officio as a member of all committees, and shall supervise and direct all activities relating to conventions, candidate events, and conferences. The Administrative Vice Chairman shall perform such other duties as the Committee or the Chairman may determine.
- H. Youth Vice Chairman. Shall serve ex-officio as a member of all committees, and shall supervise and direct all youth activities of the Party. The Youth Vice Chairman shall perform such other duties as the Committee or the Chairman may determine.

- I. Secretary. The Secretary or the Secretary's designee(s) shall keep an accurate record of the minutes of each meeting of the Committee and of the reports of the subcommittees, shall give notice to the membership of all meetings by sending same to the post office address of the member recorded with the Committee, make written report to the Committee at each meeting, perform such other duties as these Bylaws provide and as this Committee shall from time to time require.

- J. Treasurer. The Treasurer or the Treasurer's designee(s) shall comply with all applicable laws and receive all monies paid to the Committee and deposit the same in the name of the Committee in a bank designated by the Budget Committee, pay all bills charged to the Committee when authorized by the Chairman, or in his/her absence the Co-Chairman of the Committee, sign and execute contracts, agreements and documents with the Chairman in the manner set forth in paragraph (A) above, keep accurate account of all receipts and disbursements in proper books, which books shall at all times be open to inspection and examination of the Budget Committee, shall render statements of the financial condition of the Committee to the Committee at each meeting, make an Annual Statement and report to the Committee at each meeting of the year, have books audited or reviewed for each preceding election cycle by certified public accountants proposed by the Chairman and approved by the Budget Committee.

The Treasurer shall turn over to his successor all funds, money and books, accounts, files, letters, papers and other property pertaining to or associated with the affairs and business of the Committee. The Treasurer shall be a non-voting member of the Budget Committee.

- K. General Counsel. The General Counsel shall advise the Committee, its standing committees and its officers on all legal matters involving the Committee, and shall perform such additional duties as may be assigned to him or her by the Chairman and/or Committee.

- L. Finance Chairman. The Finance Chairman shall supervise the Committee's fundraising activities subject to the direction of the Chairman and the Committee, and shall perform such other additional duties as may be assigned to him or her by the Chairman and/or Committee.

- M. Meetings Of Vice Chairmen. The Co-Chairman and all Vice Chairmen shall meet as a group at least five (5) times in each calendar year at the call of the Chairman.

ARTICLE VI

Meetings

- A. Regular Meetings. The first meeting of this Committee after its members have been elected shall be called by the Chairman within 24 hours after the State Convention is adjourned. There shall be at least five (5) meetings of the Committee in each calendar year.
- B. Special Meetings. Special meetings of the Committee may be called by the Chairman when the business of the Committee requires the same, and the Chairman shall call a special meeting of the Committee on written request of one-third of the members of the Committee, jointly or severally, within 15 days after such written request has been filed with the Chairman. Upon failure to do so, any such member can give notice five (5) days before such meeting. Notices of special meetings shall state the purpose of such meetings.
- C. Quorum. A majority of the total membership of the Committee present in person or by proxy shall constitute a quorum to transact all business of the Committee except where the action of the Committee requires a larger number of members as specially set forth in these Bylaws.
- D. Proxy Voting. Those authorized to vote may vote in person or by proxy at any meeting of the Committee, provided that such person shall be allowed to cast only one vote on each item of business transacted. Any person voting a proxy of a District member must be a qualified elector from that member's Congressional District. Any person voting a proxy of any other regular member must be a qualified elector of the State of Michigan.
- E. Roll Call Votes. All roll call votes shall begin with the Congressional District in which the meeting is being held, proceeding in ascending numerical order by Congressional District until the votes of the highest numbered district have been cast, then continuing in ascending order from the First District until all district members have been called. Officers shall vote after the completion of the roll call of the district members.
- F. Meetings By Conference Telephone Or Similar Communications Equipment. Any meeting called by the State Chairman may be by a conference telephone or similar communications equipment by which all persons participating in the meeting may hear each other if all participants are advised of the communications equipment and the names of the participants in the conference are divulged to all participants. Participation in a meeting held pursuant to this section constitutes presence in person at the meeting. If any person chooses to vote by proxy at a meeting held pursuant to this section, written authorization to vote by proxy must be received by the State Chairman prior to the commencement of such a meeting.
- G. Notices. For the purposes of these Bylaws, the term "mail" shall be defined as mail by the U.S. Postal Service, electronic mail, facsimile transmission, private mail delivery service, or personal delivery. Any notices or notification pursuant to these Bylaws may be sent by any reasonable means, including, but not limited to, by the U.S. Postal Service, electronic mail, facsimile transmission, private mail delivery service, telephone or personal delivery.

ARTICLE VII

Committees

- A. Standing Committees. There shall be appointed the following standing committees at the second regular meeting of this Committee:
1. Policy Committee. This committee shall consist of one regular member from each congressional district committee. This committee shall make recommendations to the State Chairman, recommend Party policy and establish programs for implementation by the other standing committees.
 2. Budget Committee. This committee shall consist of one regular member from each congressional district committee. This committee shall maintain budget control, review and approve financial spending, and promote sound fiscal policy.
 3. Issues Committee. This committee shall consist of one regular member from each congressional district committee. This committee shall research, study and evaluate issue positions for consideration by the State Committee or State Conventions. The following persons or their designees shall be ex-officio members of this committee: (1) the Governor, if the Governor is a Republican; (2) the Secretary of State, if the Secretary of State is a Republican; (3) the Attorney General, if the Attorney General is a Republican; (4) a United States Senator, if the United States Senator is a Republican; (5) a Congressman selected from the Republican Caucus of the Michigan Congressional Delegation; (6) a Senator selected from the Republican Caucus of the Michigan State Senate; and (7) a Representative selected from the Republican Caucus of the Michigan House of Representatives. Ex-Officio members are non-voting members of this committee.
- B. Additional Standing Committees Appointed By The Chairman. At all times, the Chairman shall have the discretion to create and dissolve additional standing committees, and to assign such purposes and duties to each of such standing committees as the Chairman shall determine. The purposes and duties of all newly-created standing committees shall be subject to confirmation by the Committee at the first meeting of the Committee following the creation of the standing committee in question.
- C. Committee Assignments. The State Chairman shall be empowered to determine the membership and numbers of members of each standing committee at all times, provided, however, that the Policy Committee, Budget Committee, and Issues Committee must only consist of one regular member from each congressional district committee. Members may serve on multiple standing committees; provided, however, no member shall serve on more than one (1) of the following standing committees: Policy Committee, Budget Committee, and Issues Committee. Any voting member of the State Committee is eligible for membership to any additional standing committee.

- D. Standing Committee Officers. The Chairman of each standing committee shall preside at all meetings of the committee, appoint sub-committees as deemed necessary, and shall perform such other duties as these Bylaws provide. The Vice Chairman shall have like power as the Chairman in the absence of the Chairman, may serve on all other committees in like capacity when the Chairman cannot attend, and shall perform such other duties as the committee may determine. If the standing committee determines that a Secretary is necessary, then a Secretary of each standing committee, or the Secretary's designee, shall keep an accurate record of the minutes of each meeting of the standing committee, and shall perform such other duties as the committee may determine. Each standing committee shall have the right to adopt its own rules and procedures not inconsistent with these rules and with Robert's Rules of Order, Newly Revised.
- E. Notice Of Standing Committee Meetings. Notice of subsequent meetings of each standing committee shall be mailed to each member thereof at least five (5) days before the date of the meeting by the Secretary thereof. Such meetings may be called by the Chairman of the standing committee or by any five (5) members of that committee.
- F. Sub-Committees. Each standing committee shall have the authority and power to appoint sub-committees which may include individuals who are not State Committee members. Each sub-committee so appointed shall include in its membership a person or persons from the standing committee who shall report directly to the standing committee.
- G. County Chair Advisory Committee. A minimum of ten (10) county chairmen shall be selected by the State Party Chairman to become members of this committee. This Committee shall meet a minimum of two (2) times in each calendar year at the call of the Chairman.
- H. Quorum For Standing Committee Meetings. It shall be necessary to have a quorum present at every standing committee meeting, consisting of not less than a majority of the membership of such committee present in person or by proxy, before any standing committee business may be transacted; provided, however, that a quorum be present at a Budget Committee meeting shall consist of not less than two-fifths of the membership of such committee in person, before any Budget Committee business may be transacted.
- I. Committees For Certain Definite Purposes. Committees for certain definite purposes may be appointed from time to time in the manner provided by any adopted resolution of the State Committee.

ARTICLE VIII

Resolutions And Rules

Prior to action by the Michigan Republican State Committee, a resolution or rule (including, without limitation, rules for the selection of delegates to conventions, or rules to supersede state election law) must first be submitted in writing to the appropriate standing committee not less than fourteen (14) days prior to said committee meeting, by delivery of a copy of said resolution or rule to the Chairman or Secretary of said committee, and to the State Chairman. A copy thereof shall be mailed to all State Committee members not less than seven (7) days prior to their next meeting, provided that the foregoing provisions may be waived by a majority vote of the respective committee. After action by the appropriate standing committee, a resolution or rule shall be presented to the State Committee separate from the committee's report.

ARTICLE IX

National Committee

- A. Relationship With National Committee. The Committee shall maintain a good working relationship with the Republican National Committee and shall assist that Committee in the achievement of its goals.
- B. Election Of National Committeeman And Committeewoman. The Republican National Committeeman and Committeewoman from Michigan shall be elected by and at the same convention which elects delegates to the Republican National Convention. They shall serve until their successors are elected and qualified. They shall be qualified electors of Michigan.
- C. Vacancy In Office Of National Committeeman Or Committeewoman. In the event that either office becomes vacant prior to the convening of a state convention to elect National Convention delegates, this Committee shall elect a successor at the next meeting of the Committee, which meeting shall be in part called for that purpose.

ARTICLE X

Conventions

- A. Selection Of Delegates To The Republican National Convention. The Committee may adopt rules for the selection of delegates to the Republican National Convention.

- B. State Conventions. The time, manner, and place for holding State Conventions shall be consistent with the Michigan Election Law, MCL 168.1 et seq.; provided, however, that the Committee may determine that the time, manner, and/or place for holding State Conventions shall be inconsistent with the Michigan Election Law upon the favorable vote of sixty-six and two-thirds percent (66.67%) of the Committee present and voting, provided there is a quorum present, and such favorable sixty-six and two-thirds percent (66.67%) vote must be made in person by such members and not by proxy.
- C. Certain County And Congressional District Conventions. The Committee shall determine the time and manner for holding all county and congressional district conventions whereby delegates to a State Convention are selected.
- D. Candidates As Convention Delegates. All incumbent members of the state legislature and the Michigan Congressional Delegation shall be entitled to attend a county or district convention as delegates at-large of the county or district convention where such legislator resides.

The most recent person nominated as a Republican candidate for state legislative or county office shall also be a delegate at-large to the county or district convention where such nominee resides.

In addition to the proportionate number of delegates allocated to each county or district to be elected to attend a State Convention, all incumbent members of the state legislature and the Michigan Congressional Delegation shall be entitled to attend a State Convention as delegates at-large of the congressional district in which he or she resides.

ARTICLE XI

Organization Of The Michigan Republican Party

- A. Structure. The Michigan Republican Party is essentially comprised of the following types of party committees:
 - 1. the Committee as organized pursuant to these Bylaws;
 - 2. congressional district committees; and
 - 3. county executive committees.
- B. Non-Affiliation Of Political Party Committees. Although the Committee works in cooperation with congressional district and county party organizations, the Committee is not "affiliated" with the congressional district and county party organizations so that any contributions made by these political party committees shall be presumed to be made by one political committee under the Federal Election Campaign Act, 2 USC § 431 et seq., and corresponding regulations or under the Michigan Campaign Finance Act, MCL 169.201 et seq. No provision in these Bylaws shall be interpreted to allow funds to be

transferred between political party committees for the purpose of funneling funds to avoid the contribution limitations of 2 USC § 441a(a)(5). Political party committees shall not make any contributions in cooperation, consultation or concert with, or at the request or suggestion of any other political party committee. No provision in these Bylaws shall be interpreted to allow any political party committee to control any other political party committee so that any contributions made by these political party committees shall be presumed to be made by one political committee under the Federal Election Campaign Act, 2 USC § 431 et seq., and corresponding regulations or under the Michigan Campaign Finance Act, MCL 169.201 et seq.

ARTICLE XII

Congressional District Committees

- A. Number. There shall be one congressional district committee in each congressional district in the State of Michigan. Each congressional district committee shall adopt its own bylaws and rules of procedure.
- B. Organization. Each congressional district shall elect a congressional district chairman, a vice-chairman, a secretary, a treasurer, six (6) members of the Committee (as selected pursuant to Article III, Section A) and a committee of fifteen (15) members (for a total of twenty-five (25) committee members) to serve for two-year terms or until their successors are duly elected and qualified. The congressional district officers and committees shall be elected at the Spring State Convention in every odd numbered year. Permanent vacancies in district committee membership shall be filled by the congressional district committee in which such vacancy occurs consistent with the bylaws of such congressional district committee.
- C. Legislators As Additional Members Of Congressional District Committees. A congressional district committee may adopt bylaws allowing members of the state legislature and the Michigan Congressional Delegation who reside in that district to be members of the congressional district committee, in addition to the committee of twenty-five (25) described in Article XII, Sections A and B.
- D. Membership Requirements. No person shall vote or hold any office or position in any congressional district committee unless he or she is at that time a resident of that congressional district, except members of the state legislature whose districts are located in whole or in part in the congressional district.

- E. Filling Vacancies. For congressional districts whose boundaries fall entirely within Wayne County, the congressional district committees thereof shall nominate candidates to fill vacancies that occur in county wide offices, township offices, city offices, or any other office (including state legislative or congressional offices), the electoral district of which is entirely within the boundaries of the congressional district. If the office to be filled comprises more than one congressional district, the congressional district committee(s) and congressional district portion committee(s) of such congressional districts shall nominate candidates to fill these vacancies.
- F. Vice Chairmen. Congressional district committees are encouraged to select vice chairmen, assigning such titles and duties as the six vice chairmen of the Michigan Republican State Committee in order to work with the respective Vice Chairmen of the Michigan Republican State Committee.

ARTICLE XIII

County Executive Committees And Optional County Party Committees

- A. Number. There are as many as eighty-two (82) county executive committees and four (4) congressional district portion committees in the State of Michigan. The county executive committee of each county shall adopt its own bylaws and rules of procedure.
- B. Membership. In even numbered years, the delegates to the fall county convention in each county except Wayne County, shall convene at the call of the county chairperson within thirty (30) days following the November election (the "Post-election Convention") to select a number of persons equal to the number of county offices and state legislative offices for which candidates were nominated at the last two (2) preceding fall primary elections, who, together with the persons most recently nominated by the party for each of those offices shall constitute the executive committee for that county. A nominee for state legislative office shall be a nominee member of the county executive committee for each county which, in whole or part, comprises such nominee's state legislative district. Additionally, a person who is a Republican statewide officeholder shall be a member of the executive committee for the county in which such person resides during his or her term of office. The term of office of a county executive committee commences at the adjournment of the Post-Election Convention and terminates at the adjournment of the next even numbered year Post-Election Convention. When a new nomination or an appointment of a Republican to fill a vacancy is made for an office, the nominee for which is entitled to serve as a member of the executive committee, the new nominee or Republican appointee shall replace the former nominee as a member of the executive committee. If a vacancy occurs in the position of a nominee member of the executive committee, the vacancy may only be filled by the person who is the new nominee or Republican appointee for the office in question. If a vacancy occurs in the position of a delegate-appointed member of the executive committee, the remaining executive committee members shall fill the vacancy. Except as otherwise provided in this section, the executive committee may appoint the officers it considers

proper to carry out the purposes of the executive committee, and may fill a vacancy in any of its offices.

- C. **Officers.** Within thirty (30) days following the convening of the fall county convention the executive committee, acting without the officers of the county committee (if any) who are not otherwise members of the executive committee, shall meet and select a temporary chairman and temporary secretary. These temporary officers shall serve only during the selection of the officers of the executive committee who shall also serve as the officers of the county committee (if any) for two (2) years commencing on January 1 of the next odd numbered year. The officers shall be a chairman, a vice-chairman, a secretary, and a treasurer. No proxy voting shall be allowed for the selection of officers to a county executive committee.
- D. **Optional County Committee.** After the officers of the county executive committee have taken office, the executive committee may select a county committee for the party, which committee shall consist of members as the executive committee may determine provided that such action is taken within forty-five (45) days after January 1 of each odd numbered year. The term of service of members of a county committee shall continue for two (2) years and until the selection of their successors. The executive committee shall have the right to appoint officers that in its judgment are proper to carry out the purposes of the county committee, and shall have the power to fill any vacancy which may occur in the membership of a county committee or in any of its offices.
- E. **Candidates As Delegates At-Large.** A person nominated as a candidate for county office shall be a delegate at-large to the fall county convention held in the year of the candidate's nomination and to all county conventions held during the term of office for which the candidate was nominated. Each person elected as a statewide officeholder and each person nominated as a candidate for state legislative office shall be a delegate at-large to the fall county convention (where such nominee resides) held in the year of the officeholder's election or the candidate's nomination, as the case may be, and to all county conventions held during the term of office for which the officeholder was elected, or the candidate was nominated, as the case may be. The number of delegates at-large shall be in addition to the number of delegates specified in the call for a county convention.
- F. **Filling Vacancies.** The county executive committee shall nominate candidates to fill vacancies that occur in county wide offices, township offices, city offices, or any other office (including state legislative or congressional offices), the electoral district of which is entirely within the boundaries of the county. If the office to be filled comprises more than one county or parts of more than one county, the county executive committees of such counties shall nominate candidates to fill these vacancies.

- G. Congressional District Portions Of Wayne County. A political party committee may be formed for each congressional district portion of Wayne County. Delegates who reside in Wayne County in a portion of a congressional district within the boundaries of Wayne County shall convene at the odd-numbered year spring county (district) convention and elect its officers and committee members in accordance with its bylaws (which are not inconsistent with these Bylaws). Such committee(s) shall have the same rights and privileges as county executive committees. This Section does not apply to any congressional district whose boundaries fall entirely within Wayne County since such congressional district committees are governed by the terms of Article XII hereof.
- H. Wayne County Republican Committee. The Wayne County Republican Committee, a political party committee, shall adopt its own bylaws and rules of procedure. No other provisions of Article XIII hereof shall apply to the Wayne County Republican Committee.
- I. Precinct Delegate Allotment. On or before April 1 in even numbered years, the chairman of the county executive committee (or, in case of Wayne County, the chairman of a congressional district portion committee, or the chairman of a congressional district committee if the boundaries of such district fall entirely within Wayne County) shall forward by mail or otherwise deliver to the board of election commissioners in that county a certificate showing the number of delegates to the county convention (or, in the case of Wayne County, the district or district portion convention) to which each precinct of the county is entitled. The allotment of precinct delegates to all precincts shall be made to insure, as near as is practicable, equal apportionment based upon the total vote cast for the Republican candidate for either President of the United States or Secretary of State at the last general November election when elections for those offices were held, whichever is later; however, each precinct shall have at least one delegate. The apportionment shall be based on the precincts as they exist 180 days before the August primary election in even numbered years.

ARTICLE XIV

Parliamentary Authority

Robert's Rules of Order, Newly Revised, shall govern the conduct of all meetings of the Committee and its standing committees, except as provided in these Bylaws or by law.

ARTICLE XV

Amendment

- A. Submission In Writing. All proposed amendments to these Bylaws shall be first submitted in writing to the Policy Committee.
- B. Notification Of Committee Members. Each member of the Committee shall be notified in writing of the context of any proposed amendment at least thirty (30) days before the date on which such proposed amendment is to be voted on.
- C. Vote Required To Amend Bylaws. No amendment shall pass until it has received a sixty-six and two-thirds percent (66.67%) favorable vote of the Committee present and voting, provided there is a quorum present, and such favorable sixty-six and two-thirds percent (66.67%) vote must be made in person by such members and not by proxy.

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EXHIBIT D

Two KGOP Press Releases dated February 21, 2023 and March 1, 2023



For Immediate Release: Feb 21, 2023

What Happened To Kalamazoo County Republican Delegates At The MIGOP Convention On Friday Night

Delegates from Kalamazoo County traveled to Lansing on Friday February 17th to attend the MIGOP State Convention and to participate in their elected duties per MIGOP bylaws and rules.

The eighty-three (83) counties in the State of Michigan are broken into thirteen (13) congressional districts. On Friday night each district broke out into their own caucuses to conduct official business of electing district officers along with a district executive committee to represent the member counties.

The 4th Congressional District is made up of portions of Kalamazoo, Van Buren, Allegan, Calhoun, Berrien, and Ottawa Counties. Weeks leading up to the convention the County Chairs (or representatives) had multiple meetings to discuss the District rules and the county chairs had come to a unanimous agreement of each county's number of districts and state seats.

At 7:00 pm on Friday Night the 4th Congressional District Caucus meeting was called to order by acting Temporary District Chair, Chairman Kenny Clevenger of Allegan County. Within minutes of the meeting starting a delegate from Kalamazoo County made a motion to "set aside" or amend rule 9 of the district rules, but only for Kalamazoo County.

9. Nomination Process for State (6) and District (15) Committee openings.

Each County will caucus and its voting delegates shall elect the nominees for each State & District position assigned to said county, as available (per schedule – section 5).

County chairs will announce their nominees to the District delegation at large. The District delegation shall accept as final, each counties nominees.

If a County does not fill all of their allotted nominees for State and or District seats, those empty seats (lacking a county nominated representative) shall be



(rule 9 continued)

filled by the District Delegation.

The District shall hold nominations and vote to fill those unfilled seats. The county shall have the right to reject any nominees they feel ~~will~~ not represent their county properly.

The proposed rule change was to allow the entire District (5 other Counties) to vote on Kalamazoo County's allotted three (3) District Executive Committee and two (2) State Committee seats. In effect, all 174 delegates would vote on those seats, rather than Kalamazoo's 39 delegates being the sole voters of their seats, while all other counties would break out into caucuses as prescribed by rule 9 and vote on their seats. Five counties would vote only on their county seats, and they would all vote on Kalamazoo's seats, two votes. Kalamazoo only had one vote, and was not allowed to vote on any other counties seats.

It became very clear that the small group of delegates from Kalamazoo County who were running for District Executive Committee and State Committee seats had likely orchestrated this apparent "*coup d'état*" with the help of factions within other counties. This move seemed expressly for the purpose of getting elected at any cost, and in this case it was likely the sovereignty of their neighbors and fellow member delegates from Kalamazoo.

The small group of delegates likely knew they did not have the majority support within the Kalamazoo County caucus and would not have been elected. So essentially, they decided to disregard their fellow delegates rights, which consequently resulted in their own personal benefit.

The delegates of Kalamazoo County had their votes "diluted" through this parliamentary move, resulting in a potential equal protection violation. And in the end the rule change was passed, over the objections of those opposing it in Kalamazoo County, but the District went ahead and over-whelming voted to trample on the rights of Kalamazoo County delegates.

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Kalamazoo County

Republican Party

Working For A Better Future



KALAMAZOO NEWS

Three Kalamazoo Executive Committee Members And One Ex-Officio Member Censured For Actions At District Caucus.



By **Kelly Sackett**

MAR 1, 2023

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Congress

BILL # HUIZENGA

The Huizenga Huddle: March 13, 2023

PRESS RELEASE:

The Kalamazoo County Executive Committee met on March 1st at 7:00 for a special meeting that was called by the Chair. A special meeting was called due to events that took place at the district caucus in Lansing on February 17th, 2023 that involved precinct delegates from Kalamazoo County.

Before the meeting was called to order the police had to be called to remove an individual who was not on the executive committee and refused to leave. Around 7:30 a Portage police officer arrived on scene and after a dispute the individual was escorted out of the KGOP office.

At the Executive Committee meeting three individuals(Harris, Pero, Bennett), and one ex-officio (Pritchett-Evans) were "censured" and had their "KGOP Membership" revoked. They were also refunded their membership dues. "Further actions are forthcoming", stated Chairwoman Kelly Sackett after the meeting.

KGOP Chairwoman Kelly Sackett said, "We need to ensure all delegates have a voice and they deserve to be heard and that the credibility of the KGOP has been diminished and discredited, we won't let this disenfranchisement of our delegates go un-answered, even if the MiGOP Chair does nothing."

The reason stated for these necessary actions to protect the organization, were these individuals were actively working against the interest of the KGOP organization, and its members and delegates.

When asked what Chair Sackett meant by further actions she replied, "We are done playing games with delegates who think winning a seat by disenfranchising our voters is the end game ([see previous press release](#)), they just don't understand. We need to



come together as a fierce protector of individuals rights, and win back the hearts and minds of all like minded voters. We are Republicans, we represent the individual spirit in everyone, and we need to change the hearts and minds of the disillusioned and disheartened Independents and educate them on conservative principles. We need to embrace Liberty again.”

The individuals who had their membership revoked, censured, and payment refunded/or will be refunded through the mail.

Kim Harris

Veronica Pero

William Bennett

Sabrina Pritchett-Evans

The KGOP looks forward to moving forward with a clear and precise message to bring to the people of Kalamazoo to defeat Democrats in 2024.

for more information or to contact us visit <https://kgop.org>



Kalamazoo County Republican Party Resolution to Censure William Bennett

Whereas, on February 17, 2023, KGOP Executive Committee member, William Bennett, stood on stage before the MIGOP Convention – District 4 and falsified the KGOP Executive Committee took an illegal vote on February 13

Whereas, on February 17, 2023, KGOP Executive Committee member William Bennett, based on his false statement put forth a hostile motion to set aside for Kalamazoo County delegates and allow all 4th District counties to vote select Kalamazoo County delegate nominees.

Whereas, against the interest of Kalamazoo County voters, William Bennett yes on setting aside Rule 9 and for all 4th District counties to vote on and se

There has been a flurry of activity in Washington and across Southwest Michigan since the last edition of the Huddle. I encourage you to visit [Huizenga.House.Gov](https://huizenga.house.gov) for more frequent updates

The website is an excellent source of information that has many social media feeds, voting record, legislative updates and more. With that, let's Huddle up!

Silicon Valley Bank Collapse

We are working on getting the facts surrounding the collapse of Silicon Valley Bank. The true cause of this failure needs to be thoroughly investigated. It is important to remember there are protections already in place to ensure the soundness of our financial system. If you were impacted by the closure, [the FDIC has provided a resource guide here](#). Look for more information to be shared on my social media channels regarding this issue as becomes available.

<https://huizenga.house.gov/news/email/show.aspx?ID=GKZ6IBECTOKJUV77RV3N6M7GRI>



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EXHIBIT E

Two KGOP Censures against Plaintiff Harris and Plaintiff Pritchett-Evans



**Kalamazoo County Republican Party
Resolution to Censure Sabrina Pritchett-Evans**

Whereas, on February 17, 2023, KGOP member, Sabrina Pritchett-Evans, stood before the MIGOP Convention – District 4 and falsely stated the KGOP Executive Committee took an illegal vote on February 13, 2023,

Whereas, on February 17, 2023, KGOP member, Sabrina Pritchett-Evans, based on her false statement put forth a hostile amendment for a hostile motion to set aside Rule 9 for Kalamazoo County delegates and allow all 4th District counties to vote on and select Kalamazoo County delegate nominees,

Whereas, against the interest of Kalamazoo County voters, Sabrina Pritchett-Evans voted yes on setting aside Rule 9 and for all 4th District counties to vote on and select Kalamazoo County delegates,

Whereas, setting aside Rule 9 blocked Kalamazoo County delegates from exercising their right to caucus, nominate, and select its nominees in the same manner as all other counties,

Whereas, setting aside Rule 9 greatly reduced the voting power of Kalamazoo County delegates,

Whereas, setting aside Rule 9 took away the right of Kalamazoo County delegates to select its nominees in the manner as previously agreed with all other counties,



Whereas, with the support of Sabrina Pritchett-Evans, setting aside Rule 9 was passed by District 4,

Whereas, we believe Sabrina Pritchett-Evans's false statement, hostile amendment, and vote are a betrayal of her fellow delegates and the core values of the KGOP. We believe her false statement and vote were against the interest of voters in Kalamazoo County.

Now may it be resolved, that the Kalamazoo County Republican Party, hereby censures Sabrina Pritchett-Evans and condemns her false statement, hostile amendment, her support to diminish the voting power of Kalamazoo County delegates and vote against the interest of voters in Kalamazoo County.

March 1, 2023



**Kalamazoo County Republican Party
Resolution to Censure Kim Harris**

Whereas, on February 17, 2023, KGOP Executive Committee member, Kim Harris, at the MIGOP Convention – District 4 falsely stated the KGOP Executive Committee took an illegal vote on February 13, 2023,

Whereas, on February 17, 2023, KGOP Executive Committee member Kim Harris, against the interest of Kalamazoo County voters, voiced her support of a hostile motion to set aside Rule 9 for Kalamazoo County delegates and to allow all 4th District counties to vote on and select Kalamazoo County delegate nominees,

Whereas, against the interest of Kalamazoo County voters, Kim Harris voted yes on setting aside Rule 9 and for all 4th District counties to vote on and select Kalamazoo County delegates,

Whereas, setting aside Rule 9 blocked Kalamazoo County delegates from exercising their right to caucus, nominate, and select its nominees in the same manner as all other counties,

Whereas, setting aside Rule 9 greatly reduced the voting power of Kalamazoo County delegates,

Whereas, setting aside Rule 9 took away the right of Kalamazoo County delegates to select its nominees in the manner as previously agreed with other counties,



Whereas, with the support of Kim Harris, setting aside Rule 9 was passed by District 4,

Whereas, we believe Kim Harris' false statement, support to set aside Rule 9 for Kalamazoo County, and vote are a betrayal of her KGOP Executive Committee oath and the core values of the KGOP. We believe her false statement, support to set aside Rule 9 for Kalamazoo County delegates, and her vote were against the interest of voters in Kalamazoo County.

Now may it be resolved, that the Kalamazoo County Republican Party, hereby censures Kim Harris and condemns her false statement, her support to diminish the voting power of Kalamazoo County delegates, and her vote against the interest of voters in Kalamazoo County.

March 1, 2023

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EXHIBIT F

Attorney Letter dated February 23, 2023 demanding retraction and mitigation to KGOP

*The Law Office
Of
JAMES A. THOMAS, ESQUIRE
Attorney and Counselor at Law*

*1925 Breton Rd. SE Suite 250
Grand Rapids, Mi. 49506*

Phone: (616) 747-1188
jimmy@jimmythomaslaw.com

February 23, 2023

To: Kalamazoo Executive Committee
Kelly Sackett Chair, Charley Cross Vice Chair

Certified and Regular Mail

RE: Election of Statutory positions filled by the Republican Party of the Kalamazoo Executive Committee;
Press Release Defamation

Ms. Sackett and Mr. Cross,

I am not going to be long-winded regarding the purpose of this letter. On January 9, 2023, during the Republican Party of Kalamazoo County (KGOP) Executive committee (EC), you slated three precinct delegates to become the statutory seat holders for the EC. This is in violation of MCL 168.599 and you do not have the authority under the KGOP By-Laws to override the statute. The named By-Laws in that meeting by Dr. Lloyd Peterson, specifically 3A and 6A of the KGOP EC do not usurp the statute and render your slate deficient. Those By-Laws are posted below for your edification. I have also posted the minutes of the dialogue below in which Ms. Sackett brought this ideology to the floor for a vote. A vote was taken to fill statutory seats and passed (14 yeas to 9 nays).

After discussion regarding the ability of Ms. Sackett to participate in the vote of the applicants, it was tabled until the February EC meeting. At this time, we do not have access to the minutes of the February meeting but it is our understanding that you in fact filled those three statutory seats with precinct delegates in violation of state law. We do consider this act dereliction of your duty and a breach of your fiduciary duties to the committee, community and the base of the Republican Party. This will not go unanswered. We are going to give you a small window to correct these errors. We demand within three days that you announce that a special meeting be called by the KGOP EC to rescind the three statutory seats filled by precinct delegates. There is a proper protocol to fill statutory vacancies by the person who is the new nominee or Republican appointee for the office in question. You intentionally failed to adhere to protocol. Being that there are 36 seats available, 18 statutory and 18 delegate-elected, the committee can function on a 15 statutory and 18 delegate-elected committee and we expect that this will remain until the 2024 election process or until you take the appropriate measures to fill those vacancies pursuant to the rules and guidelines.

To make matters worse, you sent out a text message on February 19, 2023, and a press release on February 21, 2023 smearing the very people who are a part of your party.

This release was purposely distributed via text message and E-mail to many individuals with the sole purpose of maligning the integrity and reputation of the GOP members by labeling their lawful actions during the February 17, 2023 State Convention as a coup.

We intend to pursue a defamation lawsuit for deceit, misrepresentation and slander for your text message release on February 19, 2023, and the press release published and E-mailed by KGOP and posted on the KGOP website on February 21, 2023 should certain corrective actions not take place.

Being that you distributed this information to the public, Ms. Sackett and Mr. Coss, you will have to answer to these falsities. My Client is demanding that within 3 business days of receipt of this letter that either you or your legal representative inform my office that you will retract every false statement that you made in your press release by initiating in the same manner a press release recanting those false allegations and redistributing that press release in the same manner as the original. A rejection of this request or ignoring it will prompt my client to pursue litigation seeking special damages and/or punitive damages for demeaning and slandering their integrity in violation of Michigan Tort Law under MCL 600.2911. A response from either you or your legal representative can be made to me via email to expedite an answer of how you would like to proceed. We will expect an answer no later than close of business day February 28, 2023.

KGOP EC Minutes from the January 9, 2023 meeting in part:

Kelly Sackett: Okay, so we are on to the nomination and election of the three open statutory seats that we have on the executive committee,

RJ Breginzer: I rise to a point of order. Statutory positions, according to our bylaws, are not elected positions.

Dr. Lloyd Peterson quoted by-laws and that we can fill the statutory positions.

Rj Breginzer & Veronica Perro state that we can't elect anyone. Dr. Lloyd Peterson countered by 3A & 6A.

Discussion ensues for & against

Charley Coss: I move that we fill the 3 open positions, I make a motion that we go ahead and move to fill the seats with applications that have been presented with the Duly noted.

Roger McMillan 2 nd 'd

Kelly Sackett: Call for a vote. All of those in favor.

Veronica Pero & Emily Crawford oppose moving forward to vote for filling the 3 positions

More discussion on filling positions and interpreting the by-laws

Dr. Lloyd Peterson, Emily Crawford & Dan Koshelnyk agree to not fill the 3 positions tonight

Kelly Sackett: all those in favor of filling these positions Ayes=14

Kelly Sackett: all those opposed to filling these positions Naves=9.

Kelly Sackett: Motion passes.

Discussion ensues if the chair can vote or is a nonvoting member. The Chair is a statutory member...

Charley made a motion to table the vote until the next meeting.

Roger McMillan made a second.

MCL Sec. 168.599:

(1) In the year 1966 and every second year thereafter, the delegates to the fall county convention of each political party in each county in this state having a population of less than 1,500,000, shall convene at the call of the county chairperson within 20 days following the November election to select a number of persons equal to the number of county offices and state legislative offices for which candidates were nominated at the last 2 preceding fall primary elections, who, together with the persons most recently nominated by the party for each of those offices shall constitute the executive committee of their party for that county. When a new nomination is made for an office, the nominee for which is entitled to serve as a member of the executive committee, the new nominee shall replace the former nominee as a member of the executive committee. If a vacancy occurs in the position of delegate-appointed member of the executive committee, the remaining delegate-appointed members shall fill the vacancy. Except as otherwise provided in this section, the executive committee may appoint the officers it considers proper to carry out the purposes of the committee, and may fill a vacancy in any of its offices

(2) Immediately following the selection of members of the executive committee, including the filling of vacancies, the secretary of the county committee shall certify the names and addresses of the persons chosen to the county clerk who immediately shall notify each person chosen.

KGOP By-Laws

III. COUNTY EXECUTIVE COMMITTEE

1 – Establishment

This committee is established by law (section 168.599 MCLA) and State Party Rules.

2 – Duties

The duties of the Executive Committee shall be to establish general policy and to conduct the affairs of the Party in accordance with these bylaws.

3 – Membership

The membership of the Executive Committee shall be as follows:

A. Those persons who shall have been most recently nominated at the last two (2) preceding fall primary elections for county and state legislative offices in the fall elections of even numbered years.

These persons shall be known as Statutory Members of the Executive Committee.

6 – Vacancies

A. If a vacancy occurs in the position of a Statutory Member of the Executive Committee and there is a special election held to fill the office, the vacancy may only be filled by the person who is the new Republican nominee for the office in question. If the office is filled by appointment and the new official is a member of the Party, he shall fill the vacancy and if an Elected Member, shall surrender this position.

Upon rejection of these demands, expect litigation to occur. Again, I will be happy to speak to you, or your legal representative but understand that my client will not forego the February 28, 2023 deadline date for that response.

Sincerely,

/s/JIMMY THOMAS

James A. Thomas, Esquire
jimmy@jimmythomaslaw.com

PLAINTIFFS'

Composite

EXHIBIT G

Affidavits of Plaintiffs Kimberly Harris and Sabrina Pritchett-Evans

STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO

SABRINA PRITCHETT-EVANS and KIMBERLY HARRIS
Plaintiffs,

CASE NO.: 23- - CZ

v.

^{County} DIVISION:

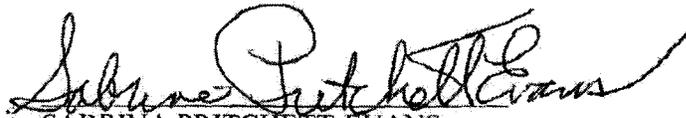
REPUBLICAN PARTY OF KALAMAZOO, STATE OF MICHIGAN (KGOP),
KALAMAZOO GRAND OLD PARTY EXECUTIVE COMMITTEE (KGOPEC),
and KELLY SACKETT
Defendants.

Attorney for Plaintiff
James A. Thomas, Esq. P80931
1925 Breton Rd. Suite 250
Grand Rapids, Michigan 49506
(616) 747-1188
jimmy@jimmythomaslaw.com

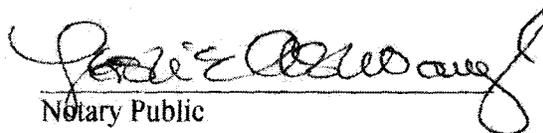
AFFIDAVIT TO VERIFY COMPLAINT

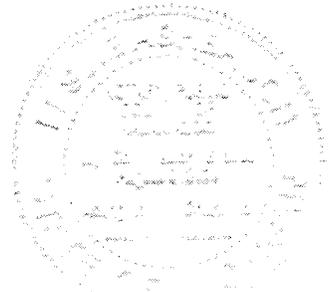
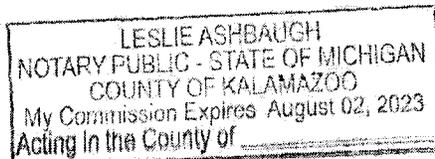
The Affiant, Sabrina Pritchett-Evans, being first duly sworn, hereby deposes and states as follows:

1. My name is Sabrina Pritchett-Evans and I am 18 years of age or older.
2. I have read the verified complaint, to include the general allegations, each of the 8 counts, the Exhibits that are attached and the motion for injunctive relief in this matter and everything factual contained therein is true and accurate to the best of my information, knowledge and belief under the penalty of perjury.
3. Further affiant sayeth not.


SABRINA PRITCHETT-EVANS

On this 28th day of March 2023, before me appeared Sabrina Pritchett-Evans who did execute the foregoing affidavit, and who, being duly sworn, deposes and states that she has read the foregoing affidavit and knows the contents thereof, and that the same is true of her own knowledge and belief, except as to those matters she states to be on information and belief, and as to those matters she believes them to be true.


Notary Public



STATE OF MICHIGAN
CIRCUIT COURT FOR THE COUNTY OF KALAMAZOO

SABRINA PRITCHETT-EVANS and KIMBERLY HARRIS

Plaintiffs,

CASE NO.: 23- - CZ

v.

county DIVISION:

and REPUBLICAN PARTY OF KALAMAZOO, STATE OF MICHIGAN (KGOP),
KALAMAZOO GRAND OLD PARTY EXECUTIVE COMMITTEE (KGOPEC),
KELLY SACKETT

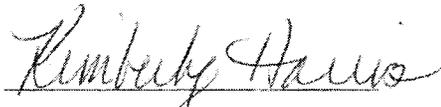
Defendants.

Attorney for Plaintiff
James A. Thomas, Esq. P80931
1925 Breton Rd. Suite 250
Grand Rapids, Michigan 49506
(616) 747-1188
jimmy@jimmythomaslaw.com

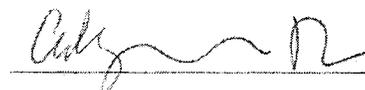
AFFIDAVIT TO VERIFY COMPLAINT

The Affiant, Kimberly Harris, being first duly sworn, hereby deposes and states as follows:

1. My name is Kimberly Harris and I am 18 years of age or older.
2. I have read the verified complaint, to include the general allegations, each of the 8 counts, the Exhibits that are attached and the motion for injunctive relief in this matter and everything factual contained therein is true and accurate to the best of my information, knowledge and belief under the penalty of perjury.
3. Further affiant sayeth not.


KIMBERLY HARRIS

On this 28th day of March 2023, before me appeared Kimberly Harris who did execute the foregoing affidavit, and who, being duly sworn, deposes and states that she has read the foregoing affidavit and knows the contents thereof, and that the same is true of her own knowledge and belief, except as to those matters she states to be on information and belief, and as to those matters she believes them to be true.


Notary Public

ADALYNN BROUWER
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF KALAMAZOO
My Commission Expires September 3, 2028
Acting in the County of Kalamazoo