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September 6, 2023

Dan Hartman
MIGOP c/o The UPS Store
3450 Alpine Ave, NW
Grand Rapids, MI 49544

VIA EMAIL: danjh1234@yahoo.com

Re: Notice of Meeting

Mr. Hartman:

As you know, I represent the Defendants in the lawsuit styled *Sabrina Pritchett-Evans and Kimberly Harris v Republican Party of Kalamazoo County, State of Michigan (KGOP), Kalamazoo Grand Old Party Executive Committee (KGOPEC), and (aka) Kalamazoo County Republican Committee (KGOPEC), and Kelly Sackett*.¹

I have received and presented your *Notice of Meeting* with the Kalamazoo County Republican Committee ("KGOP") executive committee and I am now responding. Interestingly, you refer to it as a "summit." This letter is notice that neither myself, Kelly Sackett, or anyone from KGOP executive committee will be attending your Summit for the many reasons stated herein.

I am not going to relitigate the facts of this case in this letter. The court has already issued its *Opinion and Order*. For those who are interested, the facts are set forth in *Defendants' Motion for Summary Disposition Pursuant to MCR 2.116(C)(1), (C)(2), (C)(3), (C)(4), (C)(5), (C)(7), (C)(8), and (C)(10)*² and the court's *Opinion and Order*³, dated August 10, 2023. Additional legal

¹ Kalamazoo County Circuit Court, Case No. 2023-0169-CZ.

Defendants preserve the issue that Plaintiffs sued the incorrect parties or parties that do not exist. It remains Defendants' position that if you sue an organization, you should know the name of the organization.

² https://kgop.org/?page_id=1235

³ https://kgop.org/?page_id=1839

filings and depositions can be viewed [\[here\]](#).⁴ I strongly encourage everyone to read David Dishaw's deposition found [\[here\]](#).⁵

I will point out that even though my clients believe they were disenfranchised at the 4th District caucus on February 17, 2023, they did not file suit. They understood this was an internal political party matter. My clients were sued by your clients. Your clients lost. Instead of respecting the court's decision, you have sent a letter scheduling the Summit and your clients have called a rouge and illegal county revival for September 15, 2023 (the "Revival"). This illegal Revival is supported by the 4th District leadership and MIGOP leadership. In both cases, you think you can relitigate this case, demonstrating you have no respect for the court's decision. You should be ashamed to be part of this.

The answer to both the Summitt and the Revival is "no." You are acting lawlessly and you are out of order. I have now read multiple statements sent to you by people who agree that you are out of order.

HISTORY

With that said, I will delve briefly into your history and several of the people who received notice of this Summit. Prior to the ill-advised lawsuit, you consulted with the plaintiffs Sabrina Pritchett-Evans and Kim Harris to discuss legal strategy. Indeed, Kim Harris acknowledged on Telegram that MIGOP has no mechanism to get involved. You know you have no authority, yet you still try to assert authority and you have worked against KGOP.

You also represent Ken Beyer. You were his attorney in *Ickes et al v Whitmer et al*, Case No. 1:22-cv-00817, United States District Court for the Western District of Michigan. In that case, you also represented the US Taxpayer Party for at least 8 months after you became MIGOP counsel.

And now you want to oversee this Summit where you and Kristina Karamo are the supreme rulers. Please read the Michigan Rules of Professional Conduct, Rules 1.7-1.9 regarding conflict of interest, because you have serious conflicts.

After the ill-advised lawsuit was filed by Mrs. Pritchett-Evans and Mrs. Harris, I contacted you on multiple occasions. I expressed to you that I strongly believed KGOP would prevail. I told you I thought the lawsuit was a terrible idea because a political party should not concede jurisdiction to courts. I requested that the attorneys sit down and talk about the issues rather than litigating. I was ignored. Rather, in a braggadocios fashion, you told me that plaintiffs would prevail. You hinted to the awful things MIGOP had in store for KGOP if it did not lay down and submit to the authority of the supreme ministry.

On June 30, 2023, Allegan County chairman Kenny Clevenger wrote a letter to the 4th District delegates encouraging the plaintiffs (and their supporters) to dismiss their case. Mr. Clevenger stated: "We firmly believe that dropping the lawsuit is in the best interest of all parties involved,

⁴ https://kgop.org/?page_id=1709

⁵ https://kgop.org/?page_id=1750

both directly and indirectly. The courtroom is not the appropriate venue for this matter; it should be resolved through alternative means within the party." He was attacked by your client Ken Beyer.

On July 3, 2023, the court heard oral argument on my clients' motion for summary disposition. The court continued the hearing to July 20, 2023, stating that it wanted to hear from witnesses Dave Dishaw (on behalf of defendants) and Joel Studebaker (on behalf of plaintiffs) regarding bylaws, parliamentary procedure, and history of the Republican Party as it related to plaintiffs' complaint and defendants' motion.

After the court hearing, I reached out to you and plaintiffs' attorney again and requested we sit down as attorneys. I was ignored again. I subsequently learned that you viewed my request for a meeting as "weak" or somehow forecasting that I thought KGOP would lose. To the contrary, good political policy is established by people talking. You read the situation wrong.

COURT DECISION

On August 10, 2023, the court issued its *Opinion and Order*⁶ and dismissed the substance of plaintiffs' complaint. The court's order details that county parties are autonomous. County parties are free to govern themselves without interference. County party bylaws control. To the extent they are silent, the county party is allowed to look to customs and traditions to govern itself.

Regarding the removal of 17 delegates, KGOP argued that precinct delegates are county party elected positions. The Kalamazoo County Clerk only facilitates the delegate "elections" as a convenience to the political parties. As the county clerk stated, "The Clerk's Office also made clear it is their position that the removal of a precinct delegate and questions related to such action are matters of party governance and at this time, the Clerk's Office strongly reaffirms that position." Again, you can read our arguments on this issue in the brief [FN2]. Delegates are the only "elected" people not subject to recall. People can be elevated permanently to delegate spots without being on the August ballot. This is because they are subject to removal at the county party level. As the Pennsylvania Supreme Court stated in *Mohn v Bucks Cnty Republican Comm*, 259 A.3d 449 (Pa 2021) "[w]e acknowledge Appellant's invocation of the rights of the voters who elected him. It is far from certain, however, that those voters would choose to continue to support him in his departure from the will of their own party." When delegates depart from the will of their own party, they are subject to removal, among other reasons. In *Pritchett-Evans et al v KGOP et al*, the court stated:

Plaintiffs next argue that Defendants violated the Bylaws when they removed 17 delegates, including Plaintiffs. The 17 delegates were duly elected by individuals who voted in the election on the Republican ballot. There has been significant litigation concerning the removal of elected delegates in similar positions. The analysis has been thoroughly presented hereinabove. The KGOP has no provision in

⁶ https://kgop.org/?page_id=1839

its Bylaws concerning the removal of elected delegates. However, clearly, this has been done in other contexts and resulted in litigation. Courts have continued to determine that this issue falls under the political questions doctrine. Some Courts have discussed Court intervention when there is a direct and substantial nexus between the conduct taken and the resulting impact on the partisan voter and/or the general electorate. However, in looking at the analysis by the *Cousins* Court, it is clear that this does not provide a basis for judicial intervention. As the Supreme Court determined in *Cousins*, even when the dispute concerns the nomination of a presidential candidate, the Court should not involve itself. This Court cannot think of a more direct and substantial nexus than the nomination of a presidential candidate. As such, this Court has no jurisdiction.

Opinion and Order, at 19. This is now the law of Michigan: county parties have the right and authority to remove delegates so long as it does not conflict with their bylaws. The courts will not interfere. There is nothing you can do to change this at the state level. County parties are autonomous.

Right after this decision was handed down, I called you again. I extended you another olive branch and said we should still sit down and talk, as attorneys, in order to discuss policy going forward. I wanted the attorneys to have a meeting, not a binding arbitration. But I heard nothing. Indeed, MIGOP leadership has largely ignored Republican voices across the state, you have nearly bankrupted the party, and you have de-energized the base. You are not working toward a common goal of raising money and getting candidates elected. No money is being raised. If it is, it is hidden from many on the executive committee. You appear to be focused almost entirely on interfering in county disputes. It's as if you are in perpetual campaign mode where you are messaging to 50% +1 of the delegate base instead of running a state party political organization. Your sole focus is trying to pass a radical "conflict resolution" plan that nobody wants, save a few die-hard supporters.

THE SUMMIT

Now, after I you have ignored my requests multiple times and instead made me listen to your arrogant claims about how you will win in Kalamazoo, you issued your notice on one-week notice, in violation of MIGOP bylaws and without any authority. It is against this backdrop that I will explain why your call for a Summit is disingenuous.⁷

1. If it is not perfectly clear already, you ignored everyone when it meant something. The court has issued its *Opinion and Order*. Under no circumstances will KGOP concede jurisdiction to MIGOP. Likewise, KGOP will never recognize the authority or the

⁷ *Psalms* 12:2

decisions of your proposed Conflict Resolution Committee, or any other committee regardless of name, or any summit, meeting, festival, revival, or gathering of MIGOP individuals that attempts to interfere with KGOP's autonomy.

2. Your notice is illegal and violates the MIGOP bylaws regarding autonomy of county parties.
3. The removal of members from the executive committee are settled. The issue of removal of delegates is settled. KGOP won. Your arrogance in demanding a Summit now, after you lost, is breathtaking.
4. We do not care about plaintiffs' defamation claim. It is frivolous. Plaintiffs have already stated on the record that they suffered no damages. The only issue to resolve now is whether plaintiffs will be sanctioned for continuing this frivolous claim.
5. Ironically, you have not added to the agenda the statements made by Ken Beyer against our KGOP executive committee member and delegate Dr. Tamara Mitchell. You think his slanderous statements against her are okay. You only want to "mediate" plaintiffs' slander claims. It is absurd. Let me refresh your memory.

a) on April 12, 2023 in a text message to 4th District Vice-Chair Sabrina Pritchett-Evans, Mr. Beyer referred to Dr. Tamara Mitchell as "Missionary position Tamara Mitchell" and further stated "My wife wants to punch her now." Dr. Mitchell is a delegate, executive committee member in Kalamazoo County, and former state senate candidate; therefore, a female delegate within Mr. Beyer's district. Mrs. Pritchett-Evans did not object to Mr. Beyers sexually derogatory comments about Dr. Mitchell. To the contrary, she replied, "Right." It is offensive that Mrs. Pritchett-Evans failed to object to these comments and did not report them to MIGOP or take other corrective actions. Rather, to this day, Mrs. Pritchett-Evans continues to attack and insult Dr. Mitchell on social media, using the same derogatory terms.

b) When I inquired about these comments during Mr. Beyer's deposition, he stated:

BY MR. DePERNO:

Q: Who is missionary position Tamara Mitchell on page 96?

KEN BEYER: [chuckle] I'd have to say that's one of your screaming minions.

Q: Okay, why do you refer to her as Mission position Tamara Mitchell?

A: Because I think it is a fraud that she calls herself a missionary so I made a fun out of it, yes.

Q: So, you're making a sexual innuendo against Dr. Mitchell?

A: I'm saying that she should call herself a missionary and the only way that she could say that

she is a missionary is if she were on her back with her legs spread, yes.

Q: Now I've look through all these text messages I've seen you make no type of sexual comments like that against men. Why just against a woman?

A: I'm saying she's a fraud.

* * *

Q: Based on your, now Tamara Mitchell is a delegate, right?

A: I assume so.

Q: She's a delegate in the 4th District. You just made a sexual reference to her. Your wife has stated she wants to punch her in the face. Will you now as the District 4 chair resign based on that comment?

A: Absolutely not.

6. You state that we will operate the Summit under MCR 2.412 regarding mediation. Yet plaintiffs never requested mediation with the court. Only a court can order mediation. You have no authority, either under MIGOP bylaws or the Michigan court rules to schedule mediation. But even if the court did order mediation, the parties would work together to select a mediator. Certainly, we would not select you, who represents practically every other person listed on your invitation. KGOP will never concede jurisdiction to your authoritarian demands.
7. In your notice, you set forth a process where all parties will first have the opportunity to resolve the issues. This is Phase #1: THE RESOLUTION ATTEMPT. The problem you fail to understand it that the issues have already been resolved. See *Opinion and Order*. There are no issues in controversy and there is nothing to mediate. The case is over. If we were to attend, within the first minute I would tell you that the only resolution is for plaintiffs to apologize and pay our legal fees.
8. Very quickly we move to Phase #2 of your chamber of authoritarianism: THE JURY OF FIVE comprised of Kristina Karamo, Malinda Pego, Andy Sebolt, James Copas, and Branden Giacobazzi who "will meet to make a recommendation of how to proceed from MIGOP as an internal party matter which will be scheduled prior to Saturday, September 9 at 8 PM."
 - a. As to James Copas, I do not know who he is, but I see no record of the MIGOP executive committee giving him authorization to conduct any business or attend any Summit to resolve issues. Who is he? He appears to be your associate who just wandered in off the street. You can associate with whomever you choose, but you cannot bring in some random person to be involved in our business. Why the MIGOP executive committee is allowing him to attend meetings and obtain confidential information is beyond me. Unless ordered by the court, KGOP will never grant James Copas any authority or jurisdiction over it.

- b. As to Branden Giacobazzi, MIGOP executive committee has not granted the "conflict resolution committee" any authority. Indeed, Mr. Giacobazzi had a meeting last night where he tried to ram through a resolution and it failed. But even if MIGOP has granted Mr. Giacobazzi any authority (which is has not) he is woefully under-qualified to chair any such committee or think he is going to help mediate this dispute. Unless ordered by the court, KGOP will never grant Branden Giacobazzi any authority or jurisdiction over it.
9. Within the first minute of Phase #2, I would tell you that under no circumstance would KGOP grant the Jury of Five authority or jurisdiction over it, and certainly never *AFTER* we already won. Not only that, but I can do math, and based on my whip count, KGOP has already lost in Phase #2.
10. So, within two minutes, we have arrived at Phase #3: THE OPINION OF THE SUPREME LEADER. In this phase, the recommendation of the Jury of Five (which includes Kristina Karamo) will go to – *wait for it* – Kristina Karamo. What? That's right. Kristina Karamo will receive her own recommendation and "Kristina will issue her decision which will include her summary of the positions on the contested issues before Sunday September 10 at 8 PM." My guess is her "opinion" has already been written by you. But this also begs the question: why does anyone think Kristina Karamo can write an opinion better than the court, which has already issued its *Opinion and Order*.
11. There are no "contested issues." KGOP already won. We choose not to participate in your star chamber comeback.
12. This is authoritarianism. This is ludicrous. This is communism.
13. So, the writing is on the wall and KGOP loses in Phase #3, even though we have already won in court.
14. This takes us into Phase #4: THE APPEAL. In Phase #4, the losing party (KGOP, even though it has already won) can appeal to you, Dan Hartman, the mediator, who represents Sabrina Pritchett-Evans, Kim Harris, and Ken Beyer and who has been working against us the entire time and who has probably already written the opinion. No thank you.
15. This takes us into Phase 5: THE PRESENTATION. In Phase #5, you will present any objection to MIGOP state committee which will have a vote on September 24, 2023, on Mackinac Island, the day after the Mackinac conference. Why is KGOP not allowed to present its objection to the state committee? Why did you schedule this presentation on the island when you know nobody from KGOP is going to your conference.
 - a. Your proposal requires a short discussion about the Mackinac conference. You have scheduled the state committee meeting for September 24, 2023 (Sunday) on Mackinac Island at 1:30 PM. You know people want to get home to their families. You know people have long drives, in some cases 8 hours or longer. Regardless, you scheduled the meeting for 1:30 PM. You could have scheduled the meeting on September 23, 2023 (Saturday). It will take an hour. And it is not like you have a robust schedule on Saturday because not many people will attend and you have

maybe 3 speakers. You are already \$420,000 in debt for the conference because your ticket sales are deficient.

- b. You also know that nobody from KGOP is attending your conference.
 - c. The cake has already been baked for your executive committee meeting. You scheduled it for Sunday at 1:30 PM intentionally knowing it is a hardship on many people. Of course, your selected die-hard supporters will be present in order to attempt a quorum. If you have one, then you will pass your Conflict Resolution "Supreme Leader" rules, bylaw amendments, and assert your Gestapo authority over KGOP and other counties.
 - d. Your Sunday meeting is a joke, completely contrived, and we choose not to participate in your Communist plot.
16. The wording in your letter on the Jury of Five is important and revealing. You state that the Jury of Five will make a recommendation "on how to proceed from MIGOP as an internal party matter." This language is important because the court stated that if an issue is not addressed in the bylaws, then we can look to party history to address internal party matters. You are clearly setting a legal trap; although you are not hiding it well. If you get KGOP to cooperate and appear at the Summit, then you can sprinkle fairy dust and declare the Summit is now part of party history, which means you can implement your conflict resolution plan as an "internal party matter" and you do not need executive committee approval. Again, we choose not to participate in your Communist plot.
17. You have also invited Ralph Rebrandt to be the parliamentarian. I know Mr. Rebrandt and I like him as a person. However, no mediation needs a parliamentarian. It needs qualified attorneys who can resolve issues. Second, Mr. Rebrandt is not trained as a parliamentarian and KGOP does not consent to him serving as one.
18. In your letter, you demanded that "[a]ll attendees must be identified by Tuesday, September 5, before 5 PM and must be a delegate of the Michigan Republican party or a bar admitted attorney." In case it is not clear, we are not coming. Second, Mrs. Pritchett-Evans and Mrs. Harris are not delegates. They were removed as delegates. See the court's *Opinion and Order*. KGOP will not be tricked into consenting to your Summit in order to create the fiction that they are still delegates.
19. You then state near the bottom of page 1 that "the 4th District call to county convention on September 15, 2023, will likely continue absent a settlement but the effect of such convention, if it occurs, will be determined at the Mackinac Island State Committee by majority vote."
- a. First, the 4th District cannot call a Kalamazoo County convention. Only the KGOP chair can call a county convention. The 4th District committee has no bylaws. Therefore, it must follow the MIGOP bylaws. The MIGOP has no authority to call a convention in Kalamazoo. You have admitted this to me on the telephone on multiple occasions. The convention is illegal and you know it. Unlike the 4th District, the KGOP has bylaws that establish it as its own private

political organization. The KGOP has autonomy and runs itself and polices itself from everything in how it operates, chooses to organize, and composes itself, including membership.⁸ Regardless, KGOP has obtained a legal opinion on this issue. [Exhibit 1].

- b. Second, the Revival was called by a random person named Kerry Lynn Elieff. In her fake call to convention, she refers to herself as "Chairwoman of the Rules Committee of Special Convention of the Kalamazoo County Delegates." Her fake call to convention was issued by a group called "Kzoo Delegates." Ms. Elieff is not a delegate. She is not the KGOP chair. She is not a chairwoman of any rules committee associated with KGOP. She cannot call a county convention. As Mr. Hauser states in his opinion, "[a]llowing such a 'call to convention' would be no different than allowing a random group of people to gather at a local church and remove and replace the executive committee of the ACLU."
20. I must add that KGOP takes no issue with people gathering. Indeed, they have the First Amendment right to gather. They can order pizza. They can hold a Revival. They can curse the KGOP and call us names. They can even make proposals and pass resolutions at their Revival. But all of that is meaningless as it relates to KGOP. To the extent they and you think it does, then it amounts to contempt of court and fraud. This rouge band of people calling themselves "Kzoo Delegates" have not filed any statement of organization and have not registered as a political organization. They are past the deadline to do so, and if they do hold their Revival, then they have already violated campaign finance laws.
 21. But even if you can rewrite history and claim (as you do) that the 4th District called this convention. It has zero say over KGOP and the suggestion that Mr. Beyer or the 4th District can convene a convention or revival to vote on KGOP elected position is absurd. It is not supported by county bylaws, district bylaws (of which there are none), state bylaws, historical precedence, parliamentary procedure, or state law. Indeed, it violates them all.
 22. Next, I will point out to you and all MIGOP executive committee members who read this letter a glaring problem for you. Your "Notice of Meeting" and the framework you set forth claims authority over KGOP and its executive committee. This specifically violates MIGOP bylaws Article XI(B) which states in part:

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

⁸ See MIGOP bylaws, Article III(A). "The county executive committee of each county shall adopt its own bylaws and rules of procedure. See also Article XI(B) ". . . the Committee is not 'affiliated' with the congressional district and county party organizations" See also Article XI(B) "No provision in these Bylaws shall be interpreted to allow any political party committee to control any other political party committee"

Campaign Act, 2 USC § 431 et seq., and corresponding regulations or under the Michigan Campaign Finance Act, MCL 169.201 et seq.

Your letter demonstrates your clear attempt to control county parties. This "control" that you so desperately seek will bust the MIGOP contribution limits. Prior to sending your notice, I doubt that MIGOP has set up a centralized monitoring system to ensure that all contributions made and received by all county committees, district committees, and MIGOP are collectively within the limits.

Your authoritarian claim that MIGOP can control county parties as you propose means that MIGOP must report all contributions made to all county parties. The same goes for the illegal "call to convention" which you now claim and admit comes from the 4th District. Your new requirement to include every county in the state will prove to be a nightmare.

23. In addition to campaign finance violations, Mr. Beyer's actions (which you have refused to address and which you have previously been notified about) raise significant issues for himself, affiliates, the 4th District, and MIGOP in terms of actual and perceived sexual harassment, violence, and assault. You should get a handle on this issue. What is MIGOP liability coverage for sexual harassment, violence, and assault? Just curious. These questions are troublesome considering you practically represent everyone on your side of the aisle, including anyone who might file a cross claim or counter claim or demand indemnity. What a mess.

Finally, I have a suggestion. Instead of wasting your time scheduling meetings *after* the court issued its decision, perhaps your focus should turn to raising money and beating Democrats, rather than continuing and promoting constant in-fighting. We need to win back the state house. There is a US Senate seat at stake. You have already squandered 7 months on internal disputes in your attempt to cleanse the party. Instead, pick up a donor list and start making calls. Maybe this is what happens when people with no experience are hired into positions of leadership? Possibly filing ill-advised frivolous lawsuits that make public intra-party disputes is a bad idea? I do not see Democrats filing lawsuits against each other. I see them raising money and fighting Republicans.

Nevertheless, I remain committed to meeting with you as attorneys in order to find a path forward, with the understanding the KGOP won the legal battle. All that is left is policy.

Best regards,

DePERNO LAW OFFICE, PLLC

Matthew S. DePerno



c: Gregory R. Todd, Esq.
James A. Thomas, Esq.
Malinda Pego, Vice Chairwoman
Brandon Giacobazzi
Andy Sebolt
James Copas
Ralph Rebrant

Exhibit 1

VANDERVOORT, CHRIST & FISHER, P.C.
LAWYERS

JAMES A. FISHER
NELSON KARRE
JAMES E. REED★
DAVID P. LUCAS
MATTHEW X. HAUSER
ASHLEY A. SMITH
JEFFERY M. CLAY

RETIRED:
ROBERT D. MCFEE
ROBERT J. SHARKEY

★ ALSO ADMITTED IN WA

BATTLE CREEK OFFICE:
THE BATTLE CREEK TOWER, SUITE 450
70 MICHIGAN AVENUE WEST
BATTLE CREEK, MICHIGAN 49017

COLDWATER OFFICE:
COLDWATER EXECUTIVE SUITES, SUITE 2B
28 WEST CHICAGO STREET
COLDWATER, MICHIGAN 49036-1678

BATTLE CREEK OFFICE:
VOICE: (269) 965-7000
FAX: (269) 965-0646

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VOICE: (517) 278-0500
FAX: (517) 278-0501

MILLARD VANDERVOORT (1906-1981)
CHRIS T CHRIST (1929-2020)

September 6, 2023

WRITER'S E-MAIL ADDRESS:
mhauser@vcflaw.com

REPLY TO BATTLE CREEK OFFICE

In Re: Opinion Related to the Bifurcation of State and County Parties

I have been an elected Precinct Delegate for the Michigan Republican Party since August of 2008. Since that time I have seen people come and go, candidates win and lose, success and short comings. Since becoming a Precinct Delegate in August of 2008 I have held numerous positions in the Party including but not limited to being a District Committee Member, State Party Committee Member, Co-Chair and Chair of State Committee subcommittee and Secretary of the Michigan Young Republicans to name a few.

The question of how much control State Party has over the District Parties and County Parties has been asked numerous times since 2008 and I am confident before that time as well. Every cycle when one group wins over another group there are always attempts to find a way to change outcomes through some internal mechanism and when there is not an internal mechanism they losing group attempts to create once.

The State GOP, District GOP and County GOP are all separate legal entities that file their own MERTS report have their own bank accounts and function how the elected leadership of each group desires. Each layer has their own bylaws and internal process. The only time a county party for example operates under rules from either the district or state party is during a convention. Beyond that limited time the elected members of the county executive committee are fully recognized by the District and State party until the next November Leadership Convention.

Changes to County leadership occur from within the county party itself. Similar to a change in leadership during the standard cycle would occur within the State of District party itself. The most recent example we have of this is the State Committee attempting to remove the current MIGOP chair. This was done not by a convention being call, but through the MIGOP State bylaws. If the KGOP wished to remove its current chair or any other member there is a process the KGOP could take. Same goes for the district committee.

County Party Committees are autonomous. This was recently confirmed by Judge Curtis Bell's *Opinion and Order* dated August 10, 2023, in the case of *Pritchett-Evans and Harris v KGOP et al*, Case No. 2023-0169-CZ, Kalamazoo County Circuit Court. "The Michigan Supreme Court held that the 'Director of Elections correctly left to the American Independent Party the resolution of the intraparty dispute' because 'the convention itself is the proper forum for determining

intraparty disputes." *Id.* at 12 (quoting *American Independent Party v Secretary of State*, 397 Mich 689, 696 (1976).

QUESTION #1

What is the process to select the Executive Committee.

ANSWER: The KGOP bylaws are clear. The Executive Committee is made up of equal number of "statutory members" and "elected members." The elected members are elected at the Fall Convention taking place in even-numbered years. See Article III(3)(B). Only the Chairperson can issue the call to convention. See Article III(4)(A). "The precinct delegates to the Fall County Convention shall convene at the call of the Party Chairperson within twenty (2) days following the November election for the purpose of selecting the Elected Members of the Executive Committee." Executive Committee members remain on the executive committee until they resign or are removed as provided in the bylaws. See e.g. Article III(7)(E) for the procedure on removing an elected member.

Also, the County Chairperson is the only person who can schedule a regular meeting. See Article IV(1). On the other hand, special meetings can be called by either the County Chairperson or upon written request of a quorum of the executive committee. See Article IV(2).

QUESTION #2

Can a delegate issue a call to convention?

ANSWER: No. Only the County Chairperson can issue the call to convention.

QUESTION #3

Can a non-delegate (i.e. citizen) issue a call to convention?

ANSWER: No. Only the County Chairperson can issue the call to convention.

QUESTION #4

Can a member of the KGOP who is not on the executive committee issue a call to convention?

ANSWER: No. Only the County Chairperson can issue the call to convention.

QUESTION #5

Can a member of the executive committee issue a call to convention?

ANSWER: No. Only the County Chairperson can issue the call to convention.

Also, the County Chairperson is the only person who can schedule a regular meeting. See Article IV(1). On the other hand, special meetings can be called by either the County

Chairperson or upon written request of a quorum of the executive committee. See Article IV(2).

QUESTION #6

Is the September 15, 2023 "convention" called by Kerry Lynn Elieff legal and valid?

ANSWER: No. Conventions under the KGOP's bylaws can only be called by the County Chairperson (the duly elected county chair from the prior November Leadership Convention, unless replaced by the Executive committee during their term). For this reason, the current "convention" called by Kerry Lynn Elieff and scheduled for September 15, 2023 is not legal or valid for the following reasons:

- (1) Kerry Lynn Elieff is not a delegate and is not a member of the KGOP. Allowing such a "call to convention" would be no different than allowing a random group of people to gather at a local church and remove and replace the executive committee of the ACLU.
- (2) Even if she was a delegate, the concept of a delegate-called convention is not part of the party structure.
- (3) Even if she was a member of the KGOP and not a delegate, she has no authority to call a convention.
- (4) And more importantly, even if she was a delegate, member of the KGOP, and member of the executive committee, she still would have no authority to call a delegate convention.

Politics is a numbers game and the only way to replace a County Chairperson at any level in the party is to get your precinct delegates through the August primary and to the county or state convention.

QUESTION #7

Can the MIGOP state committee recognize Kerry Lynn Elieff's group as the official Republican County Committee?

ANSWER: No. MCL 169.211(6) defines a "Political party committee," in part, as the "county committee of a political party." This section further states that "[e]ach state central committee shall designate the official party county and district committees. There must not be more than 1 officially designated political party committee per county and per congressional district."

The MIGOP has already designated the "Kalamazoo County Republican Committee" (KGOP) as the official designated political party committee. This was done many years ago and there can be only one county committee. In fact, KGOP is the oldest standing Republican County committee in the state of Michigan. It even predates the formation of

the Jackson County committee. As of today, KGOP has had 125 Lincoln Day Dinners. In 1890, George Torrey wrote an article titled "The Press of Kalamazoo" published in *Michigan Pioneer and Historical Society Collection*, Vol 17. Page 383, about George Fitch (who had purchased the *Kalamazoo Telegraph* in 1850). Mr. Torrey wrote:

"He (Fitch) was among the first to see the new issues that were arising in this nation, among the first to realize that the old Whig party must go, and one of the first to understand, and make known through the columns of his paper, the necessity of a union of men of all parties on a platform of principles to meet the demand that was rapidly growing, to resist the aggression of the slave power and to turn the nation from the fateful drift into which it had swung. He was one of the prime movers in the formation of the Republican party (which had its birth in Kalamazoo county, months before the famous convention under the oaks in Jackson), and the *Telegraph* was the first journal to advocate it, define its purposes and urge its adoption predicting it grand, ultimate triumph."

First, the rouge group of citizens (not delegates or members of the KGOP) are not a registered political group. Second, there is nothing in the MIGOP bylaws that would permit it to violate MCL 169.211(6) and recognize this rouge group. Third, to somehow suggest that MIGOP could today recognize a rouge group of people who are not members or delegates of KGOP as the "official" county committee because they lost a county political battle would not only erase over 150 years of history over an internal political "spat" but would also be illegal. In essence, MIGOP would be dismantling the KGOP and installing its own group of "Whigs."

Not only would this not stand, but it would be in direct conflict with Judge Bell's *Opinion and Order* wherein he stated that KGOP is autonomous and this conflict must be handled internally within the party.

"The right of an organization to select its own leader is fundamental to a political party. Here, Plaintiffs allege that Defendant Sackett, the KGOP's Chair, breached her fiduciary duty. When deciding whether this count is able to be adjudicated in this Court, it is fundamental to consider that this count is wholly internal in nature. The body of the KGOP selected Defendant Sackett to be its Chair and now Plaintiffs disagree with some of her actions and state that they are entitled to monetary relief, among other types of relief." *Id.* at 23.

Sincerely,

Matthew X. Hauser

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