

## IN THE SUPREME COURT OF THE STATE OF MONTANA

DA 25-0281

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ANTHONY L. HUDSON

Petitioner and Appellee,

v.

RONALD STOLTZ

Respondent and Appellant

And

RAVALLI COUNTY REPUBLICAN  
CENTRAL COMMITTEE

Respondent

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**APPELLANT'S OPENING BRIEF**

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On Appeal from the Montana Twenty-First Judicial District Court,  
Ravalli County, The Honorable Jennifer B. Lint, Presiding

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## **QUESTIONS PRESENTED**

1. Whether the District Court erred in granting a writ of mandamus when the petitioner failed to establish the absence of a plain, speedy, and adequate remedy at law, as required under Mont. Code Ann. § 27-26-102.
2. Whether the District Court's Order improperly interfered with the internal governance of a political party in violation of the First Amendment by mandating internal elections without regard to Montana Republican Party Bylaws, procedural prerequisites, or party autonomy.
3. Whether the District Court lacked jurisdiction to issue a writ of mandamus against Appellant Ronald Stoltz personally where no statute or bylaw imposed a clear, ministerial duty on him individually, and the alleged duty belonged to the unrepresented county committee.

## **STATEMENT OF THE CASE**

Appellant Ronald Stoltz ("Stoltz") respectfully seeks reversal of the District Court's Order and submits this appeal for this Court's review. This appeal arises from a writ of mandamus issued by the

Twenty-First Judicial District Court, Ravalli County (“District Court”), ordering Stoltz, Chair of the Ravalli County Republican Central Committee (“RCRCC”), to convene a county convention and conduct officer elections before April 1, 2025.

### STATEMENT OF THE FACTS

On February 18, 2025, Petitioner William Hudson (“Hudson”) filed a Petition for Writ of Mandamus, alleging that the RCRCC failed to hold officer elections he deemed mandatory. *See Pet. for Writ of Mandate & Declaratory Relief (“Pet.”)*, App. Ex. A. An evidentiary hearing was held on March 18, 2025. Stoltz appeared *pro se*, and the RCRCC was not represented. *Order Following Hearing (“Order”)* at 1, App. Ex. C.

The underlying dispute centers on a June 2024 amendment to the Montana Republican Party Bylaws, which provides that, beginning December 1, 2026, county central committees must organize between December 1 of even-numbered years and March 31 of odd-numbered years. *Pet.* 6:11–23, App. Ex. A. Hudson argued that this rule conflicts with Mont. Code Ann. § 13-38-205(1), which states that “[t]he county central committee shall meet prior to the state convention of its political

party and organize by electing a presiding officer and one or more vice presiding officers...”

Stoltz testified that under the Montana Republican Party Bylaws, the election cannot be convened until the State Chair authorizes the county to proceed. *Order* at 3, App. Ex. C. The Montana Republican Bylaws provide, in part, that, “[t]he State Chairman shall mail notice of this requirement at least ten (10) days prior to the period that elections may commence.” *Mont. Republican Party Bylaws* § III(c), App. Ex. D.

Hudson sought judicial intervention to compel the committee to hold elections so new delegates could be selected for the June 2025 State Convention. *Pet.* 12:6–15, App. Ex. A.

Hudson testified that without court intervention, there was no relief. *Hr’g Tr.* 17:17–23<sup>1</sup>, App. Ex. B. However, the record reflects the following:

- Stoltz first became aware of Hudson’s demand for a convention upon receiving the petition. *Hr’g Tr.* 20:13–15, App. Ex. B.
- Hudson could not confirm that he formally requested Stoltz or the state party chair to direct RCRCC to hold elections. *Hr’g Tr.* 17:10–18; 20:13–21:25, App. Ex. B.

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<sup>1</sup> Citations to “*Hr’g Tr*” refer to the March 18 hearing transcript included in the record on appeal.

- Although Hudson claimed support from 25 of 39 precinct captains, he did not attempt to organize them to convene a meeting. *Order* at 2, App. Ex. C.
- Hudson inaccurately asserted that only Stoltz could call a convention. *Order* at 2, App. Ex. C.
- Hudson had not contacted the State Chair since the previous election cycle. *Hr’g Tr.* 21:8–10, App. Ex. B.
- Hudson did not pursue an internal party appeal. *Hr’g Tr.* 23:4–6, App. Ex. B.
- Hudson presented no evidence that Stoltz or the state party chair refused to hold an election. *See generally* App. Record (no internal party appeal documented).

The District Court found a “clear legal duty of the RCRCC to elect officers and representatives to the State convention.” *Order* at 5, App. Ex. C. Its oral ruling interpreted the Montana Republican Party Bylaws as requiring elections before April 1, 2025, even if the State Party might later refuse to recognize the delegates. *Hr’g Tr.* 34:13–35:24, App. Ex. B.

Stoltz’s notice of appeal was filed on April 15, 2025.

### STANDARD OF REVIEW

Whether a district court properly issued a writ of mandamus is a legal conclusion reviewed *de novo*. *Jefferson Cty. v. Dep’t of Envtl. Quality*, 2011 MT 265, ¶ 16, 362 Mont. 311, 264 P.3d 715. Mandamus is an extraordinary remedy available only when two conditions are met:

(1) the party applying for the writ is entitled to the performance of a clear legal duty by the party against whom the writ is sought, and (2) there is no speedy and adequate remedy available in the ordinary course of law. *Id.*; Mont. Code Ann. § 27-26-102; *Smith v. Missoula Cnty.*, 1999 MT 330, ¶ 28, 297 Mont. 368, 992 P.2d 834.

### SUMMARY OF ARGUMENT

The District Court's Order must be reversed because it violates the statutory prerequisites for mandamus, the petitioner failed to establish demand and refusal prior to seeking judicial intervention, the district court lacked jurisdiction, and the mandamus infringes on constitutionally protected internal party governance.

Irrespective of whether a clear legal duty was established, Hudson had plain, speedy, and adequate alternatives to moving for mandamus, and both are needed to compel action. *State ex rel. Thomas v. Dist. Court*, 224 Mont. 441, 731 P.2d 324 (1986).

First, The Montana Supreme Court has held that the petitioner must demonstrate that a formal demand for the performance of the act sought to be compelled was made to the respondent to ensure that the respondent had an opportunity to act before being subjected to the



harsh remedy of mandamus, including attorney fees. *Liebman v. Brunell*, 212 Mont. 459, 689 P.2d 248, 249 (1984). Here, Hudson did not demonstrate that a formal demand for elections and a county convention was made to either Stoltz or the State Chair. Furthermore, the record shows that Stoltz did not refuse the demand for elections or a county convention. Hudson is seeking attorney fees against Stoltz.

Second, Hudson failed to exhaust multiple plain, speedy, and adequate remedies expressly provided under Montana Republican Party Bylaws, including organizing a majority and utilizing internal dispute resolution mechanisms. *See Mont. Republican Party Bylaws*, App. Ex. D. Hudson's failure to exhaust these alternative remedies bars issuance of a writ under Mont. Code Ann. § 27-26-102. *State ex rel. Thomas v. District Court*, 224 Mont. 441, 731 P.2d 324 (1986).

Third, the writ was improperly issued against Stoltz personally because the statutory obligation is to the committee, not to individual officers. The statute's plain language and controlling precedent. requires the *committee*, not its chair, to meet and organize before the state convention. *See Doty v. Mont. Comm'r of Political Practices*, 2007

MT 341, ¶ 34, 340 Mont. 243, 174 P.3d 640. Mont. Code Ann. § 13-38-205(1).

Finally, judicial intervention in internal party operations, including convention timing and officer selection, violates the First Amendment right of association under binding U.S. Supreme Court precedent. No compelling interest justifies overriding internal governance rules.

## ARGUMENT

- I. The District Court granted a mandamus prematurely, without considering other remedies, and improperly relied on perceived harm.**
  - a. No demand, no refusal: Hudson’s Petition was legally premature.**

The Montana Supreme Court has long held that demand is a prerequisite to mandamus relief. In *Liebman v. Brunell*, the Court reiterated that “a demand for the performance of the act sought to be compelled is required,” relying on its earlier decision in *State ex rel. Sch. Dist. No. 29, Flathead Cnty. v. Cooney*. 212 Mont. 459, 689 P.2d 248, 251 (1984) (citing *Cooney*, 102 Mont. 521, 524, 59 P.2d at 49 (1936)).

In *Liebman*, the petitioners alleged they had made a formal demand before seeking a writ of mandamus, but the respondents denied

the allegation. This court found that, at most, there was an informal conversation about the dispute without the substance of the conversation in the record. The court affirmed the lower court's order dismissing the petition for writ of mandamus. *Id.*

Here, the District Court did not find that a demand was made directly to Stoltz before the filing. *See Order*, App. Ex. C. The District Court merely noted that "Mr. Hudson stated he and other precinct captains have expressed a desire for elections to occur and expressed frustration at numerous meetings which have been canceled, and meetings where agenda items were ignored." *Order* at 3, App. Ex. C. This does not satisfy the threshold requirement of demand.

This omission renders the granting of mandamus premature under *Liebman* and *Cooney*, which requires more than informal sentiment or implied preferences to satisfy the demand requirement.

When Stoltz questioned Hudson during the evidentiary hearing about failing to issue a formal demand before seeking judicial intervention, Hudson conceded they had only spoken informally about general committee operations. *Hr'g Tr.* 20:13–21:25, App. Ex. B.

**Stoltz:** “My other thing is that you have claimed that you have sent me requests for a county convention. I have not received nothing. This is the first time I have heard of this.”

**Hudson:** “So, Ron, we have spoken off the record at different times about how our committee was going to run....” *Hr’g Tr.* 20:13–21, App. Ex. B.

Hudson further conceded that he did not email a demand or ask the state chair for elections. *Hr’g Tr.* 21:1–25, App. Ex. B.

**Hudson:** “So I have not spoken with the state chair about county conventions since the rulemaking process on a platform convention preceding this election...I, also, am not going to sit up here and swear that I sent you an email.” *Hr’g Tr.* 21:1–25, App. Ex. B.

Similarly, the District Court acknowledged Hudson’s frustration but stopped short of finding an explicit refusal by Stoltz. *Order at 3*, App. Ex. C. The District Court’s Order identifies no refusal by Stoltz to act, just deference to party leadership. “Mr. Stoltz stated that he was relying on the State Bylaws, and not-present representatives of the State Committee’s interpretation of the State Bylaws” and that § IIC(C) of the amended Montana Republican Party Bylaws meant that “a) no election or convention may be convened until after December 1, 2026 and b) no election or convention may be convened until the State

Chair authorizes the RCRCC to do so.” *Order* at 3, App. Ex. C; *Mont. Republican Party Bylaws* § IIIC(C), App. Ex. D.

Hudson conceded that Stoltz did not directly refuse to hold a convention.

**Q:** “And has Ron Stoltz denied you an election of officers? Has he—”

**A:** “I could not say any of the exact words that transpired here. I just know that we have not been able to get Ron to have an election of officers.” *Hr’g Tr 15: 8-13 (App. Ex. B)*.

These omissions are fatal under *Liebman v. Brunell*, 212 Mont. 459, 460, 689 P.2d 248, 248–49 (1984), which requires a clear demand and refusal as a prerequisite to mandamus relief. The District Court committed reversible error by granting mandamus without establishing the threshold requirements of demand and refusal, a settled prerequisite under Montana law.

**b. Hudson failed to exhaust internal party remedies, precluding mandamus relief.**

Hudson’s Petition concludes, “[t]here is no alternative plain, speedy, and adequate remedy in the ordinary course of law.” *Pet.* 9:22-23, App. Ex. A. *Doty v. Mont. Comm’r of Political Practices*, 2007 MT 341, ¶ 34, 340 Mont. 243, 174 P.3d 640. But a conclusory assertion alone cannot support mandamus.

Appellee Hudson failed to exhaust multiple plain, speedy, and adequate remedies expressly provided under Montana Republican Party Bylaws, including utilizing internal dispute resolution mechanisms and simultaneously filing for declaratory relief. These alternatives prevent the District Court from granting extraordinary relief under Mont. Code Ann. § 27-26-102.

First, Hudson’s claim that he needed court intervention because only the RCRCC Chair could call a convention is directly contradicted by the Montana Republican Party Bylaws. During the evidentiary hearing, Hudson “stated his understanding is that the RCRCC chair is the only person who can call the election and convention.” *Order* at 2, App. Ex. C

The RCRCC Chair’s powers are constrained by both Montana Republican Party Bylaws and the RCRCC. The Chair’s duties include presiding over meetings of the County Central Committee and the County Executive Committee. *Mont. Republican Party Bylaws* §C(IV)(a), App. Ex. D. The Chair’s duties are the ones “prescribed by law and these rules.” While the Chair exercises general supervision and

control of county party affairs, it is subject to the direction and control of the full County Central Committee. *Id.*

No article or section in the state bylaws states that the County Chair can call county conventions. In fact, §C.III(I) makes it clear that only the State Chair, by mailing notice, can trigger the convention/election window. The plain language of Mont. Republican Party Bylaws III (C) confirms that only the State Chairman may initiate the process of county conventions by mailing the required notice before Stoltz can make the call.

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

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

Notwithstanding whether statutes create a clear duty for Stoltz to call the convention even without the triggering event found in the state bylaws, Hudson had clear procedural remedies under the Montana Republican Party Bylaws and Robert’s Rules of Order, which those bylaws adopt as the governing parliamentary authority. *See Mont. Republican Party Bylaws*, § XI, App. Ex. D (“The rules contained in the current edition of Robert’s Rules of Order Newly Revised shall govern the Party in all cases...”).

Robert’s Rules expressly authorize action in the face of obstruction or refusal by a presiding officer. If a chair is “unable or unwilling to perform their duties,” a majority of the body may declare that condition and elect a presiding officer pro tempore to conduct business. *See RONR* (12th ed.) § 47:33–36, § 47:13. Such procedures exist to protect the rights of the assembly and prevent one officer from unilaterally obstructing lawful proceedings.

The District Court credited Hudson’s assertion that 25 of 39 active precinct captains supported holding the convention, which constitutes a clear majority. *Order* at 2, App. Ex. C. That majority, if properly



organized, could have convened a meeting, declared Stoltz unwilling to act, and elected a presiding officer *pro tem* to call a convention. Hudson had a well-established method to proceed when a chair obstructs organizational duties.

Second, Hudson failed to utilize the Montana Republican Party Bylaws internal appeal process, which independently bars mandamus relief. Under § F of the Montana Republican Party Bylaws, any party member may appeal the actions or inactions of county officers or committees by filing a written appeal within ten days of the alleged violation. *Mont. Republican Party Bylaws* § F, App. Ex. D.

### **Section F: Appeals**

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

Hudson directly admitted under oath that he made no such appeal:

**Q:** “Okay. Did you appeal, according to the state bylaws, your objection within ten days?”

**A:** “No, I did not file an appeal.” *Hr’g Tr.* 23:4-6, App. Ex. B.

Hudson's failure to pursue these express procedural avenues demonstrates that he did not exhaust plain, speedy, and adequate remedies as required by Mont. Code Ann. §27-26-102.

In *State ex rel. Thomas v. District Court*, the Montana Supreme Court made it clear that concerns over fairness in alternative remedies are without merit when the petitioner has not yet tried those other options. *State ex rel. Thomas v. Dist. Ct.*, 224 Mont. 441, 443, 731 P.2d 324, 326 (1986). You cannot obtain mandamus by skipping available remedies that you claim will be ineffective. *Id.* During the hearing, Hudson was assuming other remedies, like going to the state party or filing appeals, would not be effective. No testimony better illustrates this point than the following:

**Q:** “So you’re not getting the state convention support to hold the 2025 – Or strike that. You’re not getting the state party support that you would – I don’t want to say that. Strike that. Let me start over. You’ve reached out to the state party to direct the county central committee to hold elections, and you’ve not been able to get relief from them; is that correct?”

**A:** “The state party will not support county conventions or elections prior to December of 2026. I believe there’s members of the state party who are wholly aligned with the same contingent of people that we are fighting against right here in our own county.” *Hr’g Tr.* 17:5-18. App. Ex. B.

**c. Perceived harm is not a legal basis for mandamus.**

The District Court reasoned, "Accepting Respondents' interpretation of the State bylaws' effect on the current RCRC bylaws serves to remove from current elected precinct captains the right to run for and elect officers and select representatives to the State convention. It also disenfranchises the voters of Ravalli County resulting in an infringement on their constitutional right to vote by nullifying their vote of the 2024 precinct captains." *Order* at 6, App. Ex. C.

The District Court's equitable concern that Ravalli County Republicans might lose their voice at the state convention absent judicial intervention (*Order* at 5, App. Ex. C) is not a valid substitute for establishing a clear legal duty and the absence of other plain, speedy, and adequate remedies in the ordinary course of the law under Mont. Code Ann. §27-26-102.

Mandamus is not a vehicle for addressing speculative political consequences or perceived unfairness; it may be issued only when a party demonstrates a clear legal obligation that has matured and been refused. *See Liebman v. Brunell*, 212 Mont. 459, 460, 689 P.2d 248, 248-49 (1984).

Nothing in Stoltz’s position excludes duly elected precinct captains from serving, voting, or participating in party governance. To the contrary, testimony confirms that the 2024 precinct captains were recognized and seated and that no election or convention had been scheduled. Stoltz’s position is based on a good-faith effort to follow direction from the state party. Moreover, the captains themselves had the authority under § III(I) of the amended Montana Republican Party Bylaws to call a meeting by majority vote. *Mont. Republican Party Bylaws at § III(I)*, App. Ex. D. Finally, Hudson admitted that no formal appeal was pursued. *Hr’g Tr.* 23:4-6, App. Ex. B.

## **II. The District Court improperly intervened in an intra-party dispute.**

The First Amendment protects political associations and their internal autonomy. Internal governance is constitutionally protected absent compelling state interest. A political party’s ability to determine its leadership, processes, and delegate selection mechanisms lies at the core of its associational rights. *Eu v. San Francisco Cnty. Democratic Cent. Comm’n*, 489 U.S. 214, 230–31 (1989).

As the U.S. Supreme Court recognized in *Marchioro*, courts must refrain from interfering in political parties' internal structure and decision-making absent a compelling state interest. *Marchioro v. Chaney*, 442 U.S. 191, 199 (1979). This principle was reaffirmed and extended in *Eu*, where the Court struck down state laws that intruded on a party's internal governance and speech, holding that a State may not "substitute its judgment for that of the party as to the desirability of a particular internal party structure." *Eu v. San Francisco Cnty. Democratic Cent. Comm'n*, 489 U.S. 214, 233 (1989).

The District Court's ruling intrudes on the Montana Republican Party's First Amendment right to control its internal governance.

Binding precedent confirms that judicial interference in party operations is unconstitutional, absent a compelling state interest. *Tashjian v. Republican Party of Conn.*, 479 U.S. 208, 214 (1986); *Democratic Party of the U.S. v. LaFollette*, 450 U.S. 107, 124–26 (1981); *Doty v. Mont. Comm'r of Political Practices*, 2007 MT 341, ¶ 34, 340 Mont. 243, 174 P.3d 640 (holding mandamus inappropriate without exhaustion of internal remedies and affirming political parties' constitutional right to control internal rules and membership).

Here, Stoltz reasonably relied on amended Montana Republican Party Bylaws, in his view set to take effect December 1, 2026, and his past experience where he had held a county convention before the state convention, and it resulted in the state party refusing to seat them and a cease-and-desist order to being recognized at the state party. *Hr’g* 28: 1-25, App. Ex. B.

These are not mere procedural preferences but core elements of a political association’s autonomy protected by the First Amendment. See *Democratic Party of the U.S. v. LaFollette*, 450 U.S. 107, 124–26 (1981); *Tashjian v. Republican Party of Conn.*, 479 U.S. 208, 214 (1986).

No compelling state interest has been demonstrated to justify overriding the Montana Republican Party’s scheduling rules or credentialing process, both of which are expressly reserved to internal State Party control under amended Montana Republican Party Bylaws. Contrary to established constitutional protections, the District Court’s Order supplanted those internal governance mechanisms with a court-imposed timeline and authority structure by mandating elections before April 1, 2025. See *Doty v. Mont. Comm’r of Political Practices*, 2007 MT 341, ¶ 34, 340 Mont. 243, 174 P.3d 640 (recognizing the constitutional

right of political parties to determine their internal rules and membership).

### **III. The writ's application to Stoltz was a jurisdictional error requiring reversal.**

Although Mont. Code Ann. §27-26-102(1) permits a writ of mandate to be directed to “any inferior tribunal, corporation, board, or person,” it limits that remedy to circumstances where the duty is “specially enjoined by law as a duty resulting from an office, trust, or station.” The District Court erred by applying this provision to Stoltz in his capacity without identifying any legal source that imposes such a ministerial duty on him individually.

In doing so, the court conflated Stoltz and the organization he chairs contrary to the statute's plain language and controlling precedent. See *Doty*, 2007 MT 341, ¶ 34, 340 Mont. 243, 174 P.3d 640. Mont. Code Ann. §13-38-205(1) requires the *committee*, not its chair, to meet and organize before the state convention.

At the outset of the hearing, the District Court expressly noted that the Ravalli County Republican Central Committee (RCRCC) was

not represented. *Hr’g Tr.* 4:16-18, App. Ex. B. The District Court then determined that the RCRCC could not self-represent.

**Court:** “So my assessment of that –and, Ms. Mell, if you have an argument—is that it’s an entity like a homeowners’ association or any of these other things that has members, an elected board. And, therefore, it needs to have an attorney. You can’t self-represent. *Hr’g Tr.* 4:20-25, App. Ex. B.

Although the court acknowledged this, it nonetheless treated Stoltz as the committee’s legal proxy and issued the writ against him personally. The District Court’s Order noted that Stoltz appeared *pro se*, that the RCRCC could not self-represent, and that Stoltz’s interests were aligned with the committees, but the court made no finding that Stoltz had the authority to act on the RCRCC’s behalf. *Order* at 1, App. Ex. C.

The District Court expressly based its ruling on a duty that ran to the RCRCC, not to Stoltz. It stated: “Mandamus is appropriate in this matter as there is a clear legal duty of the **RCRCC** to elect officers and representatives to the State convention.” *Order* at 5, App. Ex. C (emphasis added). This finding underscores the jurisdictional defect: the writ was issued against an individual who did not personally owe the duty the court sought to compel.



Because the legal obligation at issue belonged to an unjoined, unrepresented entity, the District Court lacked jurisdiction to issue the writ against him. That error independently warrants reversal.

#### **IV. Conclusion and relief requested.**

The District Court erred in issuing a writ of mandamus where no demand was made, no refusal occurred, and multiple internal State Party remedies remained available. The legal duty asserted by Hudson was not ripe, and the statutory prerequisites for mandamus under Mont. Code Ann. §27-26-102 were not met. The District Court's Order improperly intruded into the internal governance of a political party, violating constitutional protections under the First Amendment and disregarding the State Party's procedural framework.

Finally, Because the District Court issued the writ of mandamus against Stoltz without establishing a clear, legally imposed duty on him personally, it acted without jurisdiction, and the writ must be vacated on that basis alone.

Appellant Ronald Stoltz respectfully requests that this Court:

1. Reverse the District Court's Order Granting Writ of Mandamus entered on March 21, 2025, on the grounds that the statutory

requirements under Mont. Code Ann. §27-26-102 were not satisfied;

2. Vacate the writ issued against Stoltz personally, as the record establishes no clear legal duty enforceable against him individually, and the duty alleged ran to a collective body not joined or represented;
3. Hold that judicial intervention in the internal governance of a political party under these circumstances violates constitutional protections guaranteed by the First Amendment;
4. Remand with instructions to dismiss the Petition with prejudice; and
5. Grant any further relief deemed just and proper, including a declaration that no attorney fees or costs are recoverable against Stoltz under the District Court's now-vacated writ.

DATED 22nd day of June 2025.

/s/ Abby Moscatel

**Abby Moscatel**  
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## CERTIFICATE OF SERVICE

I hereby certify that I have served true and correct copies of the foregoing **Appellant's Opening Brief** on the following parties on this 22nd day of June 2025:

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- ☒ By Montana Supreme Court's E-Filing System.

DATED this 22nd day of June 2025.

/s/ Abby Moscatel

**Abby Moscatel**  
Attorney for Appellant Ronald Stoltz

## CERTIFICATE OF COMPLIANCE

Pursuant to Rule 11(4)(e) of the Montana Rules of Appellate Procedure, I certify that this brief is printed with a proportionately spaced Century Schoolbook typeface of 14 points; is double spaced except for indented material; and contains approximately 4,431 words, excluding the table of contents, table of authorities, certificate of service, and certificate of compliance.

DATED this 22<sup>nd</sup> day of June, 2025.

/s/ Abby Moscatel  
Abby Moscatel

Attorney for Appellant Ronald Stoltz

## **CERTIFICATE OF SERVICE**

I, Abby Jane Moscatel, hereby certify that I have served true and accurate copies of the foregoing Brief - Appellant's Opening to the following on 06-22-2025:

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