

STATE OF MICHIGAN  
HILLSDALE COUNTY CIRCUIT COURT

HILLSDALE COUNTY REPUBLICAN  
EXECUTIVE COMMITTEE,

Plaintiff,

Case No. 22-\_\_\_\_\_-CZ

v.

Hon. \_\_\_\_\_

DAREN WISELY, LANCE LASHAWAY,  
JON SMITH, JON-PAUL RUTAN,  
JOSH GRITZMAKER and BELLE STIER,

Defendants.

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**VERIFIED COMPLAINT FOR DECLARATORY RELIEF**

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Plaintiff Hillsdale County Republican Party Executive Committee, by and through its undersigned attorneys, states as follows as its verified complaint against Defendants:

**INTRODUCTION**

1. MCL 168.1, *et seq.*, being the Michigan Election Law, defines a precinct delegate selection process whereby voters choose delegates for each political party within county precincts, and then those delegates, along with elected officials of each party, hold a county convention to choose the delegates to the state party convention and a post-general-election meeting to choose the next executive committee and officers of the county party.

2. At the August 2, 2022, primary election, this statutory process resulted in 87 Republican precinct delegates being elected in Hillsdale County. Defendants, who were the officers of the Hillsdale County Republican Party at that time, did not support a majority of these delegates.

3. Faced with certain removal from power, Defendants attempted to thwart the will of the voters by concocting a process to “disavow” from the party those elected delegates with whom they disagreed and then prohibiting them – through the use of armed guards, no less – from fulfilling their statutory duties as precinct delegates.

4. Defendants held an illegal county convention that did not comply with the Election Law and the state and local governing documents of the Republican Party, and for which Defendants have fully acknowledged that they did not follow the law.

5. Because of these actions, a special meeting was properly called, held, and documented whereby a majority of the Hillsdale County Republican Party executive committee voted to remove the defendants as officers of the party and replaced them with the plaintiffs.

6. Unfortunately, Defendants have refused to step down. Worse yet, they have brazenly committed in writing that they will continue to prohibit the duly elected delegates from attending and voting at the statutorily required November meeting to elect the executive committee and officers.

7. Defendants’ attempt to stay in power by ignoring the law may be the type of behavior that is commonplace in developing nations, where democracy and the rule of law are not followed. But it is not tolerated in the United States and must be corrected here.

**PARTIES, JURISDICTION AND VENUE**

8. Plaintiff Hillsdale County Republican Executive Committee (“HCREC”) is an “executive committee” as defined in the Michigan Election Law (the “Election Law”) and is the leadership committee of the Hillsdale Republican Party. The conduct of its affairs is governed by the Election Law, the bylaws and rules of the Michigan Republican State Central Committee (the “MIGOP”), and the bylaws of the HCREC.

9. Defendants are all citizens and residents of the State of Michigan and Hillsdale County. Defendants once served as officers of the HCREC.

10. This Court has personal jurisdiction over Defendants pursuant to MCL 600.701.

11. This Court has jurisdiction over the subject matter of this action pursuant to MCL 600.605.

12. Venue is proper in Hillsdale County pursuant to MCL 600.1627.

**GENERAL ALLEGATIONS**

13. MCL 168.597, being Section 597 of the Election Law, provides that:

At its spring state convention in each odd numbered year, each political party shall select a state central committee as herein provided, which committee shall consist of 2 men and 2 women from each congressional district. The state convention shall select a chairman and 2 vice chairmen of the state central committee and such chairman and vice chairmen shall have the right to vote on all questions arising in the committee. The state central committee so constituted shall appoint a secretary and a treasurer and such other officers as in its judgment may be proper and shall have the power to fill any vacancy that may occur in its membership or any of its offices. The term of service of a state central committee shall continue until the election of its successor.

The “state central committee” of the Republican Party that was selected on February 6, 2021, is the MIGOP.

14. MCL 168.599(1), being Section 599(1) of the Election Law, vests county political parties with the authority to create an executive committee:

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.

15. Section 599(1) further defines the procedure for the filling of vacancies on the executive committee and the appointment of executive committee officers:

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.

16. Section 599(2) of the Election Law further provides that 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.

17. Consistent with Section 597 of the Election Law, Article I of the Bylaws of the Michigan Republican State Committee (“MIGOP Bylaws”) identifies the MIGOP as the governing body of the Michigan Republican Party. A copy of the State Party Bylaws is attached hereto as Exhibit 1.

18. Article II of the MIGOP Bylaws states that a purpose of the Michigan Republican Party is to “perform all duties delegated to a State Committee by law, and such other duties not prohibited by law.”

19. Article XIII, Section A of the MIGOP Bylaws requires that “[t]he county executive committee of each county shall adopt its own bylaws and rules of procedure.”

20. Consistent with the MIGOP Bylaws, the HCREC adopted bylaws contained in the Hillsdale Republican Party Reference Book (the “HCREC Bylaws”) that provide for the HCREC’s governance and procedure. A copy of the HCREC Bylaws is attached hereto as Exhibit 2.

21. Article I, Section 1 of the HCREC Bylaws states that HCREC is the executive committee of the Hillsdale County Republican Party.

22. Article I, Section 2 of the HCREC Bylaws states that it is the purpose of the HCREC to “perform applicable duties provided by law” which includes the Election Law.

23. Article IV, Section 1 of the HCREC Bylaws creates the following officer positions: Chairperson, Vice Chairperson, Secretary, Treasurer, Deputy Treasurer, Parliamentarian, and Youth Vice Chairperson.

24. Article IV, Section 2 of the HCREC Bylaws requires that:

The Chairperson, Vice Chairperson, Youth Chairperson, Secretary, Treasurer and Deputy Treasurer shall be elected by the HCREC within thirty (30) days following the Fall Convention held in even numbered years. The Chairperson with the approval of the HCREC shall appoint the Parliamentarian and any other approved appointed officer for a term in office of two (2) years commencing January 1 of the odd-numbered years.

25. Article IV, Section 3 of the HCREC Bylaws states that “all vacancies of elected officers shall be filled by elections by the HCREC for the remainder of the term” and:

. . . [a]n officer is subject to removal from office by a majority vote at a meeting of the HCREC for failure of the officer to fulfill the responsibilities of such office as set forth in these Bylaws.

26. Article III, Section 4 of the HCREC Bylaws dictates that a special meeting of HCREC may be called by either the Chairperson or in writing by three voting members of HCREC.

27. Article III, Section 2 of the HCREC Bylaws outlines the requirements for a quorum at all HCREC meetings:

A quorum for all HCREC regular and special meetings shall be a minimum of (a) five (5) voting members of the HCREC including two (2) HCREC officers or (b) ten (10) voting members of the HCREC, not including HCREC officers, represented in person or by other means as approved under these Bylaws. Voting members are the eligible Elected Official Members and the Delegate-Elected Members according to these Bylaws.

28. Article III, Section 5 of the HCREC Bylaws states that an agenda and notice of the subject matter to be considered at any HCREC meeting shall be forwarded to each HCREC member at least five days prior to the meeting.

29. On November 12, 2020, the HCREC held its post-general election convention to select its executive committee as required by Section 599 of the Election Law. The following persons were elected as delegate members of the executive committee:

- a. Daren Wisely
- b. Lance Lashaway
- c. Joel Stewart
- d. Chris French
- e. Jon Smith
- f. Jon-Paul Rutan
- g. Adam Stockford
- h. Josh Paladino
- i. Penny Swan
- j. Chad French
- k. Mark Nichols
- l. Margaret Frobel

- m. Glenn Frobel
- n. Kelly Kelley
- o. Jon Beckwith
- p. Namrata Carolan
- q. Bob Eichler

30. Further pursuant to Section 599 of the Election Law, the non-delegate members of the HCREC executive committee as of November 12, 2020 were:

- a. Mike Shirkey
- b. Andrew Fink
- c. Marney Kast
- d. Scott Hodshire
- e. Bambi Somerlott
- f. Stephenie Kyser
- g. Neal Brady
- h. Matt Word
- i. Mark Wiley
- j. Brent Leininger
- k. Brad Benzing
- l. Doug Ingles
- m. Kathy Schmitt
- n. Robert Godfrey
- o. Gary Leininger
- p. Michael Lodzinski

31. On or about July 23, 2022, Defendant Jon Smith – who at that time was the Secretary of the HCREC – emailed some, but not all, members of the HCREC and informed them of a “special meeting” of the HCREC to be held on July 28, 2022. To the best of HCREC’s knowledge, information and belief, none of the HCREC members identified in paragraph 30 above received the notice of the “special meeting.” Because this “notice” was not provided to all members of the HCREC, it violated Article III, Section 5 of the HCREC Bylaws.

32. Despite not providing notice to all members of the HCREC as required, Defendants purported to hold a meeting on July 28, 2022 at which they “disavowed” candidates for various elective offices, including precinct delegate, who were on the Republican ballot in the August 2, 2022 primary election.

33. The concept of “disavowing” candidates under the HCREC Bylaws relates to the HCREC’s endorsement of individual candidates in primary elections. Article VII, Section 4 of the HCREC Bylaws provides that:

**Endorsement in Contested Republican Primary:** The Executive Committee may endorse, support, or disavow an individual candidate in a contested Republican primary election; provided that a resolution to endorse or disavow a particular candidate be adopted by two-thirds of the voting members of the HCREC present and voting upon proper notice of the resolution according to these Bylaws and that the candidate proposed to be endorsed has provided written consent to such endorsement.

Article VII, Section 4 of the HCREC bylaws does not allow a subset of the HCREC to secretly and arbitrarily “eject” duly-elected members of the HCREC or precinct delegates. But Defendants did exactly that.

34. At the illegally-convened July 28, 2022 meeting, Defendants, purporting to act on behalf of the Hillsdale County Republican Party, adopted resolutions suggesting that being “disavowed” under Article VII, Section 4 of the Bylaws meant that otherwise duly-elected members of the HCREC would no longer be recognized as such. One such resolution – which HCREC is informed and believes is representative of the resolutions sent to other “disavowed” members of the HCREC, provides as follows:

A copy of one such resolution is attached hereto as Exhibit 3. As of July 28, 2022, Brent Leininger was a member of the HCREC. He did not receive notice of the above resolution prior to July 28, 2022 as required by the HCREC Bylaws.

35. By notice dated August 4, 2022, the Hillsdale County Clerk notified Brent Leininger that he had been duly elected as a precinct delegate for the Republican county



convention to be held on August 11, 2022. A copy of the Clerk's notice is attached hereto as Exhibit 4.

36. On August 10, 2022, Defendants issued notices via email to Brent Leininger and other duly-elected members of the HCREC informing them that because they had been "disavowed" they were not permitted to attend the August 11, 2022 Republican county convention and would be committing criminal trespass if they did so. A copy of one such notice is attached hereto as Exhibit 5.

37. As directed by the MIGOP pursuant to Section 622 of the Election Law, the fall county convention for all county Republican executive committees in Michigan was August 11, 2022.

38. Notwithstanding that Brent Leininger and others were duly elected as precinct delegates in the August 2, 2022 primary election, Defendants refused to allow them access to the county convention on August 11, 2022, and in fact had security staff deny them entry to the county convention.

39. Section 624 of the Election Law provides, in relevant part, that:

All duly elected and certified delegates shall be seated at the county or district county conventions. A person violating this section is guilty of a misdemeanor.

MCL 168.624(2). Not only was Defendants' refusal to seat duly elected and certified delegates at the August 11, 2022 county convention contrary to the Election Law and the HCREC Bylaws, it was a crime.

40. On August 16, 2022, eleven (11) voting members of the HCREC called a special meeting of the HCREC pursuant to Article III, Section 4 of the HCREC Bylaws. The meeting was scheduled for August 25, 2022. The notice of the meeting included a resolution detailing

Defendants' failure to fulfill the responsibilities of their offices, and fulfilled the notice requirement for the removal of Defendants as officers pursuant to Article IV, Section 3 of the HCREC Bylaws. The notice and resolution was emailed to all members of the HCREC, including Defendants. A copy of the resolution and notice of the meeting is attached hereto as Exhibit 6.

41. Twenty (20) voting members of HCREC – 10 more than a quorum – attended the August 25, 2022 special meeting. Eighteen (18) attended in person, and two (2) attended by electronic means. Therefore, under Article III, Section 2 of the HCREC Bylaws, a quorum present. A copy of the minutes of the August 25, 2022 special meeting are attached hereto as Exhibit 7.

42. At the August 25, 2022 special meeting, Defendants were each removed pursuant to Article IV, Section 3 of the Bylaws by a majority of the votes cast at such meeting.

43. Following the removal of Defendants as officers of the HCREC, new officers were duly elected to replace Defendants pursuant to Article IV, Section 3 of the HCREC Bylaws.

44. On September 1, 2022, the names and addresses of the current duly elected officers of the HCREC were properly certified to the Hillsdale County Clerk's Office as required by Section 599(2) of the Election Law. A copy of the Hillsdale County Clerk's acknowledgment of receipt of same is attached hereto as Exhibit 8.

45. Despite the validly held special meeting on August 25, 2022, Defendants continue to hold themselves out as officers of the HCREC.

46. Defendants have refused to relinquish control of HCREC.

47. Section 599 of the Election Law requires that the fall county convention delegates of each political party shall convene at the call of the county chairperson within twenty days

following the November election. Defendants have threatened to continue to disrupt the operations of the HCREC at the November convention, as more fully set forth in the manifesto attached hereto as Exhibit 9. Plaintiff is justly concerned that Defendants make good on their threat. Indeed, an actual controversy exists between these parties because Defendants have advised the HCREC that they will continue to attempt to operate the party and exclude duly elected delegates and candidates from the upcoming November convention.

**COUNT I**  
**DECLARATORY JUDGEMENT**

48. HCREC incorporates herein by reference the allegations above.

49. Under MCR 2.605, in a case of actual controversy within its jurisdiction, this Court may declare the rights and other legal relations of an interested party seeking declaratory judgement, whether or not other relief is or could be sought or granted.

50. There is an actual controversy within this Court's jurisdiction regarding (a) whether Plaintiff is the legally recognized executive committee of the Hillsdale County Republican Party and (b) whether Defendants have authority to interfere with the admission of duly elected and recognized delegates to the November county convention required by Section 599 of the Election Law.

**RELIEF REQUESTED**

WHEREFORE, HCREC seeks a declaratory judgement that (a) the actions of Defendants on July 28, 2022, purporting to remove duly elected delegates and members of the HCREC were improper and not allowed under the Election Law, the MIGOP Bylaws and the HCREC Bylaws, (b) the actions of Defendants on August 11, 2022, barring duly elected delegates from being seated at the Republican county convention were improper and not allowed under the Election Law, the MIGOP Bylaws and the HCREC Bylaws, (c) the August 25, 2022 special meeting was validly noticed and held, (d) the individuals elected as officers of the HCREC at the August 25, 2022 special meeting are the recognized leadership of the Hillsdale County Republican Party with all powers vested under Michigan law, the MIGOP Bylaws and the HCREC Bylaws, and (e) the Chair of the HCREC must call a meeting of all the duly elected and certified delegates from Hillsdale County within 20 days after the November election to select the next executive committee and officers of the Hillsdale County Republican Party under Section 599 and 624 of the Election Law.

Respectfully submitted,

WARNER NORCROSS + JUDD LLP

Date: October 11, 2022

By: \_\_\_\_\_  
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**VERIFICATION**

I declare under penalty of perjury that the contents of the foregoing complaint are true and accurate to the best of my knowledge, information and belief.

The Hillsdale County Republican  
Party Executive Committee

By: \_\_\_\_\_  
Brent Leininger  
Its: Chairperson

Subscribed and sworn to  
before me on October \_\_\_\_, 2022

\_\_\_\_\_  
, Notary Public  
Hillsdale County, Michigan  
Acting in Hillsdale County, Michigan  
My commission expires: \_\_\_\_\_