

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT
WITHIN AND FOR THE COUNTY OF Uinta, STATE OF WYOMING**

JON CONRAD, DANNY EYRE, WENDY SCHULER,)
JOSEPH RONALD "RON" MICHELI, CLARENCE)
VRANISH, CLARA JEAN VRANISH, and TROY NOLAN,))

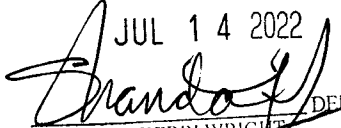
CV-2021-73

Plaintiffs,)

v.)

FILED IN THE DISTRICT COURT
OF Uinta COUNTY, WYOMING

THE Uinta COUNTY REPUBLICAN PARTY, A)
Wyoming major political party, LYLE L. WILLIAMS,)
ELISABETH "BIFFY" JACKSON, KARL ALLRED, and)
JANA LEE WILLIAMS,)

JUL 14 2022

KERRI WRIGHT, DEPUTY
CLERK OF DISTRICT COURT

Defendants.)

**ORDER DENYING PLAINTIFFS' MOTION FOR SUMMARY
JUDGMENT, GRANTING DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT, AND DENYING DEFENDANTS' MOTION TO COMPEL
DEPOSITION TESTIMONY**

THIS MATTER is before the Court on three motions. Plaintiffs and Defendants assert competing motions for summary judgment, and Defendants assert a motion to compel. In their motion for summary judgment, Plaintiffs, Jon Conrad, Danny Eyre, Wendy Schuler, Joseph Ronald "Ron" Micheli, Charles Vranish, Clara Jean Vranish, and Troy Nolan, claim Defendants Elisabeth Jackson, Karl Allred, and Jana Williams improperly participated in an Uinta County Republican Party Central Committee (County Central Committee) meeting election held on March 16, 2021, which violated W.S. § 22-4-105 (LexisNexis 2019). Plaintiffs claim the meeting election should be deemed null and void.

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No. 173 On Page 336-352

Defendants' motion for summary judgment counters that the March 16, 2021, county central committee meeting election was held in accordance with state law and Uinta County Republican Party bylaws. Furthermore, Defendants claim that this Court cannot infringe upon the right to free association held by the Uinta County Republican Party and its members. Finally, Defendants request an order compelling Plaintiffs to disclose funding sources for this litigation. This Court, having considered the motions, arguments, and evidence presented, and being otherwise fully advised in the premises, denies Plaintiffs' motion for summary judgment, grants Defendants' motion for summary judgment, and denies Defendants' motion to compel for the following reasons:

I. BACKGROUND

The Wyoming Election Code of 1973, as amended, W.S. §§ 22-1-101 *et seq.* (LexisNexis 2020), governs all aspects of state and local elections in Wyoming. Article 1, Chapter 4 of the Election Code addresses major political parties, which include the republican party, W.S. § 22-1-102(a)(xvii). The county convention of each major political party meets in even-numbered years. W.S. § 22-4-106. The county convention elects "from electors resident in the county and registered in the party delegates and alternates to the state convention as apportioned by the rules of the party." W.S. § 22-4-108.

The Uinta County Republican Party Central Committee "consists of precinct committeemen and committeewomen elected in the county at the regular biennial primary election." W.S. § 22-4-101(b). At the biennial primary election, Uinta County Republican voters elect one committeeman and one committeewoman for every 250 votes in each

precinct. *Id.* Precinct committeepersons begin their term of office “on the first Monday in January of the year following their election.” W.S. § 22-4-101(e). Then, within 30 days after their membership begins, the elected committeemen and committeewomen must meet as the county central committee “and organize under the direction of the county chairman.” W.S. § 22-4-104. Each odd-numbered year, the county central committee of each major political party must meet and elect the chairman of the county central committee, a state committeeman, a state committeewoman, and other offices. W.S. § 22-4-105.

The Wyoming Republican Party Convention has the power to formulate rules for governing the internal organization of the Wyoming Republican Party, including the “[r]ules of conduct for county . . . conventions” and the “[p]owers and duties delegated to county . . . committees.” W.S. § 22-4-118(a)(v)(E) & (F). Neither Party has submitted any information concerning whether the Wyoming Republican Party bylaws grant the Uinta County Republican Party authority to adopt rules concerning the County Central Committee membership, the duties of its officers, or voting. The Wyoming Republican Party bylaws give to the Uinta County Republican Party Central Committee the power to draft rules and perform all necessary functions.

The County Central Committee is empowered to determine policy, to make rules, to settle disputes, and to perform all functions necessary to further and protect the interests of the Wyoming Republican Party as determined by the delegates seated at the State Convention, or as determined by the party platform, or by the members of the State Central Committee whenever the Convention is not in session.

Bylaws of the Wyo. Republican Party, Art. III, § 3, ¶ 1 (2020) (www.wyoming.gov).

The Uinta County Republican Party adopted bylaws establishing, among other things, the membership and governance of the Republican Party and outlining Uinta County Central Committee membership, duties of officers, and voting. (Defs' Mot. For Summ. J, Cert. Statement of Elisabeth Jackson, Ex. B.) The bylaws specifically allow voting at the Uinta County Republican Party Central Committee meetings by non-members of the County Central Committee.

1. Only properly elected, selected or appointed and ratified Precinct Committeemen and Precinct Committeewomen and elected officers shall be entitled to vote at Central Committee meetings. All County Central Committee members in office on the date the notice of a [sic] Uinta County Central Committee meeting is published shall be allowed to vote at the meeting.

2. Duly elected officers, including Chairman, Vice-Chairmen, Secretary-Treasurer and State Committeeman and State Committeewoman, who are not precinct committeemen or committeewomen, shall be entitled to vote at Uinta County Central Committee meetings.

Id. Ex. B, Art. III, § 9. The State Republican Party bylaws further allow “properly elected, selected or appointed and ratified” precinct committeepersons “and elected officers” to vote at Central Committee meetings. (Defs' Mot. For Summ. J, Aff. of Kathy Russell, ¶ 5, Ex. A, ¶ 9, § 1.)

On March 16, 2021, the Uinta County Central Committee met. Defendant Lyle Williams served at the March 16th meeting as the outgoing chairman of the County Central Committee. Plaintiffs allege, and Defendants admit, that at the time of the March 16th meeting, Lyle Williams, Elisabeth Jackson, Karl Allred, and Jana Williams had been defeated in an election for precinct committeemen and committeewomen. (Compl. For

Declaratory J. & Inj. Relief, ¶¶ 32-35; Defs' Ans. To Pls' Compl., ¶¶ 32-35.) Plaintiffs allege, and Defendants admit, that on March 16, Lyle Williams, Elisabeth Jackson, Karl Allred, and Jana Williams were not members of the Uinta County Central Committee. *Id.* They were, however, serving as then-sitting, but outgoing, officers of the Uinta County Central Committee. (Cert. Statement of Elisabeth Jackson, ¶ 3.)

Lyle Williams permitted himself, Elisabeth Jackson, Karl Allred, and Jana Williams to vote at the March 16th county central committee meeting. (Compl. ¶ 37; Defs' Ans. ¶ 37.) Plaintiffs claim that the consequence of non-member voting by Lyle Williams, Elisabeth Jackson, Karl Allred, and Jana Williams was the election of Karl Allred as state committeeman, Jana Lee Williams as state committeewoman, and Elisabeth Jackson as chairman of the Uinta County Central Committee.

Plaintiffs assert a complaint for declaratory judgment seeking a declaration by this Court “that the election voting scheme employed at the March 16, 2021, meeting violated the Election Code including Wyo. Stat. § 22-4-105” and that the election results are void. (Compl. ¶ 80.) Plaintiffs seek a declaration that Lyle Williams violated W.S. § 22-4-105 when he allowed improper electors to vote in the Uinta County Central Committee election. Defendants counter that the March 16th election was held in accordance with State and County Republican Party bylaws. Defendants claim Wyoming Statutes authorize the Uinta County Republican Party to draft and adopt bylaws; moreover, the Court cannot interfere with the Uinta County Republican Party's and its members' First Amendment right to free association.

II. DISCUSSION

The Parties present competing motions for summary judgment. The Court may grant summary judgment in a declaratory judgment action if there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. *City of Casper v. Holloway*, 2015 WY 93, ¶ 27, 354 P.3d 65, 73 (Wyo. 2015); W.R.C.P. 56(a) (LexisNexis 2021). The Court will address each Party's motion for summary judgment.

When the county central committee meets in the odd-numbered years, it must "elect the chairman of the county central committee, one (1) state committeeman and one (1) state committeewoman and other offices as provided by the party bylaws." W.S. § 22-4-105. Nothing in the plain language of W.S. § 22-4-105 prohibits the Uinta County Republican Party from drafting bylaws for the election of leadership positions within the county central committee. In fact, nothing in the Wyoming Election Code prohibits the Uinta County Republican Party from drafting, and relying upon, bylaws governing the election of leadership positions within the county central committee. Throughout the Election Code Title 2, Chapter 4, the legislature references the use of bylaws in governing the county central committee system. For example, the major political party may create rules to elect additional committeepersons, W.S. § 22-4-105; the political party can adopt rules for a method of selecting delegates to the county convention, W.S. § 22-4-107; the political party can draft bylaws creating party offices in addition to those created in the statutes, W.S. §§ 22-4-105, 110 & 111; and the political party can draft rules for choosing delegates to the state convention by the party's youth organizations, W.S. § 22-4-117. Furthermore,

the political party's state convention has the power "[t]o formulate or change the rules governing the internal organizations of the party," including rules of conduct for county conventions and "[p]owers and duties delegated to county . . . committees." W.S. § 22-4-118(a)(v)(E) & (F).

As discussed above, the Wyoming Republican Party bylaws grant the Uinta County Republican Party authority to adopt bylaws concerning the County Central Committee membership, the duties of its officers, and voting. Those bylaws allow voting at the Uinta County Republican Party Central Committee meetings by non-members of the County Central Committee. (Defs' Mot. For Summ. J, Cert. Statement of Elisabeth Jackson, Ex. B.) All County Central Committee members who are in office on the date the notice of the Uinta County Central Committee meeting is published are allowed to vote at the meeting. *Id.* Ex. B, Art. III, § 9, ¶ 1. Furthermore, the "[d]uly elected . . . Chairman, Vice-Chairmen, Secretary-Treasurer and State Committeeman and State Committeewoman, who are not precinct committeemen or committeewomen, [are] entitled to vote at Uinta County Central Committee meetings." *Id.* Ex. B, Art. III, § 9, ¶ 2.

There is a reason the Election Code does not delve into the election procedure for the Uinta County Republican Party's leadership. The Republican Party "has the right to 'organize itself' and 'conduct its affairs' free from government interference as integral to the freedom of association guaranteed to it by the First Amendment." *Republican Nat'l Comm. v. Pelosi*, No. CV 22-659 (TJK), 2022 WL 1294509, at *19 (D.D.C. May 1, 2022) (citing *Eu v. S.F. Cnty. Dem. Cent. Comm.*, 489 U.S. 214, 230, 109 S.Ct. 1013, 103 L.Ed.2d

271 (1989)). Although the legislature has “[t]he power to regulate the time, place, and manner of elections,” it cannot, without more, limit fundamental rights, such as the freedom of political association. *Tashjian v. Republican Party of Connecticut*, 479 U.S. 208, 217, 107 S. Ct. 544, 550, 93 L. Ed. 2d 514 (1986). The Supreme Court has held:

[A] political party's “determination . . . of the structure which best allows it to pursue its political goals, is protected by the Constitution.” Freedom of association also encompasses a political party's decisions about the identity of, and the process for electing, its leaders. . . . By requiring parties to establish official governing bodies at the county level, [the State] prevents the political parties from governing themselves with the structure they think best.

Eu, 489 U.S. at 229–30, 109 S. Ct. at 1023–24 (quoting *Tashjian*, 479 U.S. at 224, 107 S.Ct. at 554). The State cannot “directly implicate the associational rights of political parties and their members.” *Id.* 489 U.S. at 229, 109 S. Ct. at 1023.

“[T]he State has a legitimate interest in orderly elections, not orderly parties.” *Id.* 489 U.S. at 221–22, 109 S. Ct. at 1019 (citation & quotations omitted). The Uinta County Republican Party and its members decide “the stringency, and wisdom, of membership requirements . . . so long as those requirements are otherwise constitutionally permissible.” *LaRouche v. Fowler*, 152 F.3d 974, 980 (D.C. Cir. 1998) (citation, quotations & alteration omitted). When the Uinta County Republican Party bylaws were adopted, the Uinta County Republican Party made the decisions for membership of the county party and voting at the County Central Committee. “[W]hen political parties become involved in a state-administered primary election, the state acquires a legitimate interest in regulating the manner in which that election unfolds—subject only to the same interest-balancing that

occurs throughout the Court's electoral jurisprudence.” *Utah Republican Party v. Cox*, 892 F.3d 1066, 1077–78 (10th Cir. 2018). The State can infringe upon the First Amendment rights of the Uinta County Republican Party and its members, if, and only if, the State has a compelling state interest. *Eu*, 489 U.S. at 221, 109 S. Ct. at 1019. There has been no persuasive argument that a compelling state interest justifies an interference in the formation or adoption of bylaws by the Uinta County Republican Party for governing elections of the county central committee leadership.

A. Are Plaintiffs Entitled to Judgment as a Matter of Law?

Plaintiffs’ complaint for declaratory judgment seeks a declaration that the voting scheme employed at the March 16, 2021 Uinta County Republican Party Central Committee meeting violated W.S. § 22-4-105 and that the results of the election are null and void. Plaintiffs claim that the Uinta County Republican Party Central Committee is governed exclusively by the Election Code. They argue there is no authority to draft or adopt a set of bylaws to direct the minutia of the Uinta County Republican Party Central Committee actions, including internal elections.

The sentence within W.S. § 22-4-105 that forms the basis for Plaintiffs’ petition states, “At the meeting, the county central committee shall elect the chairman of the county central committee, one (1) state committeeman and one (1) state committeewoman and other offices as provided by the party bylaws.” Plaintiffs read the plain language of the phrase within W.S. § 22-4-105 that says, “as provided by party bylaws.” They argue that phrase refers only to the antecedent “other offices” and does not modify the antecedent

“shall elect.” Plaintiffs insist that the plain meaning of these words requires that only members of the county central committee can vote to elect the chairman, one state committeeman, one state committeewoman, and other offices. Plaintiffs argue that the phrase “as provided by party bylaws” does not permit the county central committee to create additional bylaws for its elections.

When considering the meaning of a statute, the Court, first, must determine whether W.S. § 22-4-105 is clear or ambiguous. “As we read the text of a statute keeping in mind the functional relation between the parts and the whole, we know that statutory language may be either unambiguous or ambiguous.” *Parker Land & Cattle Co. v. Wyoming Game & Fish Comm'n*, 845 P.2d 1040, 1043 (Wyo. 1993). The clear and unambiguous statute is worded so that reasonable persons can agree upon its meaning with consistency and predictability. *Id.* The ambiguous statute, on the other hand, is “vague or uncertain and subject to varying interpretations.” *Id.* (citation & quotations omitted). Although divergent opinions on the meaning of a statute “may be evidence of ambiguity,” the fact that there are differing opinions “is not conclusive of ambiguity.” *Wyoming Cmty. Coll. Comm'n v. Casper Cmty. Coll. Dist.*, 2001 WY 86, ¶ 17, 31 P.3d 1242, 1249 (Wyo. 2001). “Ultimately, whether a statute is ambiguous is a matter of law to be determined by the court.” *Id.*

This Court holds W.S. § 22-4-105 is unambiguous, as a matter of law. This Court is unable to discern pertinent language that is susceptible to more than one interpretation. *Allied-Signal, Inc. v. Wyoming State Bd. of Equalization*, 813 P.2d 214, 220 (Wyo. 1991).

“The words set forth in the statute are apt and are adequately definitive of the rule intended by the legislature.” *Id.* When reading the plain language of the statute, there is no real argument that the phrase “as provided by the party bylaws” refers to anything other than the antecedent “other offices.” Because the language used is plain and unambiguous, there is no need to resort to rules of construction. *Parker Land* at 1043. “When the words are clear and unambiguous, a court risks an impermissible substitution of its own views, or those of others, for the intent of the legislature if any effort is made to interpret or construe statutes on any basis other than the language invoked by the legislature.” *Wyo. Cmty. Coll. Comm'n*, ¶ 16, 31 P.3d at 1249.

If the legislature had intended the phrase “as provided by the party bylaws” to act as instruction as to how the county central committee should carry out the election, syntax would have directed the legislature to position the phrase within the sentence to construct that meaning. The legislature would have constructed that meaning by drafting the statute as follows: “At the meeting, the county central committee shall elect, as provided by the party bylaws, the chairman . . .” The court must assume that the arrangement of the words within the statute is an “intentional act by the legislature” and the court will not read into the statute words that the legislature chose not to include. *Merrill v. Jansma*, 2004 WY 26, ¶ 29, 86 P.3d 270, 285 (Wyo. 2004). The court may assume the legislature enacted W.S. § 22-4-105 “with full knowledge of the existing condition of the law and with reference to it.” *Parker Land* at 1044 (citations & quotations omitted). The court is not free to shuffle the words in W.S. § 22-4-105 to manufacture a particular meaning.

Although the Court agrees that the phrase “as provided by the party bylaws” does not modify the phrase “shall elect,” the Court disagrees with Plaintiffs that W.S. § 22-4-105 restricts voting at a county central committee meeting to only *members* of the Uinta County Republican Party Central Committee. Plaintiffs ask the Court to read W.S. § 22-4-105 so that it says, “At the meeting, [only members of] the county central committee shall elect . . .,” or “At the meeting, [only the members who have been elected to compose] the county central committee shall elect . . .” The legislature did not so limit the statute, and the Court is not free to add language to W.S. § 22-4-105. *Matter of Longwell*, 2022 WY 56, ¶ 23, 508 P.3d 727, 735 (Wyo. 2022).

In reading the Election Code, and particularly W.S. § 22-4-105, the Court must pay attention to the legislature’s words and heed how those words relate to the other statutes on the same subject. *Wyo. Cmty. Coll. Comm'n*, ¶ 16, 31 P.3d at 1249. “[A]ll statutes must be construed *in pari materia*; and in ascertaining the meaning of a given law, all statutes relating to the same subject or having the same general purpose must be considered and construed in harmony.” *Id.* (citation, quotations, & alterations omitted). Nothing in W.S. § 22-4-105 restricts or penalizes voting by others who are not members of the county central committee. In fact, nothing in the Wyoming Election Code precludes or penalizes non-member participants in county central committee elections. The court is not free to add words to W.S. § 22-4-105 to create a meaning that either directs or precludes a person from participating in a county central committee leadership election. The Uinta County Republican Party is not statutorily prohibited from drafting bylaws to govern county central

committee meeting elections. How the Uinta County Republican Party Central Committee elects its leadership is for the Uinta County Republican Party to decide.

When considering Plaintiffs' motion for summary judgment, the Court holds there is no issue of fact. There is no genuine issue of fact that Lyle Williams, Elisabeth Jackson, Karl Allred, and Janna Lee Williams were sitting officers at the time of the vote at the Uinta County Republican Party Central Committee meeting on March 16, 2021. The county central committee followed Uinta County Republican Party bylaws at the March 16th meeting. There is no dispute of fact that the under Uinta County Republican Party bylaws, the election at the March 16th meeting was proper.

The Court must determine whether Plaintiffs are entitled to judgment as a matter of law that the election at the March 16th county central committee meeting violated W.S. § 22-4-105 and that the results of the election are null and void. Plaintiffs have not persuaded the Court that the Uinta County Republican Party's bylaws violated state statutes. Plaintiffs have not persuaded the Court that the plain language of W.S. § 22-4-105 or the Election Code creates a meaning that either directs or precludes a person from participating in a county central committee leadership election. Nothing in the Election Code prevents the Uinta County Republican Party from drafting bylaws to govern the election of leaders for the county central committee. Plaintiffs are not entitled to judgment as a matter of law, and the Court denies Plaintiffs' motion for summary judgment.

B. Are Defendants Entitled to Judgment as a Matter of Law?

Defendants assert that the Election Code allows the Uinta County Republican Party to draft bylaws that govern county central committee elections, preserving autonomy within the political party and the fundamental right of free association. Defendants argue that under Uinta County Republican Party bylaws, Elisabeth Jackson, Karl Allred, and Jana Williams were permitted to vote in the March 16th meeting election. Defendants concede W.S. § 22-4-105 does not include specific procedures for an election of Uinta County Republican Party Central Committee chairman, committeepersons, or other offices. The statute does not state, as Plaintiffs suggest, that *only* members of the county central committee may vote at the odd-year meeting. Moreover, and of most importance, Defendants argue that the Court cannot, without more, infringe upon the First Amendment right to free association granted to the Uinta County Republican Party and its members.

The Court agrees that nothing in the Election Code or W.S. § 22-4-105 prohibits the Uinta County Republican Party from drafting bylaws for the election of leadership positions within the county central committee. “[I]t is well settled that statutes are presumed to be constitutional unless affirmatively shown to be otherwise, and one who would deny the constitutionality of a statute has a heavy burden.” *Stephenson v. Mitchell ex rel. Workmen's Comp. Dep't*, 569 P.2d 95, 97 (Wyo. 1977). The plain language of the Election Code names the time, place, and manner in which precinct committeemen and committeewomen are to be elected. W.S. § 22-4-101(b). Thus, the Election Code fulfills the State’s interest in an orderly election. The Election Code also makes room for the

county central committee of the major political parties to decide how to elect their own leadership, to determine their own structure, and to pursue their political goals. W.S. §§ 22-4-104, 105, 110-111 & 118(a). Neither the Wyoming Election Code nor W.S. § 22-4-105 precludes the Uinta County Republican Party from drafting and relying upon bylaws for a procedure to elect county central committee leadership.

Plaintiffs counter Defendants' constitutional argument with a claim that the Election Code, and not Uinta County Republican Party bylaws, direct the procedures for electing county central committee leadership. Plaintiffs argue that because elected precinct committeemen and committeewomen participate in the county central committee leadership election, those precinct committeemen and committeewomen are acting as elected officials. Plaintiffs claim that the Election Code governs the election procedure for the Uinta County Central Committee leadership because the State has a legitimate interest in regulating that election. Plaintiffs argue as follows:

When the taxpayers of the State of Wyoming fund an election and members of the Republican Party of Wyoming vote in that election for positions which represent them at the County and State level, the state must have a legitimate interest in the regulation of the same. When those dually elected individuals vote for further representation at the County Central Committee—to elect individuals to serve on the State Central Committee—the state's legitimate interest continues.

(Pls' Resp.to Defs' Mot for Summ. J., p. 4.) Plaintiffs admit there are internal functions within the Uinta County Republican Party that are not controlled by the Election Code. For example, how the County Central Committee meetings are conducted is an internal party matter. However, Plaintiffs argue that this Court should find the Election Code

controls the election of the officials who will ultimately vote “to replace elected officials” and who will disburse “unlimited funds to political candidates.” *Id.* at 6.

Plaintiffs have cited nothing in the statutes or caselaw that supports the proposition that the election of Uinta County Republican Party leadership is not an internal party matter. Furthermore, Plaintiffs have pointed to nothing to distinguish this case from *Eu* or *Tashjian*. Those cases specify that the political party’s decisions for identifying and electing its leaders are reserved for the political party. Plaintiffs have not persuaded the Court that the Election Code governs the procedures for electing Uinta County Republican Party Central Committee leadership.

Defendants are entitled to judgment as a matter of law. Uinta County Republican Party bylaws, and not W.S. § 22-4-105, govern the election of chairman, state committeepersons, and other offices for the county central committee. The Court grants Defendants’ motion for summary judgment.

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III. DECISION

The Court denies Plaintiffs' motion and grants Defendants' motion for summary judgment. Because of the Court's decision, the Court need not address, other than to deny, Defendants' motion to compel.

IT IS SO ORDERED.

Dated this 14th day of July 2022.




JOSEPH B. BLUEMEL
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I, Shanda Fife, Deputy Clerk of Court, Uinta County, Wyoming, hereby certify that I served true and correct copies of the foregoing on the 14th day of July, 2022 to the following:

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