

April 22, 2008

Republican Party of Texas  
900 Congress, Suite 300  
Austin, Texas 78701  
Attn: Tina Benkiser

Ref: Challenge

Madam Chair:

Please deliver the following challenge to the Republican State Officials Committee as constituted in the bylaws of the SREC or in the alternative, if appropriate, to the Temporary Credentials Committee of the State Convention.

As the signer of this challenge I have voted in the Republican General Primary and reside in the same senatorial district as the delegate or alternate being challenged as listed below:

James Bixler, un-elected delegate Precinct 17, Nueces County, Senate District 20, 2001  
Toben, Corpus Christi, Texas 78412, (361) 992-1366

Barbara Bixler, un-elected delegate Precinct 17, Nueces County, Senate District 20, 2001  
Toben, Corpus Christi, Texas 78312 (361) 992-1366

Mr. and Mrs. Bixler violated Republican Party Rules and the Laws of Texas (TEC) in accordance with Rule 27 b (1) and I hereby specify the grounds for the challenge and detail the specific rule or rules I allege to have been violated:

Rule 21f AGENDA FOR PRECINCT CONVENTIONS The agenda for each precinct convention shall include the following order of business: f. Election of delegates and alternates to county or senatorial district convention, as the case may be, by majority vote, and certification of eligibility of each delegate and alternate by the precinct secretary, where the primary voters list is available.

TEC 174.021 SELECTION OF DELEGATES TO COUNTY AND SENATORIAL DISTRICT CONVENTIONS. The delegates to a political party's county and senatorial district conventions held under this chapter shall be selected in accordance with party rules at precinct conventions held as provided by this subchapter.

**Attendance at the precinct convention is not required in order to be elected to the county/senatorial district convention. However, the final list of delegates and alternatives must be approved at the precinct convention. No additional names may be added once the precinct convention adjourns.**

On March 4, 2008, I attended my Precinct 17 convention. Precincts 17 and 70's meetings were held in the same classroom at Smith Elementary. At this meeting, I was nominated and elected Precinct 17 Chairman. The election judge gave me paperwork to guide me in the meeting and informed me that once I completed filling out the information on the paper, it was to be returned to the county election judge.

The following were nominated and elected as Precinct 17 delegates to the County Convention: Dane Smith, Darryl Smith, Edie Smith, Judson Smith, and Stacey Smith. Precinct 17's elected secretary, Dane Smith, made a copy of the originally elected delegate list of Precinct 17 and turned in the original list to the county election judge's office. On March 29, I attended the County Convention and noticed additional names to the Precinct 17 delegates' original list. One individual whose name was added to the list was in attendance at the county convention. I introduced myself to him and explained that he was not elected at Precinct 17's convention to be a delegate to the county. I informed him that he was welcome to stay and wait to see how this would be resolved.

As the roll call of delegates was called for the third or fourth time by Angie Flores, around 11:30AM Precinct 70's Chair responded to her roll call stating that there was one delegate representing Precinct 70. At this time, a man yelled out "two". The Precinct 70 Chair informed the convention that the man who yelled out "two" was neither in attendance at Precinct 70's convention nor elected to be a delegate to the county convention. Michael Bertuzzi stepped to the microphone and stated that this would be resolved during the Credentials Committee Report, and Angie Flores completed the roll call.

Michael Bertuzzi then called for Kendall Peterson to give the Credentials Committee Report. Kendall Peterson stepped to the microphone, made some remarks that the names of those he would be calling were delegates who were duly elected by their respective precincts at their precinct's conventions and would be seated as delegates at the county convention. He called Jim and Barbara Bixlers' names for Precinct 17 and continued calling names for other precincts. There were delegates who stood and requested "point of information." As more and more delegates arose requesting "point of information" and "point of order", Kendall Peterson continued calling names quickly until he had completed his list.

After Kendall Peterson completed his list, Michael Bertuzzi stepped to the microphone, recognized a delegate who had motioned to accept the Credential Committee's Report, called for a vote on the report, and stated that the Credentials Committee Report passed. There were several delegates still standing requesting "point of order". A woman in the auditorium implored Mr. Bertuzzi repeatedly to abide by the Republican Party of Texas Rules for all Convention and Meetings, otherwise, some delegates would be forced to hole a "Rump Convention." Mr. Bertuzzi continued with the agenda ignoring many of the delegates' requests to follow Robert's Rule of Order.

As some delegates began walking out, I informed the delegates of Precinct 17 that they were free to do as they wish, and they all got up, left the auditorium, and joined the delegates that were either forced out or chose to walk out.

I, Darryl Smith, can affirm under oath in a court of law that the above account is true to the best of my knowledge, that Precinct 70 was attended by only one individual, and that

names were added to Precinct 17's original list of elected delegates after Precinct 17's convention was adjourned.

Based on the above RPT Rules and TEC Mr. and Mrs. Bixler should not be allowed delegate status.

The above challenges have been sent via certified or registered mail not later than thirty (30) days following the date of the county convention.