

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:

Michael Bertuzzi, Nueces County Republican Party Chairman, Nueces County, Senate District 20, 433 Cape Cod, Corpus Christi, Texas 78412, (361) 994-5019

Mr. Bertuzzi intentionally violated Republican Party Rules and the Laws of Texas (TEC) in accordance with RPT Rule 11b and 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 14 OPEN MEETING AND RIGHT TO TESTIFY All meetings of any committee or sub-committee, whether it be in temporary or permanent organization, shall be open to any delegate or alternate to that convention, any State or County Republican Party Officer, any elected Republican Public Officeholder or any Republican Candidate. These same people shall have the right to appear before any convention committee or sub-committee and make recommendations for the committee's consideration or testify concerning any item under purview of the committee. The committee may adopt reasonable rules including time limits for such presentations and may establish a reasonable limit of time for these presentations. This privilege shall include delegates and alternates under challenge at any convention.

Rule 22 CHAIRMAN'S RESPONSIBILITIES (part b)

"Transmittal of Precinct Convention Minutes: The Permanent Chairman of the Precinct Convention shall sign and safely transmit to the County Chairman no later than the third day after the date of the precinct convention or deposit in the mail not later than the second day after the date of the precinct convention such record (minutes) and a copy thereof, and maintain a third copy for himself at least until the end of that year's biennial state convention. In multi district counties, the County Chairman shall deliver the original record to the temporary chairmen of the Senatorial District Conventions. **This copy shall be public record.**"

Rule 5 PARLIAMENTARY AUTHORITY Unless otherwise provided for by the United States Constitution, Texas Constitution, United States and Texas statutes, or these Rules, the current edition of *Robert's Rules of Order Newly Revised*, which is hereby adopted by reference, shall be the parliamentary authority governing all conventions and meetings of the Republican Party of Texas from the precinct level through the state level, inclusive.

As an elected delegate of Precinct 58 within Nueces County of Texas, I, Kay Lund, wish to file a formal challenge against Nueces County Republican Chairman Michael A. Bertuzzi for failure to follow the rules as laid out by the Republican Party of Texas and the Texas Election Code. On March 17, 2008 I along with another elected delegate, traveled to the Republican Party headquarters and requested that I be allowed to view the precinct convention minutes from the 126 precincts in Nueces County. I asked Mr. Ted Raub for permission to see the minutes and was told me that the minutes were not at the headquarters and only Mr. Bertuzzi could grant me permission. I then asked the headquarters secretary to call Mr. Bertuzzi. Mr. Bertuzzi's secretary said that she would ask him and call back. I waited at the headquarters for approximately 20-30 minutes then again requested the secretary to call Mr. Bertuzzi. I was told by Mr. Bertuzzi's secretary to call again in 1 ½ to 2 hours. I left returning about 2 hours later to find the headquarters locked. After waiting in the parking lot 30 minutes I again called Mr. Bertuzzi's office and was now told that he would be unavailable the all week. I left a sign on the door with my request to view the precinct minutes and for the dates, times and locations that the Resolutions, Credentials, Rules and Nominations committees were to meet. Later that day the delegate who had accompanied me returned to the headquarters to find the sign "X'd" out with "NO!!" written across it and the initials M.A.B. which I assume to be Michael A. Bertuzzi's. A copy of my request along with a copy after Mr. Bertuzzi "X'd" it out is attached.

On March 26, 2008 I e-mailed Mr. Bertuzzi again asking to be allowed to view the minutes of the 126 precinct conventions. In this e-mail I included a reference to Rule 22 of the Republican Party of Texas and 161.004 of the Texas Election Code. On March 27, 2008 Mr. Bertuzzi again denied allowing me to view the minutes. In an e-mail dated March 28, 2008 I objected to Mr. Bertuzzi's references of denial citing Rule 22b of the Republican Party of Texas and Texas Election Code 163.004, 163.007 and 161.009. Mr. Bertuzzi responded on March 28, 2008 that my "request has been sent to The State Republican party for an opinion." I have attached copies of all my e-mail correspondence with Mr. Bertuzzi. The Republican Party rules and the Texas Election Code clearly state that I should have been allowed to view the copy of the minutes of the 126 precincts.

Mr. Bertuzzi was in clear violation of the Republican Party Rules and the Texas Election Code. The integrity of the Republican Party has been compromised by Mr. Bertuzzi's actions. I respectfully request that this challenge be upheld.

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