

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

Ref: Challenges

Madam Chair:

Please deliver the following challenges to the Republican State Officials Committee as constituted in the bylaws of the SREC for delivery to the Temporary Credentials Committee of the State Convention.

The signers of this challenge, all of whom voted in the 2008 Republican General Primary and reside in the same county and/or senatorial district as the delegate or alternate being challenged, individually and collectively challenge the delegate status of the following persons:

1. Stuart Lane, temporary and permanent Chairman of the Tarrant County SD10 Convention.

These named person(s) intentionally violated the Rules of the Republican Party of Texas (RPT), including those Rules found in Robert's Rules of Order Newly Revised, 10th Edition (RONR), the parliamentary authority included by reference by RPT Rule 5. In accordance with RPT Rule 11b and Rule 27b(1) we hereby specify the grounds for the challenge and detail the specific rule or rules alleged to have been violated, and hereby demand that if any part or the whole of this challenge is upheld that these person(s) be removed from serving as a delegate to any convention of the Party at any level throughout the year.

Summary of Challenge

According to RONR, the first characteristic of a deliberative assembly is that "it is a group of people, having or assuming full freedom to act in concert, meeting to determine, in full and free discussion, courses of action to be taken in the name of the entire group." (RONR p. 1) It is the duty of the Chairman to facilitate this process professionally and impartially, and "to expedite business in every way compatible with the rights of members." (RONR p. 434)

Contrary to these fundamental principles and rules, Stuart Lane abused his position as temporary and then permanent Chairman to delay the proceedings, intimidate dissent, quash debate and the rights of the minority, and provide directing comments from the chair. In the process he broke several Republican Party of Texas and RONR rules. While all chairs make mistakes and we are not seeking perfection, these violations demonstrate a clear pattern of intentional abuse toward a desired outcome. One very tangible result of this abuse was a failure of the convention as a

whole to complete its primary task of electing a full slate of delegates and alternates to the State Convention.

Details

1. RONR, page 434, states that one duty of the Chairman is *“to expedite business in every way compatible with the rights of members.”*

Mr. Lane's abuse and display of partiality began months prior to the convention, immediately after being elected temporary Chairman by the Tarrant County Executive Committee. After being elected, he took the stage and announced his desire and willingness to shut out a particular group of individuals attempting to get involved in the process. This is completely contrary to the proper role of the Chair.

2. RPT Rule 22b, Chairman's Responsibilities, states:

“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. The copy shall be public record.”

When we requested access to these copies from the County Chair, we were informed that they had all inadvertently been delivered to the SD Temporary Chairmen, and were instructed to contact them for access. When we did so, Mr. Lane refused to allow us access to these copies (see attached exhibit A). After extensive intervention from the County Chair, he agreed to allow us access, but only to the minutes and attendee lists. It was not until after further intervention from the County Chair that we were allowed complete access. We then discovered that at least two packets had been modified after their precinct conventions were completed, with individuals added to the elected delegate lists. These added individuals were challenged, and the SD 10 Temporary Credentials Committee and the SD 10 Convention upheld those challenges. We do not know who modified these packets or who had custody of them at the time, but the fact any modification occurred underscores the importance of the public record portion of this rule which Mr. Lane obstructed.

3. RONR page 434 states that it is the duty of the chairman *“to expedite business in every way compatible with the rights of members.”*

Mr. Lane violated this duty by intentionally not having the Temporary Credentials Committee meet publicly to review challenges until the morning of the SD Convention (attached exhibit B). Tarrant 10 is one of the largest SD delegations in the state, and the final Credentials report included recommendations for almost 100 challenged delegates. It was inappropriate for this Committee to not meet before the Convention, and doing so caused an enormous delay. The report was not ready until after 1pm. As a result, the actual business of the Convention began with many in the body already weary and not favorably disposed to debate. This deliberate abuse of the

Temporary Chair's position was also utilized to allow his supporters to arrive hours after the Convention was called to order and still participate in the vote for Permanent Chair. Because the Credentials report is fundamental to an orderly meeting, the delegates present were not even able to exercise their right to call for the orders of the day and expedite the business of the Convention. In addition, many delegates were not aware of any problems with their status until they arrived at the Registration Desk and had no opportunity to prepare testimony in their defense.

4. RPT Rule 14, Open Meeting and Right to Testify, states:

“All meetings of any committee or sub-committee of any convention, 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.”

Despite Mr. Lane's assurances that the Temporary Credentials Committee did not meet before the day of the Convention, and that no credentials issues were reviewed other than late packets (see attached exhibit B), we assert that packets were in fact reviewed in private and challenges were identified. When we gained access to the packets, we found that notes had been made on several (see attached exhibit C). Further, during the Temporary Credentials meeting, the Committee Chair produced several challenges that had pre-identified issues, and referred on multiple occasions to alternate Kerry Lundelius (who was not on the Committee) to provide information on pre-identified issues for the challenge before the Committee (see attached exhibit D). Having challenges identified outside of open meetings violates Rule 14's provisions for both open meetings and delegate testimony.

5. RPT Rule 30b, County/Senatorial Convention Agenda, states:

“b. Roll call of temporary roll of delegates. (Roll call may be taken by name or by Precinct Delegation count. The delegate registration list may be used at the start of the convention to establish the temporary roll and a quorum for the convention, when approved by a majority voice vote of the delegates present. Delegates must provide proper identification upon registration to obtain their credentials, if this method is to be used.) At conclusion of roll call the secretary shall announce:

- 1. the number of delegations present;*
- 2. the combined voting strength of those delegations; and*
- 3. the number of attending delegates at start of convention.”*

Immediately before the lunch recess was called, the delegate registration list was asserted as the temporary roll without vote and without many delegates providing proper identification at registration. Several in the body were unaware the roll had even been read, and a review of the register during lunch showed a different count than what was read by the Secretary. Mr. Lane and Parliamentarian John Holcomb were informed by delegate Jeremy Blosser that this had created confusion and a point of inquiry would be raised to address it after the recess. Mr. Lane

nevertheless ignored the issue after recess and moved immediately to introduce the next speaker. Mr. Blosser rose to the microphone to call the point of inquiry and found it turned off; he asked for it to be turned on and was told by Mr. Lane the issue would be addressed later. Mr. Blosser indicated it was an interrupting incidental motion and needed to be addressed now. Mr. Lane made a derisive remark about points of order delaying the process and then recognized Mr. Blosser. Mr. Blosser cited Rule 30b and after extensive discussion with his Parliamentarians Mr. Lane asked for a motion to accept the registration list as the temporary roll.

6. RPT Rule 16b, Previous Question, states:

“b. Exception - At any convention, a motion to move the previous question or to close nomination concerning any election, including the election of delegates and alternates shall not be in order until there has been reasonable opportunity for additional nominations, debate and/or amendment.”

Further, RONR page 364 states, *“the chair must recognize any member who seeks the floor while entitled to it,”* and page 373 states, *“when a member has risen to claim the floor or has been assigned the floor, it is out of order for another to call out a motion to adjourn, or a motion to lay the pending question on the table. If someone does so, or if calls of “Question!” are made, it is the duty of the chair to obtain order and protect the rights of the member who is entitled to the floor.”*

When debate was called on the above motion to accept the registration list, Mr. Blosser was the first speaker and spoke in opposition to the motion. The next individual to the microphone, delegate Phillip Palmer, was addressed by Mr. Lane and indicated he also intended to speak in opposition. Mr. Lane declined to recognize him and sought someone to speak in favor. No one rose. After deliberating with his Parliamentarians, Mr. Lane indicated that since no one was rising to speak in favor, and since no one had called the question, he would recognize more negative debate. Another delegate immediately rose and called the question. Mr. Blosser called a point of order, citing RPT Rule 16b and arguing that one speaker was not reasonable debate, particularly when another speaker was seeking the floor. Mr. Lane responded that since the question had been called he had to put it to a vote and the body would decide if there would be debate. Mr. Blosser noted that the point of order was that the question could not be called and asked if the chair's decision was that reasonable debate had occurred. Mr. Lane ruled that reasonable debate had occurred.

RONR is clear that a single speaker cannot be reasonable debate when others wish to speak, and that Mr. Palmer was entitled to the floor. The call of the previous question was out of order and Mr. Lane should not have prompted or recognized it. It was his duty as chair to protect Mr. Palmer's rights in seeking the floor. Mr. Lane intentionally violated this duty and the rules in order to quash debate and promote acceptance of a questionable temporary roll.

Further, immediately before the vote was called another delegate called a point of information asking what the result of the vote would be. Mr. Lane stated that there was no point and the issue was pointless. In doing so he violated the impartiality of the chair, the right of the body to understand the vote before them, and his duty to provide clarification when needed.

See attached transcript (exhibit E) and audio (exhibit F).

7. RONR page 265 states, *“MOTIONS THAT MUST BE DIVIDED ON DEMAND. Sometimes a series of independent resolutions or main motions dealing with different subjects is offered in one motion. In such a case, one or more of the several resolutions must receive separate consideration*

and vote at the request of a single member, and the motion for Division of a Question is not used. Such a demand... can be made even when another has the floor.... Similarly, when a committee reports a number of amendments to a resolution referred to it, all the amendments can be adopted by a single vote, except that if any member demands a separate vote on one or more of them, those amendments must be considered separately.”

Before the Permanent Resolutions Committee report was read, a motion was made that the entire report be voted on as one motion instead of individual votes on each issue (note that this was **not** a motion to Consider Seriatim). Several delegates spoke in opposition to this motion, indicating they wanted to at least hear the report before agreeing. Mr. Blosser rose to a point of inquiry and cited RONR page 265, noting that regardless of the outcome of such a motion, each member should retain the right to demand a separate vote on the individual provisions of the report. After lengthy deliberation with his Parliamentarians, Mr. Lane ruled that the entire report was one issue and the principle in this rule would not apply. In doing so he denied a fundamental right of the members to demand separate issues be debated separately.

8. RPT Rule 23, Convention Resolutions, states:

“At any convention other than a precinct convention, all resolutions including those offered by delegates for consideration by the convention shall be filed with the Secretary of the Convention not later than thirty (30) minutes after the Permanent Committee on Platform and Resolutions is appointed and shall automatically and without debate be referred by the Secretary of the Convention to the Committee on Platform and Resolutions or other committee appropriate to the subject for consideration and report. The Secretary of the Convention shall remain available in a publicly announced location easily accessible from the convention floor during the period in which such resolutions can be filed. All resolutions adopted by the next lower level convention shall be considered by the Temporary Platform and Resolutions committee of the next higher level convention. A temporary or permanent resolutions committee may originate resolutions.”

After the Permanent Resolutions Committee was named and during debate on the above motion, delegate Paul Sinclair raised a point of order that he had a resolution to submit to the Committee and had not been given an opportunity to present it. After lengthy deliberation with his Parliamentarians, Mr. Lane ruled that the point was correct and Mr. Sinclair was allowed to deliver his motion to the Secretary, who delivered it to the Committee, who considered it while the rest of their report was being read. However, Mr. Lane then ruled that since thirty minutes had passed by the time the ruling was made no other resolutions could be presented.

9. RONR page 365 states, *“when assigned the floor, a member may use it for any proper purpose, or a combination of purposes; for example, although a member may have begun by debating a pending motion, he may conclude by moving any secondary motion... that is in order at the time.”*

RONR page 65 states, *“a short intermission in a meeting, even while business is pending, can be proposed by moving to Recess for a specified length of time.”*

RONR page 223 states, *“the privileged motion to Recess... is a motion that a recess begin immediately, made while another question is pending. A motion to recess that is made when no question is pending... is a main motion... Consequently, a motion to recess is privileged only when another question is pending....”*

RONR page 249 states, “*an appeal.... Is in order when another has the floor, but the appeal must be made at the time of the ruling. If any debate or business has intervened, it is too late to appeal.*”

The Temporary Rules Committee proposed, and the Convention adopted, a supplemental rule stating that “any substitutions to the list of Delegates and Alternate Delegates to the State Convention of the Republican Party of Texas, as recommended by the Permanent Committee on Nominations, be moved on an individual basis with only one strike/one replace included in the motion to substitute.”

When the time came for the Nominations Committee report to be read, the body was informed that the computer that had been used all day to put vote results, resolutions, etc. on the overhead displays was now out of order and the Nominations report would only be read to the body instead of displayed.

Immediately after the Permanent Nominations Committee report was read and moved for adoption, and before any debate, Matt Hayes, delegate and assistant to the Chairman, moved to a microphone and moved the Previous Question. Mr. Blosser called a point of order that according to RPT Rule 16b a motion of the Previous Question was out of order without adequate time for debate, and as there had been no debate, and there was still at least one CD with alternate slots available the motion could not be in order (it was later learned that at that point every CD had alternate slots available, and at least one CD had primary delegate slots available). After lengthy deliberation with his Parliamentarians, Mr. Lane began to call the vote on the motion for the previous question. Mr. Blosser called a point of information to ask if the ruling of the Chair was that the motion for the previous question was in order. After further deliberation with his Parliamentarians, Mr. Lane ruled that the original point or order was correct and the motion for the previous question was out of order, then made leading comments indicating someone should move the previous question again after some debate had occurred.

Mr. Blosser then raised a point of information asking if the delegate list was available for review; Mr. Lane responded that one copy was available at the front of the room. Mr. Blosser made a motion to recess to examine the list. After deliberation with his Parliamentarians, Mr. Lane ruled that the motion to recess was out of order with the argument Mr. Blosser took the microphone via a privileged motion and then made a main motion to recess. Mr. Blosser appealed from the decision of the chair; Mr. Lane deliberated with his Parliamentarians and ruled the appeal out of order with the claim Mr. Blosser interrupted the Chair and did not wait to be recognized, then said he would recognize Mr. Blosser if he wanted to restate his appeal. Mr. Blosser restated his appeal and was seconded. During debate, Mr. Lane claimed that every meeting of the Nominations Committee was open and therefore there was no need to recess to review the list; this assertion is in dispute, as at least one delegate was told he could not attend a meeting of the Nominations Committee (see the corresponding challenge filed against Nominations Chairman Larry Kauffman, here included by reference.) After debate was heard, Mr. Lane also made a comment that a “yes” vote was to sustain the ruling of the Chair and not to recess. This was incorrect, as the vote was on whether or not the motion to recess was out of order. The vote was called, and the decision of the chair that the motion to recess was out of order was upheld. See attached video (exhibit G).

As the motion of the previous question had been ruled out of order, delegates were able to begin attempting to amend the report by moving to fill open slots. After several had done so but with slots still available a point of information was raised as to the disposition of the initial motion of the previous question. Mr. Lane noted that motion had been ruled out of order and repeated his

prior leading comments that debate had now occurred. The motion was made again, and Mr. Lane entertained it despite the fact there were still slots available and several delegates were waiting at microphones with names in hand. The vote was called and the motion was defeated by the body.

The motion to recess was in order. Mr. Blosser gained the floor via legitimate means and merely made a series of motions. Further, as a main motion was already pending, the motion to recess was itself privileged and was in order as long as another member was not speaking and did not have the floor. The appeal was also in order. It is true Mr. Blosser interrupted the Chair, but this was both in order and necessary as the Chair had begun to call for debate on the current main motion, and an appeal must be made at the time of the ruling before any other debate or business intervenes.

By not providing opportunity to review the list and violating the rules governing the motion to recess, Mr. Lane made it impossible for members to amend the Nominations report by the process required by the supplemental rules adopted by the Convention, apart from filling empty slots. The motion to recess should have been entertained, and the vote to recess or not would have determined the will of the body.

10. RPT Rule 31, Report of Nominations Committee, states:

“At a County or Senatorial District Convention, the Committee on Nominations shall present a report including a list of delegates and alternates for election to the State Convention and the Nominations Committee shall designate the manner in which alternates shall replace absent delegates. That report may be amended by the convention by the process of adding, or by striking and inserting, or by substitution. The convention shall then elect the delegates and alternates to the State Convention by adopting the report, or the report as amended, of the Nominations Committee. All delegates and alternates may be elected at-large, or some or all may be allocated to precincts, at the discretion of the convention.”

RPT Rule 13's provision that “no quorum shall be required for consideration of the report of a nominations committee or for the election of delegates and alternates” makes it clear that these elections are the most critical business of the Convention. Mr. Lane's duty as Chairman was to facilitate these elections and make it clear that there were alternates left to be elected and this was the open business before the body. Instead, every effort was made by Mr. Lane to obfuscate the status of the list and ensure the Committee's report was passed undebated and unamended, and any success in this effort necessarily occurred at the expense of the Convention fulfilling its duty under RPT Rule 31.

Through his deliberate delays, incorrect rulings meant to quash debate, directing comments from the chair, and other rule violations, Mr. Lane drove a directed effort to wear down the tolerance of the body for any discussion or deliberative processes and promote fatigue and confusion. By the time the Nominations report was finally heard, many of the remaining delegates were not engaged enough to be fully aware there were slots available, despite repeated points of information raised to check the status of the lists and attempts to clarify what was happening. The end result was that the Convention adjourned with alternate slots still available, despite several delegates having names available that could have been submitted.

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

