

Mr. Roger O'Dell
Chairman, Temporary Credentials Committee
2008 Republican State Convention
2267 Trawood, Ste E2
El Paso, TX 79935

Ref: Challenge and Motion to Censure per RPT Rule 5

Mr. Chairman:

Please deliver the following challenges for consideration to the Temporary Rules Committee of the State Convention and subsequent report and recommendation to the State Convention as described in Republican Party of Texas (RPT) Rule 27(d) and 33(b)(1).

The signers of this challenge, all of whom voted in the 2008 Republican General Primary and are duly elected delegates or alternates to the 2008 Republican State Convention, individually and collectively challenge the delegate status of the following persons via RPT Rule 5 authorizing Robert's Rules of Order and therefore the main motion to censure for abuse of authority as noted below:

1. Tina Benkiser, Chair, Republican Party of Texas
2. Unknown members of the SREC Officials Committee

These persons intentionally violated the Rules of the Republican Party of Texas. As RPT Rule 27 only applies to challenges by delegates residing in the same County or Senatorial District, and RPT Rule 5 stipulates that Robert's Rules of Order Newly Revised (RONR) is the underlying parliamentary authority, and as the State Chairman acting as "the presiding officer in a capacity not shared in common with other members" (RONR page 436) is asserted to have intentionally violated Party Rules, the main motion to censure is in order as provided by RONR page 642:

"If the regular presiding officer of an organized society culpably fails to perform the duties of the chair properly in a meeting, a motion can also be made to censure him, which can be put to a vote by the maker of the motion as just explained, if necessary."

We hereby specify the grounds for the challenge and detail the specific rule or rules alleged to have been violated, and hereby demand that this challenge along with the Committee's recommendation for resolution thereof be presented to the State Convention for final determination of censure and/or further disciplinary action including removal from serving as a delegate to any convention of the Party at any level throughout the year.

1. 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."

RPT Rule 27(b)(2), Challenges to Credentials of Delegates, State Officials Committee, states:

"Without attempting to assess merit or lack of merit, the Officials Committee shall conduct a preliminary review of each challenge in order to establish whether the basis for the challenge is valid under the Rules of the Republican Party of Texas. The Officials Committee shall forward to the Temporary Committee on Credentials all challenges alleging violations of party rules at a county or senatorial district convention unless the Officials Committee determines the basis of the challenge to be frivolous, i.e. irrelevant or lacking in substance. Any challenge deemed frivolous shall not be forwarded to the Temporary Committee on Credentials, and the principal(s) who brought such challenge and the principal(s) against whom the challenge was brought shall be promptly notified. The Credentials Committee shall not hear a late challenge of a delegate or alternate."

On the evening of May 20, 2008, the Officials Committee of the SREC met at RPT Headquarters in Austin, TX, pursuant to RPT Rule 27(b)(2), to conduct preliminary review of each challenge filed. The Officials Committee has no such duty or authority specified in the SREC bylaws and was therefore acting directly as a temporary committee of the State Convention. See attached parliamentary opinion, Exhibit A. The undersigned delegates sought to attend and if necessary testify at this meeting as was their right under RPT Rule 14.

Delegates arrived at RPT HQ hours ahead of the meeting time and made clear their intention to attend the meeting. On arrival they were informed by RPT Executive Director Eric Opiela that the meeting would be closed and they would not be allowed to attend. The delegates reasserted they planned to attend, and left until the set meeting time. Upon return to the RPT HQ at the set meeting time the delegates found the exterior doors of the building locked and other access controls in place to prevent their entry. As committee members arrived they were observed to enter the building via phone calls to RPT HQ personnel who opened the doors for them but would not allow delegates to enter. Eventually other building occupants both invited the delegates into the building and unlocked the elevator so they could access the RPT offices on the third floor. Delegates were persistently denied any access to the meeting room itself and waited in the lobby of RPT HQ until they were informed the meeting had concluded. The majority of the committee members were never directly observed and were reported to have left by a back doorway; actual attendees at the meeting are therefore unknown.

Although the SREC is granted limited authority to go into Executive Session via RPT Rule 8(f), this is a general provision that is superceded by Rule 14 when operating directly as a committee of the State Convention (Exhibit A.) Further, delegates were denied access and entrance to the meeting before it was called to order and before any vote was held to go into Executive Session. No authority exists for this practice in RPT Rules or SREC bylaws.

2. RPT Rule 27(b)(2) limits the authority of the Officials Committee to preliminary review to establish validity and relevance and determine frivolity, not merit. As delegates were denied entrance to the meeting and notifications sent by RPT of results did not include any details it is impossible to know what standards were actually used when reviewing challenges, but further information indicates additional criteria were used:

a. In several cases, single challenges which named multiple individuals were upheld against some individuals and rejected against others, with no reasonable validity or relevance distinction discernible from the facts asserted by the challenge

b. In other cases, individual challenges citing identical rules and substantially equivalent evidence were upheld in some instances and rejected in others

c. In at least one case that has been reported in the media, letters from challenged individuals were reportedly reviewed as evidence of fact before the challenge was subsequently rejected

d. In at least one case, supplemental information provided by RPT indicates a challenge was accepted against one individual and rejected against another because no USPS certified mail receipt was included in the latter challenge as submitted; no such receipt requirement exists in the RPT Rules or Texas Election Code

3. RPT Rule 27(d), Challenges to Credentials of Delegates, Committee on Credentials Procedure, states:

"At any convention other than a precinct convention, the Temporary Committee on Credentials, when it convenes, shall hear both sides of the challenge and shall report to the convention the names of the delegates or alternates whom it believes are entitled to participate in the convention. The convention shall vote on the report of the Committee on Credentials on each challenge that is made. Challenged delegates shall be listed on the Temporary roll, but may not vote on their own challenge. Furthermore, delegates from delegations that are being challenged may not be seated until the challenge is resolved."

RPT Rule 27 provides a method for challenging the credentials of an individual delegate under limited circumstances. It does not provide a means for challenging an entire delegation as may be necessary due to fundamental impropriety. Three such challenges were filed, using the guidelines of Rule 27 absent other direction from the Party. These were rejected for unknown reasons, but prior communication indicated full delegate challenges were not considered and summarily rejected for not specifying individual delegates.

RPT Rule 33(b)(1), however, stipulates that the Temporary Credentials Committee "shall hear any contests concerning delegates and alternates which were not filed as challenges and shall recommend the resolution of such contests." Rule 27(d) further stipulates that "delegates from delegations that are being challenged may not be seated until the challenge is resolved." Disposition of full delegation challenges are certainly considered by the RPT rules and these should have all been forwarded to the Temporary Credentials Committee. There is no authority for the Officials Committee to reject them.

Signed: