

The House Committee on Election Contest, Select

82nd Legislature

March 15, 2011

1:00 p.m. or upon final adjourn./recess

E1.010

Pursuant to a notice posted on February 15, 2011, the House Committee on Election Contest, Select met in a public hearing on the election contest, Dan Neil, Contestant, vs. Donna Howard, Contestee, and was called to order by the chair, Representative Hunter, at 1:06 p.m.

The initial quorum call was answered as follows: Representatives Hunter; Eiland; Bonnen; Giddings; Guillen; Kolkhorst; Lewis; Madden; and Smith, Wayne.

A quorum was present.

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At 1:12 p.m., Mr. Nixon on behalf of contestant Dan Neil made a presentation to the committee.

At 2:57 p.m., Mr. Wood and Mr. Bonilla on behalf of contestee Donna Howard made a presentation to the committee.

At 4:50 p.m., Representative Will Hartnett, master of discovery, summarized his report.

At 5:21 p.m., Mr. Nixon on behalf of contestant Dan Neil made a clarifying statement based on Representative Will Hartnett's summary.

At 5:25 p.m., on the motion of the chair and without objection, the meeting was recessed subject to the call of the chair so that the Committee could go into executive session, Pursuant to Rule 4, Section, 12, to discuss the outcome of the election contest as well as the imposition of costs associated with the election contest committee.

The committee reconvened at 6:21 p.m. and was called to order by the chair, Representative Hunter.

The quorum call was answered as follows: Representatives Hunter; Eiland; Bonnen; Giddings; Guillen; Kolkhorst; Lewis; Madden; and Smith, Wayne.

A quorum was present.

Representative Hunter moved that the contestant failed to establish by clear and convincing evidence that the elections contest outcome was not the true outcome. The motion prevailed by the following record vote:

Ayes: Representatives Hunter; Eiland; Bonnen; Giddings; Guillen; Kolkhorst; Lewis; Madden; Smith, Wayne (9).

Nays: None (0).

Present, Not Voting: None (0).

Absent: None (0).

Representative Lewis moved that the cost for the court reporter's fees for the Master's hearing be deducted from the contestant's deposit and the remainder of the deposit be returned to the contestant. The motion prevailed without objection.

At 6:23 p.m., on the motion of the chair and without objection, the meeting was adjourned subject to the call of the chair.

Rep. Hunter, Chair

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Jennifer Welch, Clerk

IN THE HOUSE OF REPRESENTATIVES
OF THE STATE OF TEXAS

DAN NEIL,
CONTESTANT

vs.

DONNA HOWARD,
CONTESTEE

& BEFORE THE SELECT
& COMMITTEE ON ELECTION
& CONTEST REGARDING STATE
& REPRESENTATIVE DISTRICT 48

AGENDA OF EXECUTIVE SESSION

The following agenda is established for the executive session of this committee to deliberate the matter of the election contest named above:

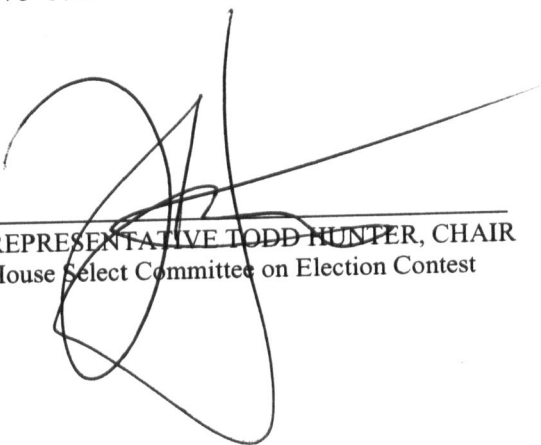
1. Announcement of chair in public session at 5:25p.m., March 15, 2011, that the committee is to meet in executive session pursuant to Rule 4, Section 12, Rules of the House of Representatives of the 82nd Legislature, to discuss the outcome of the election contest as well as the imposition of costs associated with the election contest committee.

2. Deliberations and debate in executive session in the matter of the election contest named above, beginning at 5:30 p.m., March 15, 2011 and concluding at 6:20p.m., March 15, 2011.

3. Announcement of chair in public session at 6:21p.m., March 15, 2011, that deliberations and debate in executive session have concluded and that the executive session is concluded. The chair directed the clerk to prepare an agenda for the executive session as required by the Texas open meetings law and announced that the committee deliberated on no other matters while in executive session and that no decision had been made and no vote taken while in the executive session.

It is hereby certified that the agenda set out above contains a complete and accurate description of the matters discussed in the executive session of this committee held at the specified time and date.

Signed this 16th day of March, 2011.



REPRESENTATIVE TODD HUNTER, CHAIR
House Select Committee on Election Contest

OFFICE OF THE CLERK OF THE HOUSE OF REPRESENTATIVES

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HOUSE OF REPRESENTATIVES