

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

Jennifer Welch, Clerk