ORDER RELATING TO ELECTION CONTESTS

WHEREAS, Proceedings have been initiated by Talmedge Heflin to contest the election of Hubert Vo to the office of state representative, District 149;

WHEREAS, Proceedings have been initiated by Eric Christopher Opiela to contest the election of Yvonne Gonzalez Toureilles to the office of state representative, District 35;

WHEREAS, Proceedings have been initiated by Jack Stick to contest the election of Mark Strama to the office of state representative, District 50;

WHEREAS, The scope of inquiry of a tribunal hearing an election contest is defined in Section 221.003, Election Code;

THEREFORE:

1. Acting under the authority of Section 241.009, Election Code, I hereby appoint Representative Will Hartnett as Master of Discovery in the matter of the contest of the election for state representative, District 149, and any other election contest in which a contestee's answer is filed;

2. In accordance with Section 241.009, Election Code, the Master shall supervise discovery proceedings and the taking of depositions, issue any necessary process, receive and report evidence, and perform any other assigned duties in assisting the Select Committee on Election Contests and the house of representatives in disposing of the contests in accordance with Chapters 221 and 241, Election Code and within the scope of inquiry of a tribunal hearing an election contest as defined in Section 221.003, Election Code;

3. Acting under the authority of Rule 1, Section 16, and Section 241.011, Election Code, I hereby appoint a Select Committee on Election Contests to hear the contest of election for state representative, District 149, and any other election contest in which a contestee's answer is filed. The following members are hereby appointed to serve on the Select Committee on Election Contests:

Terry Keel, Chair

Craig Eiland, Vice Chair

Mary Denny

Helen Giddings

Ryan Guillen

Suzanna Gratia Hupp

Phil King

Larry Phillips

Allan Ritter

4. The Select Committee on Election Contests shall conduct its investigation of the issues raised by the contests in accordance with Chapters 221 and 241, Election Code, and report to the house of representatives in accordance with that law and within the scope of inquiry of a tribunal hearing an election contest as defined in Section 221.003, Election Code;

5. The Select Committee on Election Contests has all the powers and duties not inconsistent with the Election Code that are conferred on standing committees of the house by the Rules of the House and Subchapter B, Chapter 301, Government Code;

6. The Select Committee on Election Contests shall use the Texas Rules of Civil Procedure and the Texas Rules of Evidence as guidelines in its proceedings, subject to changes in those rules or limitations imposed by the committee; and

7. For the purpose of these contests, proceedings before the Select Committee on Election Contests shall be considered proceedings before a tribunal under the Texas Disciplinary Rules of Professional Conduct and these rules shall govern the conduct of parties and their counsel before the Select Committee.

12-6-2004

Date

Tom Craddick

Speaker of the House