



For Immediate Release – August 19, 2010

## **Sen. Brian Birdwell Wins Residency Court Challenge Filed by Democrats**

*5<sup>th</sup> Court of Appeals: “We deny relators petition for writ of mandamus”*

(Granbury, TX) - This afternoon, the 5<sup>th</sup> Court of Appeals in Dallas denied the suit filed against Senator Brian Birdwell by the Texas Democrat Party and his Democrat Opponent to have Sen. Birdwell removed from the ballot. In a unanimous ruling, the three justice panel found that the Democrats failed to prove Birdwell is an ineligible candidate for the Texas Senate. According to the court, ".....the record does not show, that information on any application by Birdwell for a place on the ballot indicates that he is ineligible for the office."

Senator Birdwell commented, "I'm thrilled with today's win, and pleased that the court clearly saw through this desperate attempt by the Democrats to thwart the will of the voters and win a senate seat through judicial activism.

Two things should be obvious to everyone by now. First, I live here and am legally qualified to represent the good people of Senate District 22. And second, a majority of voters want me to represent them. It's now time to put all this behind us and get on to the important business of the state. I appreciate the support of so many citizens who have stood by me during this politically-driven lawsuit. Their phone calls, emails, and personal encouragement have meant so much to Mel and me during this process."

Birdwell was initially certified for the ballot by the Texas Secretary of State in early April. On April 26, Senior Judge William Brigham ruled that Lt. Col. (Ret.) Brian Birdwell has been a Texas resident since 1973, confirming that Birdwell meets all of the residency requirements to serve in the Texas State Senate. Birdwell then earned almost 58% of the vote in the June 22<sup>nd</sup> runoff election, earning the privilege to serve the remainder of Sen. Kip Averitt's term which ends in January. He currently serves as State Senator for the 22<sup>nd</sup> District of Texas.

Pol. Adv. Paid for by Brian Birdwell Campaign