

CAUSE NO. 348-377803-26

MICHAEL BACHAND,

Plaintiff/Contestant,

v.

ROBERT FITZGERALD,

Defendant/Contestee.

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IN THE DISTRICT COURT

348th JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

CONTESTEE ROBERT FITZGERALD’S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

Contestee Robert Fitzgerald, files this his Original Answer to Contestant Michael Bachand’s Original Petition and would respectfully show the Court as follows:

I.
SPECIAL EXCEPTIONS

1. Contestee specially excepts to the allegations asserted in paragraph 14 of Contestant’s Original Petition for the reason that they do not describe conduct that, even if taken as true, would result in ballots cast being declared illegal such that they could be invalidated by the Court.

II.
GENERAL DENIAL

2. Pursuant to Texas Rule of Civil Procedure 92, Contestee asserts a general denial and requests that Contestant be required to prove the allegations by a preponderance of the evidence and clear and convincing evidence as required by law.

III.
ADDITIONAL PLEADINGS

3. Contestee asserts that the scope of this Court’s inquiry is established by Texas Election Code, Sec. 221.003, namely:

[W]hether the outcome of the contested election, as shown by the final canvass, is not the true outcome because:

- (1) illegal votes were counted; or
- (2) an election officer or other person officially involved in the administration of the election:
 - (A) prevented eligible voters from voting;
 - (B) failed to count legal votes; or
 - (C) engaged in other fraud or illegal conduct or made a mistake.

4. Contestee asserts that the outcome as shown by the final canvass is the true outcome because illegal votes were not counted, and an election official did not prevent eligible voters from voting, fail to count legal votes or engage in other fraud or illegal conduct.

5. Nevertheless, and pleading in the alternative, Contestee would show that illegal votes were counted for Contestant, and/or an election official prevented eligible voters from voting for Contestee, failed to count legal votes for Contestee or engaged in fraud or misconduct.

6. Contestee specifically denies that all conditions precedent have been performed or have occurred. Contestee further denies that Contestant has complied with all requirements for bringing an election challenge as set forth in the Texas Election Code.

IV. **PRAYER**

WHEREFORE Contestee prays that upon final hearing that this Court declare Contestee the winner of this election, or alternatively, that this Court void the results of the election and order a new election in accordance with the Texas Election Code.

Respectfully submitted,

/s/ Jeff Whitfield

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**ATTORNEYS FOR CONTESTEE
ROBERT FITZGERALD**

CERTIFICATE OF SERVICE

This is to certify that on this 5th day of June, 2026, a true and correct copy of the foregoing document was served upon all counsel of record via the Court's electronic case filing system pursuant to Tex. R. Civ. P. 21a.

/s/ Jeff Whitfield

Jeff Whitfield

Automated Certificate of eService

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Status as of 6/5/2026 4:51 PM CST

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