

BILL ANALYSIS

Senate Research Center

S.B. 1398
By: Estes et al.
State Affairs
7/19/2013
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas is the largest Republican state in the Union and has a long and proud history of having political influence on the national stage. However, Texas Republicans have had a marginalized role in the selection of the Republican presidential nominee due to Texas's late primary and the proportional delegate system it is compelled to utilize under the current Election Code. Current law requires the Republican Party to select 75 percent of its national delegates based on presidential primary results, and the remaining 25 percent are allocated among other candidates according to Republican Party of Texas (RPT) rules.

RPT would like to be able to implement a winner-take-all system, thereby giving Texas Republicans a stronger voice in a presidential primary.

S.B. 1398 amends current law relating to rules governing the allocation of delegates to a political party's national presidential nominating convention.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 191.007, Election Code, as follows:

Sec. 191.007. ALLOCATION OF DELEGATES. (a) Creates this subsection from existing text. Requires each political party holding a presidential primary election to adopt a rule for allocating delegates, rather than adopt a rule for allocating delegates based on the results of the presidential primary election.

(b) Authorizes a rule adopted under this section to utilize either a proportional or winner-take-all method, based on the results of the presidential primary election, which may be based on:

(1) a direct tie to statewide popular vote totals;

(2) a direct tie to congressional or state senatorial district popular vote totals; or

(3) an alternative disproportionate method that is based on statewide, congressional district, or state senatorial district popular vote totals.

(c) Provides that Subsection (b) does not apply to delegates allocated among party and elected officials or through an allocation based on participants registering for or attending a caucus or similar process, provided that at least 75 percent of the total number of delegates who are to represent this state at the party's national presidential nominating convention, excluding delegates allocated among party and elected officials, are required to be allocated in accordance with the rule

adopted under this section based on the results of the presidential primary election.

Deletes existing text requiring that at least 75 percent of the total number of delegates who are to represent this state at the party's national presidential nominating convention, excluding delegates allocated among party and elected officials, be allocated in accordance with the rule among one or more of the candidates whose names appear on the presidential primary election ballot and, if applicable, the uncommitted status.

SECTION 2. Effective date: upon passage or September 1, 2013.