

By: Estes, et al.  
(Morrison)

S.B. No. 1398

Substitute the following for S.B. No. 1398:

By: Morrison

C.S.S.B. No. 1398

A BILL TO BE ENTITLED

AN ACT

relating to rules governing the allocation of delegates to a political party's national presidential nominating convention.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 191.007, Election Code, is amended to read as follows:

Sec. 191.007. ALLOCATION OF DELEGATES. (a) Each political party holding a presidential primary election shall adopt a rule for allocating delegates [~~based on the results of the presidential primary election~~].

(b) A rule adopted under this section may 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) Subsection (b) does not apply to delegates allocated:

(1) among party and elected officials; or

(2) through an allocation based on participants registering for or attending a caucus or similar process, provided that at [~~A~~] least 75 percent of the total number of delegates who

1 are to represent this state at the party's national presidential  
2 nominating convention, excluding delegates allocated among party  
3 and elected officials, shall be allocated in accordance with the  
4 rule adopted under this section based on the results of the  
5 presidential primary election [~~among one or more of the candidates~~  
6 ~~whose names appear on the presidential primary election ballot and,~~  
7 ~~if applicable, the uncommitted status~~].

8 SECTION 2. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2013.