

Resolution Censuring Representative Dade Phelan by the Republican Party of Texas

WHEREAS, Rule 44 of the Republican Party of Texas states that “a County or Senatorial District Convention or a County or District Executive Committee may, after notice and invitation to the officeholder to appear and be provided time to speak before a County or Senatorial Convention or a County or District Executive Committee, by a two-thirds (2/3) vote of those present and voting, but in no case by less than a majority of the County Executive Committee (CEC) in full, adopt a resolution censuring a Republican public officeholder representing all or a portion of that County or District for three (3) or more actions taken during the current biennium in opposition to the core principles of the Republican Party of Texas as defined in the Preamble of the Party Platform as described in Rule No. 43A or to the Legislative Priorities adopted at the most recent State Convention as described in Rule 34(c)”; and

WHEREAS, The Jasper County Republican Party, at its November 10, 2023 Executive Committee meeting, passed a “Resolution to Censure Speaker Dade Phelan by Jasper County Republican Party Executive Committee” which identified, among other grievances, the following five actions taken during the current biennium (which began on June 18, 2022, when the 2022 Republican Party of Texas Convention adjourned sine die having adopted its rules) in violation of the Principles or Legislative Priorities of the Republican Party of Texas:

1. Speaker Phelan referred and promoted the Resolution to impeach Attorney General Ken Paxton, violating Texas Government Code 665.081, further defined in Supreme Court Ruling *Reeves v. State of Texas ex Rel. Mason* (December 20, 1924), which states that articles of impeachment may not be served to support removal of a state officer for alleged conduct that took place before the date the state officer was elected, violating RPT Core Principle #4 – “Limiting government power to those items enumerated in the United States and Texas Constitutions”; and
2. Speaker Phelan unjustifiably and irresponsibly wasted Texas taxpayer money in referring and promoting the Resolution to impeach Attorney General Ken Paxton, resulting in an expensive and time-consuming trial in the Texas State Senate, violating RPT Core Principle #5 – “Personal Accountability and Responsibility”; and
3. On February 8, 2023, Speaker Phelan appointed nine Democratic chairs to House committees in violation of RPT Legislative Priority #5 – No Democratic Chairs. The Democrats assigned to committee chairs included: Oscar Longoria – Business & Industry, Abel Herrero – Corrections, Victoria Neave Criado – County Affairs, Joseph Moody – Criminal Jurisprudence, Harold V. Dutton – Juvenile Justice & Family Issues, Tracy King – Natural Resources, R. D. “Bobby” Guerra – Resolutions Calendars, Terry

Canales – Transportation, and Senfronia Thompson – Select Committee on Youth Health and Safety; and

4. On May 9, 2023, Speaker Phelan allowed H.B. 20 to die by sustaining a spurious point of order, in violation of RPT Legislative Priority #2 – Secure the Border and Protect Texans. H.B. 20 would have created a Border Protection Unit under the control of the State of Texas to “arrest, apprehend, or detain persons crossing the Texas-Mexico border unlawfully,” and invoked Article I, Section 10 of the United States Constitution to authorize this unit to return aliens to Mexico who have been observed crossing the border unlawfully and to use force to repel, arrest, and detain known transnational cartel operatives in the border region, among other duties. H.B. 20 was identified as a priority by the Speaker himself, but at his sole discretion, he accepted a point of order raised by a Democratic Representative on a matter of opinion regarding the caption of the bill, which prevented the bill from ever being voted on in the House; and
5. Throughout the session, Speaker Phelan refused to comment in support of RPT Legislative Priority #8 – Parental Rights and Educational Freedom, despite the passionate advocacy by Governor Abbott and Lieutenant Governor Dan Patrick on behalf of this issue. While Speaker Phelan’s appointments to the Public Education Committee initially offered hope that the issue would be given a fair hearing in the House, no educational freedom bill ever passed from committee. When H.B. 100, the school finance reform bill that would have enacted school allotment increases for public schools across Texas, went to conference committee with the Senate, Speaker Phelan appointed conferees who were known to oppose educational freedom. These conferees allowed H.B. 100 to die, preventing any increase in allotted funds to public schools and teacher pay, rather than accept a Senate proposal that would have enacted an Educational Savings Account program; and

WHEREAS, The Jasper County Republican Party provided notice to Representative Dade Phelan’s office and an opportunity to speak prior to the vote taking place; and

WHEREAS, The Jasper County Republican Party Executive Committee passed the resolution of censure of Representative Dade Phelan by both a two-thirds (2/3) majority of those present and voting and a 50% majority of all precinct chairs, even those not in attendance; and

WHEREAS, the term of office for Representative Dade Phelan expires after the 2024 Primary and General Elections, and he would be eligible to run for re-election to his House seat in the 2024 elections and also eligible to run for any other partisan office in the 2024 elections; and

WHEREAS, in discussing resolutions of censure passed by a County Executive Committee, Rule 44 of the Republican Party of Texas states that “such a resolution may include a request, to the

SREC or any State Convention held prior to start of the filing period of a Republican Primary Election while these rules are in effect, that the named officeholder be penalized. If such a request is included, after not less than fourteen (14) days' notice and opportunity to the officeholder to appear and be provided time to speak before the SREC or the State Convention in conformity with the request, the delegates of the State Convention by majority vote in the case of (1) below, or by a two-thirds (2/3) vote in the case of (2) below, or the State Republican Executive Committee by a three-fifths (3/5) vote of the full membership, may vote to concur with the resolution of censure and impose one or both of the following penalties:

1. Declare that no Rule or Bylaw enacted by any division of the Party at any level that demands the Party be neutral in intraparty contests shall be observed with respect to the named officeholder, and no financial or other support shall be provided to their campaign by the Party except that which is required by law. If the officeholder files an application to run for any public office in the Republican Party primary following the censure resolution's passage, the SREC shall be authorized to spend up to twelve percent (12%) of the Party's general fund on voter education in the officeholder's district, by republishing the original censure resolution verbatim, using a media format determined by the SREC.
2. Declare that the named officeholder is discouraged from participating in the Republican Party Primary following the censure passage.

Any above penalty imposed shall expire on the day following the date of the Primary runoff in which the officeholder would be up for re-election"; and

WHEREAS, in its resolution of censure, the Jasper County Republican Party requested that the SREC "concur with this resolution of censure" and that the SREC "impose both penalties identified in Rule 44 on Speaker Dade Phelan"; now

THEREFORE, BE IT RESOLVED that the State Republican Executive Committee concurs with the violations of Republican Party of Texas Principles and Legislative Priorities stated in the resolution of censure passed by the Jasper County Republican Party and identified in this resolution; and

BE IT FURTHER RESOLVED that the Republican Party of Texas imposes both penalties identified in Rule 44 on Representative Dade Phelan as follows:

1. No Rule or Bylaw enacted by any division of the Party at any level that demands the Party be neutral in intraparty contests shall be observed with respect to Representative Dade Phelan, and no financial or other support shall be provided to his campaign by the

Party except that which is required by law. If Representative Phelan files an application to run for any public office in the 2024 Republican Party Primary, the SREC shall be authorized to spend up to twelve percent (12%) of the Party's general fund on voter education in the state of Texas, by republishing this censure resolution verbatim, using a media format determined by the SREC.

Representative Dade Phelan is discouraged from participating in the 2024 Republican Party Primary.

BE IT FURTHER RESOLVED that nothing in this Resolution shall be construed to prohibit the use of Party resources to encourage voting for Republican Party nominees or officeholders collectively, so long as Representative Dade Phelan is not identified by name.