

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CHIP HUNT; REPUBLICAN PARTY OF
TEXAS,

Plaintiffs,

v.

STATE OF TEXAS; JANE NELSON, in her
official capacity as Texas Secretary of State,

Defendants.

Case No. 2:25-cv-200

DEFENDANT SECRETARY OF STATE
JANE NELSON'S MOTION TO DISMISS

Defendant Secretary of State Jane Nelson respectfully moves the Court to dismiss the complaint under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). The Court should dismiss the complaint under Rule 12(b)(1) because the Plaintiffs lack standing to bring their challenge and because their claim is not yet ripe for review. The Court should also dismiss the complaint under Rule 12(b)(6) because the Plaintiffs failed to plausibly allege a freedom-of-association claim under the First Amendment. In the alternative, the Secretary moves to dismiss plaintiff Chip Hunt and defendant the State of Texas from this action under Rule 12(b)(1). Hunt lacks standing to bring a First Amendment challenge and the State of Texas is immune from suit. The Secretary files the accompanying brief in support of this motion and a proposed order. *See* Local Civil R. 7.1(c), (d).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all counsel of record on October 30, 2025, via the Court's CM/ECF system.

/s/ Erin E. Murphy

Erin E. Murphy

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**BRIEF IN SUPPORT OF DEFENDANT SECRETARY OF STATE
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INTRODUCTION

For over 70 years, Texas has required political parties to nominate candidates through primary elections. Contrary to the Plaintiffs' suggestions, Texas does not open primary elections to any and all voters regardless of party affiliation. A voter must affiliate with a political party before participating in a party's primary, either before or on the day of the election. That affiliation has consequences; it binds the voter for the rest of the voting year, and it prohibits the voter from voting in another party's primary or runoff election, participating in another party's affairs, or running as an independent candidate in the general election if the party has a nominee for that office. Nor can anyone who signed a petition for a party's primary candidate vote in another party's primary. By requiring voters to affiliate with a political party before voting in the party's primary while permitting voters to affiliate the day of the election, the Texas primary system strikes a balance between protecting a party's associational rights, ensuring that elections are administrable, and safeguarding the fundamental right to vote. After all, requiring voters to register with a party well before the election not only would require massive changes to the State's voter registration apparatus and impose massive administrability costs on multiple agencies, but would also foreclose voters who newly (but sincerely) identify with a political party from voting in its primary.

Given those competing interests, it is hardly surprising that the Supreme Court has never suggested that open or semi-open primaries raise constitutional concerns. To the contrary, it has repeatedly suggested that "the relative merits of closed and open primaries" are for each state to consider. *Tashjian v. Republican Party of Conn.*, 479 U.S. 208, 222 (1986); *see also Democratic Party of U.S. v. Wisconsin ex rel. La Follette*, 450 U.S. 107, 121 (1981); *Cal. Democratic Party v. Jones*, 530 U.S. 567, 577 n.8 (2000). The Texas Legislature has done so here, and the Secretary of State is duty-bound to abide by that determination.

In recent years, some members of the Republican Party of Texas have expressed concern that the State's affiliation requirements are not restrictive enough. In the lead up to the March 2026 primary elections, those members demanded action. After efforts to convince the state legislature to amend the Election Code failed, the Plaintiffs filed this lawsuit. The Plaintiffs named the State of Texas as a defendant in a transparent attempt to obtain a sham judgment, and the State filed a joint motion for entry of a consent judgment declaring the Texas primary system unlawful.

That thinly disguised attempt to impose by judicial fiat what the Plaintiffs could not achieve via legislation lays bare that this lawsuit does not belong in the federal courts. Indeed, Plaintiffs ask the Court to constitutionalize an ongoing debate about open primaries—one that is up to the Texas Legislature to resolve—and to upend longstanding election machinery based on a hypothetical associational burden that may never materialize. The Plaintiffs ask this Court to declare Texas' open-primary framework unconstitutional *now*—before the Party has adopted a permanent rule closing its primaries, before the Party has decided what a closed primary would look like, and before any concrete dispute exists about how a closed primary would be administered (by the Party and election officials across the State).

That haphazard attack on the Election Code would not even accomplish the Party's stated goal of closing its primaries. The State's open-primary regime is governed by dozens of provisions spread through the Election Code—many of which the Plaintiffs do not challenge—and is administered by thousands of entities and officials that are not defendants in this action. The Party wants the Court to set those rules aside (but only as to the Party) so that the Party (or perhaps the legislature) can write its own, as-yet unspecified set of bespoke rules. That approach would create a patchwork of election rules that vary from one political party to another. Needless to say, such a regime would be extraordinarily difficult for the relevant election officials to administer.

Article III does not permit the Court to wade into this premature dispute—and even if it did, the First Amendment does not prohibit Texas’ longstanding open-primary approach. The Court should grant Secretary of State Jane Nelson’s motion to dismiss.

STATEMENT OF THE CASE

A. Legal Background

States have broad authority to regulate elections. For federal elections, the U.S. Constitution grants States the “power to prescribe the ‘Times, Places and Manner of holding Elections for Senators and Representatives.’” *Clingman v. Beaver*, 544 U.S. 581, 586 (2005) (plurality opinion) (quoting U.S. Const. art. I, §4, cl. 1). States likewise “control ... the election process for state offices” by virtue of their sovereign authority to regulate state affairs. *See id.* Because our constitutional structure vests states with authority over state and federal elections, states “inevitably must[] enact reasonable regulations of parties, elections, and ballots to reduce election- and campaign-related disorder.” *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 358 (1997).

The State of Texas exercised that broad authority to establish “a detailed statutory scheme ... regulating the conduct of political parties as it relates to qualifying for participation in the electoral process.” *Am. Party of Tex. v. White*, 415 U.S. 767, 772 (1974). Texas requires political parties to nominate candidates through primary elections “if the party’s nominee for governor in the most recent gubernatorial general election received 20 percent or more of the total number of votes received by all candidates for governor in the election.” Tex. Elec. Code §172.001. Those primary elections are not purely private affairs; they are funded by taxpayer dollars, *see id.* §§173.001-173.088, they are overseen by state and local election officials, *see id.* §§31.001-31.171, they are subject to extensive state regulation, *see id.* §§172.111-172.130, and they involve state action, *see Smith v. Allwright*, 321 U.S. 649, 663-64 (1944). States may regulate

privately organized political parties in this manner because those parties surrendered some autonomy in exchange for receiving from the state “a role in the election process.” *N.Y. State Bd. of Elections v. Lopez Torres*, 552 U.S. 196, 203 (2008).

Unlike some states, Texas does not open its primary elections to any and all voters. *See Tashjian*, 479 U.S. at 222 n.11. A voter must choose a political party to affiliate with before being allowed to participate in that party’s primary. *See* Tex. Elec. Code §§162.001-162.014. They can make that choice either before or on the day of the primary election. First, a voter can “affiliate with a political party” before the election “by taking an oath of affiliation.” *Id.* §162.008(a). That oath requires the voter to declare that they “hereby affiliate [themselves] with the _____ Party.” *Id.* §162.008(b). After taking that oath, their voter registration card is physically stamped with “the party’s name in the party affiliation space.” *Id.* §162.008(c). If the voter does not have their voter-registration certificate, the voter may request to be issued an “affiliation certificate” that (among other things) lists “the name of the political party of the affiliation,” the “name of the person to whom the certificate is issued,” and “the date of affiliation.” *Id.* §162.009(1)-(2), (5). Second, a voter can “affiliate[] with a political party” on election day by being “accepted to vote in the party’s primary election.” *Id.* §162.003(1). The party may require a voter that affiliates by participating in a primary election to either have their voter-registration certificate stamped with their party affiliation or receive an affiliation certificate. *See id.* §162.004. The voter’s affiliation lasts until the end of the voting year, *see id.* §162.010, and voters that affiliate with one party cannot vote in another party’s primary or runoff elections, *id.* §162.012; *id.* §162.014.

Texas has held primaries in this manner for nearly 70 years. *See* O. Douglas Weeks, *A Comprehensive History of Texas Election Laws*, Tex. State Historical Ass’n (2016), <https://perma.cc/3UYH-ZMV4>. Because the State does not require voters to pre-register their

affiliation at the time they register to vote, Compl. ¶16, it uses the affiliation procedures to ensure that voters align themselves with the party in whose primary elections they seek to participate.

B. Procedural Background

In the lead up to the 2026 primary elections, the Republican Party of Texas decided that the State’s open primaries weaken the Party and burden its associational rights under the First Amendment. So it urged the Republican-controlled legislature to amend the Election Code to allow for closed primaries. *See* Compl. ¶¶66-68.

When those efforts failed, the Party decided to take another approach. In June 2025, the Party’s Executive Committee adopted the current version of Rule 46, which provides that, “[i]n Texas Republican Primary Elections and Texas Republican Primary Runoff Elections, only a United States citizen eligible to vote in Texas who is registered to vote with the Texas Secretary of State as a Republican may cast a ballot in those elections.” *Id.* ¶¶62-63; *see* Rules of the Republican Party of Texas at 40 (2025) (attached as Exhibit A). The Party’s Executive Committee approved that Rule even though it does not address *how* Texas’ 18 million registered voters would update their voter-registration records to include their party affiliation. The Party instead assumed that the Secretary would unilaterally devise and implement a closed-primary scheme—a process that by state law belongs to the Texas Legislature. *See* Tex. Elec. Code §276.019 (public officials “may not create, alter, modify, waive, or suspend any election standard, practice, or procedure mandated by law or rule in a manner not expressly authorized by [the Election Code]”).

In September, the Republican Party of Texas, along with longtime Republican voter Chip Hunt, filed this suit alleging that the various provisions of the Election Code that govern primaries violate their First Amendment right to freedom of association. *See* Compl. ¶¶10-11, 80-89. As relief, the Plaintiffs requested a declaration “that the Republican Party of Texas has a constitutional

right to select its nominees through a closed-primary system and that the Texas Election Code provisions applicable to partisan primaries are unconstitutional insofar as they require the Republican [P]arty of Texas to select its nominees through an open-primary system.” *Id.* ¶90. They also sought an injunction forbidding the State of Texas and the Secretary of State from enforcing portions of the Election Code that, in their view, “require that nominees of the Republican Party of Texas be selected through an open primary.” *Id.* ¶91. Shortly after, the Plaintiffs jointly moved with the State for a consent judgment declaring the Texas primary system unconstitutional.

LEGAL STANDARD

Under Rule 12(b)(6), “a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quotations omitted). Although the Court “accept[s] all well-pleaded facts as true,” it does not “accept as true legal conclusions, conclusory statements, or ‘naked assertion[s]’ devoid of ‘further factual enhancement.’” *Benfield v. Magee*, 945 F.3d 333, 336-37 (5th Cir. 2019) (quoting *Ashcroft*, 556 U.S. at 678). The allegations must “raise a right to relief above the speculative level,” *id.* (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)), meaning “the well-pleaded facts must make relief plausible, not merely possible,” *id.* (quoting *Ashcroft*, 556 U.S. at 678).

ARGUMENT

I. This Court Lacks Jurisdiction Over The Party’s Lawsuit.

This dispute does not belong in federal court. The Complaint alleges that the Texas Election Code burdens the Party’s associational rights by requiring open primaries contrary to Party Rule 46’s closed-primary mandate. That supposed conflict is the core of the Party’s constitutional claim. But the Party failed to mention that Rule 46 is a temporary rule. It cannot apply—not now, not during the upcoming primaries, not ever—absent approval from the Party at the June 2026

Convention. Because it remains to be seen whether the Party will *ever* make Rule 46 permanent, this premature lawsuit qualifies as neither an Article III “Case” nor a “Controversy.” U.S. Const. art. III, §2. But even if it did, the Court should at minimum dismiss from this action both the State of Texas (because it is immune from suit) and Chip Hunt (because she lacks standing).

A. The Court Should Dismiss the Entire Action for Lack of Jurisdiction.

It is a “cardinal rule” that federal courts should “never ... anticipate a question of constitutional law in advance of the necessity of deciding it.” *Brockett v. Spokane Arcades, Inc.*, 472 U.S. 491, 501 (1985) (citation omitted). That limitation on the judiciary “is founded in concern about the proper—and properly limited—role of courts in a democratic society.” *Summers v. Earth Island Inst.*, 555 U.S. 488, 492-93 (2009). Article III employs various doctrines to ensure that federal courts maintain their “proper” role of resolving “genuine, live dispute[s]” rather than “issuing advisory opinions.” *Carney v. Adams*, 592 U.S. 53, 58 (2020). This dispute implicates two of those doctrines: standing and ripeness.

1. The Party lacks standing to challenge Texas’ open-primary provisions because it has not adopted a permanent closed-primary rule. At the motion-to-dismiss stage, the Party must plausibly allege that (1) “it has suffered, or imminently will suffer, a concrete and particularized injury-in-fact; (2) the injury is fairly traceable to the defendant’s conduct; and (3) a favorable judgment is likely to redress the injury.” *Houston Chron. Pub. Co. v. City of League City*, 488 F.3d 613, 617 (5th Cir. 2007). Speculative injuries do not open the doors to federal court. *See Barber v. Bryant*, 860 F.3d 345, 357 (5th Cir. 2017). But here, that is all the Plaintiffs can muster.

To begin, the Party cannot “close its primaries” during the 2026 elections because Rule 46 cannot take effect until January 1, 2027. Compl. ¶2. The Complaint mentions Rule 46 dozens of times, yet it fails to disclose a material fact about that Rule—namely, that it comes with a

“proviso.” *See* Ex. A at 40. That “proviso” explains that “rules on electoral affairs ... take effect on January 1 of the odd-numbered year following the biennial Republican Party of Texas State Convention.” *Id.* Because the Party adopted Rule 46 “[i]n 2025,” Compl. ¶62, and because Rule 46 governs “electoral affairs” by changing how the Party runs primary elections, it cannot take effect until January 1, 2027. Any remaining doubt about when Rule 46 takes effect is dispelled by Party Rule 1(e), which confirms that “[a]ny amendments made to these Rules and contained herein which govern or affect the Republican Party of Texas’ general or runoff primary elections ... are effective January 1 on the odd-numbered year following adoption.” Ex. A at 5. Rule 46 “affect[s]” the Party’s “primary elections,” so it cannot kick in until January 1, 2027. *Id.*

Even once January 2027 arrives, Rule 46 will not take effect unless it is approved at the Party’s State Convention in June 2026. Party Rule 1(b) provides in relevant part that “[t]hese Rules ... may be changed only by action of a State Convention, such action reflecting a majority of votes cast by delegates present and voting.” *Id.* at 4. And although the Party’s Executive Committee may adopt “temporary and emergency changes” to the Rules, those are “valid only until such time, if any, as they are ratified or amended by the next subsequent State Convention, or until the adjournment of such State Convention, whichever shall occur first.” *Id.* Rule 46 was adopted by “the Party’s Executive Committee” as a temporary change, Compl. ¶62; *see* Ex. A at 41 (confirming that the “State Executive Committee ... changed Rule No. 46”), meaning it will cease to exist on the final day of the Convention unless “ratified or amended” by the Party delegates.¹

¹ The Executive Committee has the authority to adopt “Permanent State Executive Committee Rules” that take effect without approval from the State Convention as a whole. *See* Rule 1(b), (d), Ex. A at 4. But those rules must be identified in the rules “by the notation ‘(Permanent State Executive Committee Rule).’” Rule 1(d)(1), Ex. A at 4; *see, e.g.*, Rule 8(i), Ex. A at 8; Rule 8A, Ex. A at 10; Rule 19, Ex. A at 14; Rule 27A, Ex. A at 22. Rule 46 omits that notation.

The absence of a permanent closed-primary rule defeats jurisdiction twice over. First, it renders the Party's allegations of harm "too conjectural and hypothetical to provide ... standing." *Prestage Farms, Inc. v. Bd. of Supervisors*, 205 F.3d 265, 268 (5th Cir. 2000). The Party's associational injury allegedly derives from a "direct conflict" between "Texas law" and "the Party's rule" that limits participation in the Party's primary elections to those that have "registered to vote with the Texas Secretary of State as a Republican." Compl. ¶¶63, 83, 84; *see id.* at ¶84 (alleging that Texas law forces the Party to associate with "voters who do not meet the Party's criteria for voting in its primary elections, *as set out in Rule 46*" (emphasis added)). But because Rule 46 cannot apply absent further approval from the Party's Convention delegates, nobody knows whether the injurious "conflict" between state law and Rule 46 will ever materialize. *Id.* at ¶83-84. That is a textbook example of a speculative injury that falls short of Article III's requirements. Second, even if the Party *is* currently suffering a cognizable injury from forced association, that associational harm would not be redressed by a favorable decision because the Party lacks a closed-primary rule, meaning it would still associate with unwanted voters even if it wins this suit. And even if it had a permanent closed primary rule, the Party still depends on the hypothetical future acts of the legislature to actually implement the closed-primary system it seeks. *See* Opp. to Mot. for Consent Judgment, at 6-7 (to be docketed at Dkt. 31).

The Fifth Circuit's decision in *Mississippi State Democratic Party v. Barbour*, 529 F.3d 538 (5th Cir. 2008), confirms the fatal jurisdictional deficiencies with the Party's lawsuit. There, the Democratic Party challenged Mississippi's semi-closed primary, which (like Texas) "allows voters to affiliate with the party at the time of the primary." *Id.* at 540-41 & 541 n.1. The Democratic Party sued because it "wanted to curtail alleged 'party raiding' and crossover voting" by implementing a closed primary. *See id.* at 541, 542-43. But a jurisdictional problem arose because

the party had “taken no steps internally to limit participation in its primaries to members of the Democrat party”—that is, it had not “adopted any policies to exclude voters not registered as Democrats from its primary.” *Id.* at 544, 545. Because the party never “formally adopted” a closed-primary “policy,” it “suffered no threat of *imminent* injury.” *Id.* at 546, 547. The Court concluded that, “[w]hen [the party] actually decides to adopt a closed primary, and when the [challenged law] has a demonstrated impact on the conduct of primary elections, a justiciable case or controversy will exist.” *Id.* at 548. Until then, the party lacked standing.

The Party here suffers the same problems as the Democratic Party in *Barbour*. Both parties wanted to close their primaries in an effort to combat party raiding. *Compare* Compl. ¶¶55-56, 62, *with Barbour*, 529 F.3d at 541. Both parties alleged that the then-existing open-primary laws violated their associational rights. *Compare* Compl. ¶¶80-89, *with Barbour*, 529 F.3d at 542-43. Both parties expressed desire to close their primaries—in Texas, the Party passed a temporary rule that might never take effect; in Mississippi, the party “declar[ed] its intention, were [the challenged law] not in place, to hold closed primaries.” *Barbour*, 529 F.3d at 545. But neither party took the critical step of adopting a legally operative closed-primary rule. There is no reason to treat the Party here differently than the party in *Barbour*. *See id.* at 548.

The absence of a permanent closed-primary rule makes this case materially different from those that the Party relies on in its Complaint. Compl. ¶¶1, 5, 81 (citing *Jones*, 530 U.S. 567, *La Follette*, 450 U.S. 107, and *Idaho Republican Party v. Ysursa*, 765 F.Supp.2d 1266 (D. Idaho 2011)). The parties in those cases had “rule[s] prohibiting persons not members of the party from voting in the party’s primary.” *Jones*, 530 U.S. at 571; *see Ysursa*, 765 F.Supp.2d at 1270 (discussing how “the Idaho Republican Party State Central Committee adopted the Closed Republican Party Primary Rule”); *La Follette*, 450 U.S. at 109 (the “National Party’s Delegate Selection Rules

provide that only those who are willing to affiliate publicly with the Democratic Party may participate in the process of selecting delegates”). That contrasts sharply with the Party’s failure to adopt a permanent rule here.

2. Even if the Party *did* have standing at this juncture, the Court should still dismiss this action for lack of ripeness. “At its core, ripeness is a matter of timing that serves to prevent courts from entangling themselves in cases prematurely.” *Walmart, Inc. v. U.S. Dep’t of Justice*, 21 F.4th 300, 312 (5th Cir. 2021). “To determine whether claims are ripe, [courts] evaluate (1) the fitness of the issues for judicial resolution, and (2) the potential hardship to the parties caused by declining court consideration.” *Lopez v. City of Houston*, 617 F.3d 336, 341 (5th Cir. 2010). Issues are not fit for review if they “rest[] upon contingent future events that may not occur as anticipated, or indeed may not occur at all,” *Inst. for Free Speech v. Johnson*, 148 F.4th 318, 331 (5th Cir. 2025), or if they would “benefit from ... further factual development,” *DM Arbor Ct., Ltd. v. City of Houston*, 988 F.3d 215, 218 (5th Cir. 2021). But even if the case “presents purely legal questions, the plaintiff must [still] show some hardship in order to establish ripeness.” *Texas v. United States*, 497 F.3d 491, 498 (5th Cir. 2007). Neither ripeness element is met here.

Start with the Party’s failure to satisfy the fitness-for-review factor. Like in *Barbour*, the associational-harm claim here rests on contingent future events because it remains to be seen whether the Party will adopt a permanent closed-primary “policy contrary to the statute.” 529 F.3d at 547. That might not “occur at all,” *Johnson*, 148 F.4th at 331, in which case the Court would have waded into this fraught challenge for nothing. Next, the court would benefit from “[f]urther factual development” about how the Party’s anticipated closed primary would operate. *Barbour*, 529 F.3d at 547. The Party urges the Court to declare the open primary unconstitutional and enjoin the existing affiliation system. What comes next? Nobody knows. The Party suggests that a

ruling that effectively destroys how Texas runs its primary elections “*should* prompt the Legislature to implement closed primaries in a way that respects both the Party’s constitutional rights and the State’s interests in orderly voter registration and elections.” Compl. ¶1. What if the legislature does not act? How many election cycles must Texas hold without parameters on how its primaries operate? The Party tries to provide reassurance that, if the legislature does not act, then *it* will “begin taking the substantial steps necessary to transition seamlessly to a closed Republican primary.” *Id.* But it also recognizes that “transitioning millions of Texas voters and the Texas election apparatus ... takes time and effort.” *Id.* at ¶4. Nobody knows how long the Party plans to give the legislature to “implement closed ... primaries” before it begins the time-consuming and resource-intensive transition on its own, *see id.* ¶¶75-77, or how long that transition will take.

Those fitness-for-review defects matter for several reasons. Most obviously, it would be incredibly disruptive to the electoral process—not to mention a waste of scarce judicial resources—for the Court to decide the constitutional question and issue equitable relief before the Party even adopts a permanent closed-primary rule that spells out the manner and consequence of party registration. *Cf. Purcell v. Gonzalez*, 549 U.S. 1, 4-6 (2006). Even setting that aside, the Court’s consideration of the merits of the Party’s alleged associational injury would benefit from further factual development. The Party’s associational harm rests on the premise that “independent voters and Democrat voters” cross over and vote in the Republican primary. Compl. ¶84. But crossover voting might happen just as much in a closed primary, depending on how exactly the Party (or the legislature) directs officials to track party affiliation. Imagine, for example, that the closed-primary system allows voters to officially register as a Republican or Democrat on the same day as the election. That would be functionally equivalent to the current system that allows voters to declare their affiliation at the primary election, *see Miller v. Cunningham*, 512 F.3d 98, 107 (4th

Cir. 2007) (Wilkinson, J., dissenting from the denial of the petition for rehearing en banc) (“Constitutionally speaking, an open primary functions the same way as a closed primary with same-day registration.”)—making the associational burden under the current system identical to what it would be under the closed-primary system. The point is that this Court has no way of measuring the relative severity of the associational burden on the Party absent further factual development about how a closed primary would function in practice.

Nor can the Party establish that it would suffer any meaningful hardship from having to await review until when (if ever) it adopts a permanent closed-primary rule. This is not a case where an impending change in the law forces “an immediate and significant change in the plaintiffs’ conduct of their affairs with serious penalties attached to noncompliance.” *Roark & Hardee LP v. City of Austin*, 522 F.3d 533, 545 (5th Cir. 2008). On the contrary, the Party has expressly *disavowed* its intention to expend time and resources in response to the status quo open-primary law. *See* Compl. ¶¶75-79. Moreover, Texas has had an open primary for many decades—and the Republican Party, which has won consistent electoral victories under the system it now decries as unconstitutional, boasts that Texas “[w]ithout a doubt” is “the strongest Republican state in the nation.” Press Release, *Texas GOP Moves to Protect Primary Elections from Outside Interference*, Republican Party of Texas (June 16, 2025), <https://perma.cc/3U2L-98SD>; *see* Compl. ¶51 n.9 (citing this source). Although the Party’s desire for “legal certainty” about the open-primary law is understandable, Compl. ¶6, the Supreme Court has thoroughly rejected the idea that “mere uncertainty as to the validity of a legal rule constitutes a hardship for purposes of the ripeness analysis,” *Nat’l Park Hosp. Ass’n v. Dep’t of Interior*, 538 U.S. 803, 811 (2003).

Given the entirely speculative nature of the harm it purports to suffer, it is doubtful that the Party will ever be able to show that Texas’ affiliation scheme has inflicted a cognizable injury.

But it must at least adopt a permanent closed-primary rule and provide details about the voting scheme it seeks to implement before the Court can reach the merits. *See, e.g., Barbour*, 529 F.3d at 548. That sensible requirement prevents parties and courts from “speculating about the form” that a closed-primary rule and registration scheme would take, *Wash. State Grange v. Wash. State Republican Party*, 552 U.S. 442, 455 (2008), and honors the bedrock rule that courts “avoid the unnecessary resolution of constitutional questions,” *Nw. Austin Mun. Util. Dist. No. One v. Holder*, 557 U.S. 193, 197 (2009).

B. The State of Texas Is Immune From Suit.

“States’ immunity from suit is a fundamental aspect of the sovereignty which the States enjoyed before the ratification of the Constitution.” *Alden v. Maine*, 527 U.S. 706, 713 (1999). And “[w]hen ‘the States entered the federal system,’ they did so ‘with their sovereignty intact.’” *PennEast Pipeline Co., LLC v. New Jersey*, 594 U.S. 482, 499 (2021) (citation omitted). One element of sovereignty that states retained is their immunity from private suits brought against the state without its consent. *See Franchise Tax Bd. v. Hyatt*, 587 U.S. 230, 238-41 (2019). That immunity extends to actions like this one that assert claims for declaratory and injunctive relief against the State of Texas. *See P.R. Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc.*, 506 U.S. 139, 146-47 (1993) (“suits against the States ... are barred regardless of the relief sought”).

That means the State of Texas is immune and should be dismissed from this suit. Although “a state may choose to waive its immunity,” *Magnolia Venture Cap. Corp. v. Prudential Secs., Inc.*, 151 F.3d 439, 443 (5th Cir. 1998), “it is the *Legislature’s* sole province to waive or abrogate sovereign immunity,” *Hillman v. Nueces County*, 579 S.W.3d 354, 363 (Tex. 2019) (emphasis added) (citation omitted); *see Magnolia*, 151 F.3d at 444. And since the authority to waive immunity belongs exclusively to the legislature, “neither the executive or judicial branches of the

State government may exercise such power.” *Dep’t of Pub. Safety v. Great S.W. Warehouses*, 352 S.W.2d 493, 495 (Tex. Civ. App. 1961). That means the Attorney General lacks “legal power or authority to waive the right of the State to immunity from the suit.” *Id.*²

The Attorney General’s inability to waive the State’s immunity from suit is confirmed by state statute. The Texas Government Code provides that “[a]n admission, agreement, or waiver made by the attorney general in an action or suit to which the state is a party does not prejudice the rights of the state.” Tex. Gov’t Code §402.004. So whatever arguments the Attorney General may raise in his rush to waive the State’s immunity fail as a matter of law. *See Great S.W. Warehouses*, 352 S.W.2d at 495 (interpreting Art. 4411, the predecessor statute to §402.004); *see also Tex. Dep’t of Corrections v. Herring*, 513 S.W.2d 6, 8 (Tex. 1974) (reproducing Art. 4411’s text).

Indeed, Attorney General Paxton himself has recognized that §402.004 prevents “the Attorney General ... [from] waiv[ing] rights of the State (such as sovereign immunity) through actions during litigation.” Br. of Appellee Glenn Hegar, Texas Comptroller of Public Accounts, *Hines v. Hegar*, No. 10-20-00220-CV (Tex. Ct. App. Sept. 24, 2021), 2021 WL 5539873, at *27; *see also* Pet’r’s Br. on the Merits, *Berry v. Tarrant Cnty. Democratic Party*, No. 14-0470 (Tex. Jan. 21, 2015), 2015 WL 333304, at *19. So have Texas Attorneys General before him. *See, e.g.,* Resp’ts’ Br. on the Merits, *My-Tech, Inc. v. Univ. of N. Tex. Health Sci. Ctr.*, No. 05-0590 (Tex. Jan. 18, 2006), 2006 WL 272713, at *20-21; Reply Br. of Appellants/Response Br. of Cross-Appellees State of Texas & Governor George W. Bush, *In re Priv. Couns. Agreement*, Nos. 00-40024,

² Because the Attorney General has already asked the Court to enter judgment against his client, the State of Texas, it seems unlikely that he will assert the State’s (obviously meritorious) sovereign-immunity defense. But that does not preclude the Court from addressing the issue *sua sponte*. *See Perez v. Region 20 Educ. Serv. Ctr.*, 307 F.3d 318, 333 n.8 (5th Cir. 2002). It follows that the Court may consider that issue when raised by another party. And it is especially appropriate for the Court to reach the immunity question here because the Attorney General lacks authority to waive the State’s immunity in this context.

00-40036, 00-40038 (5th Cir. May 24, 2000), 2000 WL 34216058, at *28 (“Texas law specifically and unequivocally denies to the Attorney General the authority to waive the State’s immunity through ‘[a]n admission, agreement, or waiver’”). This Court should do the same.

C. Chip Hunt Lacks Standing to Bring a First Amendment Challenge.

Article III requires a plaintiff to suffer a “concrete and particularized” injury to bring suit in federal court. *Spokeo, Inc. v. Robins*, 578 U.S. 330, 339 (2016) (quoting *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992)). The Complaint fails to allege how Hunt has suffered any such injury. The Complaint alleges that the Texas Election Code “violates the First Amendment rights of the Republican Party of Texas.” Compl. ¶1. It does not explain how the challenged laws burden Hunt’s First Amendment rights or otherwise explain how Hunt can assert the Party’s associational interests. At a minimum, the Court should dismiss Hunt from the lawsuit for lack of standing.

II. The Complaint Fails To State A Claim.

Even if this Court were to reach the merits, it should dismiss the Complaint because the Party’s allegations fail to state a claim. Courts review a political party’s associational-rights claim under the First Amendment with a two-step inquiry. At the first step, the court “weigh[s] the character and magnitude of the burden the State’s rule imposes on those rights” and classifies the burden as “severe” or something less. *Timmons*, 520 U.S. at 358. At the second step, the court applies the appropriate level of scrutiny—strict scrutiny for “severe burdens,” and relaxed review for everything else. *See id.* Here, the State’s open-primary provisions impose modest associational burdens at most. But whatever standard applies, the challenged provisions withstand scrutiny.

A. The Election Code Does Not Severely Burden the Party’s Associational Rights.

The Party comes nowhere close to establishing that the Election Code severely burdens its associational rights. For three reasons, the Court should conclude that Texas imposes modest

burdens on the Party's freedom to associate. First, Texas law requires would-be voters to meaningfully affiliate with a political party before participating in that party's primary election. Second, the Party has not plausibly alleged that the Election Code materially impairs its ability to shape its message and choose its standard bearers. And third, the Party has not shown how a closed primary (the details of which remain unknown) will materially decrease the associational burdens that the Party suffers. Together, those points confirm that the challenged provisions are precisely the type of "reasonable" and "nondiscriminatory" regulations that states "may, and inevitably must, enact ... to reduce election- and campaign-related disorder." *Timmons*, 520 U.S. at 358.

1. The Election Code does not severely burden the Party's associational interests because it requires voters to affiliate with a party before participating in that party's primary. Contrary to what the Complaint alleges, Texas does not open the Party's primary election to voters who lack an "actual and express affiliation" with the Party. Compl. ¶19.

Texas voters affiliate with parties through one of three ways: (1) by voting in that party's primary, (2) by taking an oath at a party precinct convention, or (3) by taking an oath of affiliation administered by a party officer. Tex. Elec. Code §§162.003, 162.006, 162.007. Affiliating with a party has several consequences. First, an affiliated voter cannot vote in the primary or primary runoff of another party. *Id.* §§162.012, 162.013. Second, an affiliated voter cannot participate in the affairs of other parties—and parties have the right to create their own rules limiting the involvement of unaffiliated individuals in party affairs. *See id.* §§162.014, 162.001(a)(4). Third, a person who affiliates with a party by voting in that party's primary election cannot run as an independent or as the nominee for another party in the next election. *See id.* §162.015.

The Election Code also protects a party's associational rights through means other than the affiliation requirements. A candidate for nomination in a primary cannot run as an independent

candidate for that office in the next general election or as the nominee of another party. *Id.* Likewise, a person who signs a candidate’s petition for a place on the primary ballot can vote only in the primary and participate only in the convention of that candidate’s party during the same voting year. *Id.* §172.026. It is also the parties that select the election judges in separate primary elections and the list of people eligible to work as election judges in November even-year elections, in which local, statewide, and federal offices are on the ballot. *See id.* §§32.002, 32.006.

The Party’s insistence that the Election Code invites “unaffiliated” voters to participate in the Party’s affairs lacks merit. Compl. ¶85. No matter what method a Texan uses to vote, “the fact that [they] voted in a particular party’s primary is public information and [their name] will be listed in that party’s early voting and election day rosters.” Tex. Sec’y of State, *Party Affiliation*, <https://perma.cc/B6UP-XRTC> (last visited October 29, 2025); *see* Compl. ¶18 n.3 (citing this source). The voter’s participation in a primary election is reflected on the official list of registered voters, which election officials use to ensure that the voter does not participate in any other party’s primary elections or conventions in the same voting year. Tex. Elec. Code §172.115. State law authorizes each county party to create additional records of a voter’s affiliation. When participating in counties that create additional records, a voter must either present their “voter registration certificate” so that an election officer can physically “stamp the party’s name in the party affiliation space,” or the party can require those voters to be provided with an affiliation certificate at the polling place or with the voter’s balloting materials if the voter is voting by mail. *Id.* §§162.004, 162.005. Voters can also request to have their voter registration certificate stamped with their chosen affiliation or can request an affiliation certificate by taking “an oath of affiliation” swearing that they “have not voted in a primary election or participated in a convention of another party

during this voting year,” and that they “hereby affiliate [themselves] with the _____ Party.” *Id.* §162.007(b), (c); *id.* §162.008.

With that in mind, it is no wonder that the Supreme Court already rejected the Party’s position that Texas forces parties to allow “persons wholly unaffiliated with the party” to vote in their primaries. *Jones*, 530 U.S. at 581. In *Tashjian*, 479 U.S. 208, the Court held that Connecticut could not enforce a statute that forbade the Republican party—in violation of the party’s rules—from allowing independent voters to participate in its primary. As relevant here, *Tashjian* surveyed state election laws and identified nine states that have “adopted classical ‘open’ primaries, in which all registered voters may choose in which party primary to vote.” *Id.* at 222 n.11. Texas was not among those nine states. Instead, it was one of 16 states that allow someone “to vote in a party primary *if he affiliates with the party* at the time of, or for the purpose of, voting in the primary.” *Id.* (citing Tex. Elec. Code §162.003). *Tashjian* thus rejected the Party’s premise that Texas forces it to include “unaffiliated” voters in its primary elections. Compl. ¶85.

That affiliation requirement makes the Texas Election Code materially different from the blanket-primary regime that the Supreme Court held unconstitutional in *California Democratic Party v. Jones*, 530 U.S. 567, 574 (2000). *Contra* Compl. ¶¶1, 3, 36, 56, 81, 82, 84, 86 (relying on *Jones*). There, the California law forced the party “to associate with ... those who, at best, have refused to affiliate with the party, and, at worst, have expressly affiliated with a rival.” 530 U.S. at 577. But here, voters *must* affiliate with a party to participate in that party’s primary—and the State attaches meaningful consequences to a voter’s decision to affiliate with one party to the exclusion of others. Tex. Elec. Code §§162.003-.008. In contrast to California, it is a criminal offense for voters “expressly affiliated with a rival” to vote in another party’s primary. *Jones*, 530 U.S. at 577; *see* Tex. Elec. Code §162.014. So unlike the blanket primary that allowed people to

“vote ... for any candidate regardless of the candidate’s political affiliation,” *Jones*, 530 U.S. at 570, 576 n.6, voters in Texas *are* “put ... to [the] hard choice” of choosing their party, *id.* at 584.

Jones expressly distinguished the (unconstitutional) blanket primary from other electoral regimes—including open and closed primaries. The Court considered the blanket primary “qualitatively different from a closed primary” because, “even when it is made quite easy for a voter to change his party affiliation the day of the primary, and thus, in some sense, to ‘cross over,’ at least he must formally *become a member of the party*; and once he does so, he is limited to voting for candidates of that party.” *Id.* at 577. Open primaries “also may be constitutionally distinct” from the blanket primary for similar reasons. *Id.* at 577 n.8. Importantly, the hallmarks that made the closed primary different from the blanket primary apply just as much to Texas’ system: Although a voter that typically participates in Democratic primaries may “cross over” and vote in a Republican primary, he must first “become a member of the party” by declaring his affiliation and thus be “limited to voting for candidates of that party.” *Id.* (emphasis omitted). Indeed, “[c]onstitutionally speaking, an open primary functions the same way as a closed primary with same-day registration.” *Miller*, 512 F.3d at 107 (Wilkinson, J., dissenting from the denial of the petition for rehearing en banc).

Although the Party complains that the State’s affiliation requirement does not guarantee a “real connection” between a political party and its affiliates, the Supreme Court says otherwise. The Court has repeatedly affirmed that individuals can “‘join’ a political party merely by asking for the appropriate ballot at the appropriate time,” *Clingman*, 544 U.S. at 590 (plurality opinion); *Jones*, 530 U.S. at 577 n.8 (“[t]he act of voting in the Democratic primary fairly can be described as an act of affiliation with the Democratic Party” (citation omitted)), and that doing so is a “form of association that is at least as important as the act of registering” with a party, *Clingman*, 544

U.S. at 601 (O'Connor, J., concurring in part and dissenting in part). And here, Texans must not only ask for the “appropriate ballot”; they must make their affiliation public and live with the consequences that accompany affiliating with one party to the exclusion of others. The Party provides no reason why those procedures do not ensure meaningful affiliation.

2. The Party likewise cannot show a severe associational burden because it did not plausibly allege that the Election Code materially impairs its ability to shape its message and choose its standard bearers. For starters, the Party’s allegations about crossover voting do not move the needle because the Election Code requires someone to affiliate with a party before they vote in that party’s primary election. *See supra*, pp.17-20. State law therefore already forbids “Democrats” or “Independents”—meaning those who are unaffiliated with the Party—from voting in the Republican primary. *See* Tex. Elec. Code §162.012.

Although the Party alleges that “significant numbers” of “independents and Democrats” affiliate with the Republican Party “to influence the results of those primary elections,” Compl. ¶44, the Court should not credit those “conclusory allegations,” *Coleman v. Lincoln Parish Det. Ctr.*, 858 F.3d 307, 309 (5th Cir. 2017) (per curiam). Because Texas does not track voter affiliation, the Plaintiffs are forced to speculate that “known Democrats” crossed over in “significant numbers” to influence the Republican primary elections. Compl. ¶¶44, 51; *see Wash. State Grange*, 552 U.S. at 451. Moreover, the Party did not plausibly allege that it occurs with such frequency and intensity to “seriously distort[] [the Party’s] collective decisions.” Compl. ¶85.

In fact, the only evidence the Plaintiffs cited to claim harm caused by crossover voting involved two recent primary elections. The Plaintiffs did not plausibly allege that crossover voting occurred in those elections. Indeed, for one of those elections, the plaintiffs did not even allege that crossover voting *did* affect the outcome. *See* Compl. ¶¶47-48. In all events, even assuming

crossover voters cast the decisive ballots in those two elections, the Plaintiffs have not plausibly alleged that those outcomes are representative of primary elections in Texas or have materially affected the Party's ability to advance its interests. *See Democratic Party of Haw. v. Nago*, 833 F.3d 1119, 1122-25 (9th Cir. 2016). Identifying two examples from nearly 70 years of open primaries does not begin to establish that the Party faces a severe associational burden.

Yet again, comparing this case and *Jones* shows that the burden on the Party here is minor (at best) to modest (at worst). Survey evidence in *Jones* suggested that between 20 and 40 percent of *California* voters would cross over to vote in the other party's primary. 530 U.S. at 578. And "[i]n the first primaries [the] parties conducted" under the new blanket-primary policy, "the total votes cast for party candidates in some races was more than *double* the total number of *registered party members*." *Id.* (emphasis in original). The Court thus had before it evidence about how *California* voters would respond to the challenged law. The Complaint here includes no similar allegations; although it recites findings from multiple studies about various elections, none involves Texas. All that the Plaintiffs can offer is "sheer speculation" that Democrats and Independents are crossing over in droves to manipulate the outcome of the Party's primary elections.

3. Finally, the Party has not adequately alleged that open primaries burden its associational rights any more severely than the closed-primary alternative for which the Party advocates. The Party objects to Texas law because it does not prevent voters that typically support Democrats or Independents from voting in the Republican primary by affiliating with the Republican Party. As discussed, the Party did not plausibly allege that this happens with sufficient frequency and intensity to meaningfully impair the Party's associational interests. *See supra*, pp.21-22. But even if it did, a closed primary would not stop that crossover voting from happening. All that crossover-inclined voters need do is "register" as a Republican instead of "affiliate" as a Republican.

Registered Republican voters that previously voted in the Republican primary, but newly identify as Democrats, would still be permitted to vote in the Republican primary. Neither regime can entirely prevent voters from casting strategic ballots in another party's primary.

The Supreme Court recognized as much in *Tashjian*. There, the Court held unconstitutional a state law “requiring voters in any party primary to be registered members of that party.” 479 U.S. at 210-11. The state tried to justify the registration requirement as necessary to stop crossover voting, but the Court opined that the law did not meaningfully prevent voters from crossing over because they “need only register as Republicans” to vote in the primary. *Id.* at 219. In fact, the state law heightened the risk of crossover voting because it permitted “an independent to affiliate with the Party as late as noon on the business day preceding the primary.” *Id.*

Here, too, it is entirely possible that crossover voting would be materially worse under the closed-primary regime that the Party seeks to impose. The Party does not allege to the contrary—nor could it, because neither the Party nor anyone else knows how exactly closed primaries would work. That raises ripeness problems, *see supra*, pp.11-14, but it also casts doubt on the severity of the burden the Party asserts. If crossover voting is the same or worse when primaries are closed, then the Election Code could not be fairly understood to impose a severe burden on the party's associational interests because the alternative imposes a similar or greater burden.

B. The Election Code Survives Constitutional Scrutiny.

As the Supreme Court has explained, “not every electoral law that burdens associational rights is subject to strict scrutiny.” *Clingman*, 544 U.S. at 592. Courts apply strict scrutiny only “if the burden is severe.” *Id.* Because the challenged provisions of the Election Code impose modest burdens (at most) on the Party's associational rights, *see supra*, Argument II.A, Texas need only show that its election laws advance “important regulatory interests.” *Clingman*, 544 U.S. at

593. It does. *See infra*, pp.24-25. Tellingly, the Party does not even allege that the challenged provisions fail scrutiny under that more relaxed standard; it alleges only that they cannot survive strict scrutiny. Compl. ¶86. So if the Court agrees that Texas law imposes non-severe burdens on the Party's associational rights, it should dismiss the Complaint for failure to state a claim.

Even if strict scrutiny applied, the challenged provisions are “narrowly tailored to serve a compelling state interest.” *Jones*, 530 U.S. at 582. The Election Code “promotes the state’s interest in encouraging voter participation.” *Miller*, 512 F.3d at 109 (Wilkinson, J., dissenting from the denial of the petition for rehearing en banc). The Supreme Court has affirmed that “[t]he right to vote freely for the candidate of one’s choice is of the essence of a democratic society,” *Reynolds v. Sims*, 377 U.S. 533, 555 (1964), and remarked that the conclusion reached by some courts that states have a “compelling state interest” in “encouraging voter participation ... may well be correct,” *La Follette*, 450 U.S. at 121.³ The State has a compelling interest in laws that allow and encourage Texans “to cast their ballots and have them counted.” *United States v. Classic*, 313 U.S. 299, 315 (1941); *see Ill. State Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 184-85 (1979) (“voting is of the most fundamental significance under our constitutional structure”); *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964) (explaining that “[n]o right is more precious ... than that of having a voice in the election”); *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886) (voting is a “fundamental political right”). The State also has a compelling interest in ensuring that voters who newly (but sincerely) identify with the Republican Party may vote in the Party’s primary election.

³ The Court in *Jones* held that, “*in the circumstances of [that] case*,” encouraging voter participation was not a compelling interest. 530 U.S. at 584. That does not control here because of the material differences between (1) the structure of the primary elections and (2) the nature of the state interest being asserted.

The Election Code is narrowly tailored to that interest because it allows participation in primary elections while respecting the party's associational interests through the requirement that voters affiliate with the party before voting in primaries. Texas has safeguards in place to prevent an already-affiliated voter from unlawfully interfering with another party's affairs. *See* Tex. Elec. Code §162.014. The State requires voters to mark on a signature roster the name of the party with which the voter has affiliated and requires the voter's participation in a primary election to be reflected on the lists of registered voters that are used for the primary elections and the party conventions. *See supra*, p.4. These voter-integrity measures ensure that Texas respects the Party's associational interests while also safeguarding the fundamental right to vote.

The Election Code also promotes the State's compelling interest in "protecting the integrity and reliability of the electoral process." *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 191 (2008); *see Timmons*, 520 U.S. at 364. It does so by providing clear and administrable rules of the road that balance the various competing constitutional interests. *See Burdick v. Takushi*, 504 U.S. 428, 433 (1992) ("there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes"). The system the Plaintiffs contemplate, on the other hand, would seriously undermine those compelling interests. The Plaintiffs ask the Court to declare bits and pieces of the Election Code unconstitutional and to enjoin the Secretary from enforcing them—but leave no plan for future elections. The Plaintiffs *hope* that declaratory and injunctive relief prompts the legislature to implement their desired system, but there is no way of knowing what comes next. The Election Code prevents the very instability that the Plaintiffs' lawsuit invites.

CONCLUSION

The Court should grant the motion. At minimum, it should dismiss the State and Hunt.

Respectfully submitted,

/s/ Erin E. Murphy

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all counsel of record on October 30, 2025, via the Court's CM/ECF system.

/s/ Erin E. Murphy

Erin E. Murphy

Exhibit A



Rules of the Republican Party of Texas

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GENERAL RULES FOR ALL CONVENTIONS AND MEETINGS

Rule No. 1 – Adoption and Amendment of Rules; Clarification

These Rules, having been filed with the Secretary of State of Texas, together with the statutes, rules, and bylaws adopted by reference shall constitute the Rules of the Republican Party of Texas (“Rules”).

- a. Amendments – Amendments to Rules may be proposed by:
 1. Majority vote of the State Republican Executive Committee (“SREC”), at any meeting properly called and constituted, provided at least seven (7) days prior written notice of the full text proposed has been given in writing to each member thereof; or
 2. The Permanent Rules Committee of any State Convention.
- b. Adoption – These Rules, with the exception of Permanent State Executive Committee Rules required or authorized by state law, may be changed only by action of a State Convention, such action reflecting a majority of votes cast by delegates present and voting. When any change is made a certified copy of the changes shall be filed with the Secretary of State not later than thirty (30) days following their adoption.
- c. Temporary and Emergency Changes – The SREC in its best judgment, by a two-thirds (2/3) vote of those present and voting, provided prior written notice of the full text proposed has been given to each member thereof, may prescribe such temporary and emergency changes of these Rules so as to permit the orderly conduct of the affairs of the Republican Party of Texas in accordance with the intent and purpose of these Rules. Such temporary and emergency changes may be made when the conduct, operation, or implementation of these Rules will become frustrated or impracticable, or contrary to their intent and purpose, if by reason of:
 1. valid laws enacted by the Legislature of the State of Texas;
 2. any administrative or judicial action of any officer, or agency of the State of Texas or any county or political subdivision thereof, or of the Federal Government;
 3. any interpretation of these Rules as they relate to The Rules of the Republican Party (national) by any duly authorized official of the Republican National Committee; or
 4. technical inconsistencies or defects.Any such changes shall be valid only until such time, if any, as they are ratified or amended by the next subsequent State Convention, or until the adjournment of such State Convention, whichever shall occur first.
- d. Permanent State Executive Committee Rules – The SREC, by a two-thirds (2/3) vote of those present and voting, provided at least seven (7) days prior written notice of the full text proposed has been given to each member thereof, may prescribe Permanent State Executive Committee Rules that are not subject to amendment by action of a State Convention.
 1. These Permanent State Executive Committee Rules may be amended by the SREC by a two-thirds (2/3) vote of those present and voting at any meeting properly called and constituted, provided at least seven (7) days prior written notice of the full text proposed has been given in writing to each member thereof. Any Permanent State Executive Committee Rule shall be identified in these Rules by the notation “(Permanent State Executive Committee Rule).”

2. At the first meeting of each term the SREC may, by a vote of a majority of those present and voting, delegate temporary authority to amend a Permanent State Executive Committee Rule to a State Rules Committee of the subsequent State Convention, except for Rule No. 1, as the State Rules Committee determines and reports to the State Convention for consideration. Said temporary authority shall expire with the adjournment of the State Convention. Any Permanent State Executive Committee Rule delegated to the State Convention shall be identified in these Rules by the notation “(Permanent State Executive Committee Rule delegated to the State Convention).”
- e. Any amendments made to these Rules and contained herein which govern or affect the Republican Party of Texas’ general or runoff primary elections, conventions, or nominees, are effective January 1 on the odd-numbered year following adoption.
- f. Clarification – Any member of the Republican Party of Texas who discovers an ambiguity in these Rules may request in writing a clarification from the County Chairman or the State Chairman. Clarification from the State Chairman shall be binding on all members of the Republican Party of Texas until final clarification is made by majority vote of the SREC. Any clarification made shall be to maintain the intent and purpose of these Rules as originally adopted.
- g. Definitions – When computing any period of days referred to in these Rules, the first (1st) day is excluded and the last day is included. Also, if the last day of any period of days is a Saturday, Sunday, or legal holiday, then the period is extended to include the next day that is not a Saturday, Sunday, or legal holiday.
- h. Titles in any rules or supplemental rules of this party or its conventions are non-substantive and for informational purposes only.

Rule No. 2 – Publication and Distribution of Rules

In order to publicize these Rules throughout the state, the most recent version thereof shall be maintained on the Republican Party of Texas website and mailed or emailed to each County Chairman and each Senatorial District Convention Chairman with instructions to mail or email a copy to each Precinct Chairman and to each County or Senatorial District Convention Committee Chairman. Upon request, a copy shall be provided to any delegate or alternate to the State Convention and to any other interested person who shall request the same, and an adequate supply thereof shall be maintained at the Republican Party of Texas Headquarters to fill requests. A charge, which shall be no greater than the unit cost of printing and postage, may be made for requested copies of these Rules.

Rule No. 3 – Discrimination Prohibited

Participation in any Republican convention or meeting including, but not limited to, any primary caucus, any meeting or convention held for the purposes of selecting delegates to a County, District, State, or National Convention shall in no way be abridged for reason of sex, age, race, religion, color, or national origin.

Rule No. 4 – Adoption by Reference: Constitution of the United States and Constitution of the State of Texas

The Constitution of the United States and the Constitution of the State of Texas, insofar as they may be applicable, are hereby adopted by reference and shall govern the conduct of all conventions and meetings of the Republican Party of Texas from the precinct level through the state level. Nothing in these rules shall be deemed to waive any rights of the Republican Party of Texas.

Rule No. 5 – Parliamentary Authority

Unless otherwise provided for by the Constitution of the United States, the Constitution of the State of Texas, or these Rules, the current edition of *Robert's Rules of Order Newly Revised*, which is hereby adopted by reference, shall be the parliamentary authority governing all conventions and meetings of the Republican Party of Texas from the precinct level through the state level, inclusive.

Rule No. 6 – Proxies Prohibited

The use of proxies or proxy voting is hereby prohibited in all Republican Party of Texas proceedings, from the precinct level through the state level, inclusive, except the SREC, which allows proxies in accordance with SREC bylaws provided that the proxy resides in the district for which he or she would serve. Additionally, a person may not hold more than one proxy at any meeting.

Rule No. 7 – Casting Votes

- a. At all conventions, executive committee meetings, and any other Party meetings, votes shall be cast and counted in the manner prescribed by the current edition of *Robert's Rules of Order Newly Revised*; and except as provided in this rule, the vote of each member shall have equal weight. In any convention, except a Precinct Convention or a State Convention when organized in Congressional District Caucuses, any delegation present, upon request, shall be permitted, during a roll call vote or a secret ballot vote, to cast the number of votes equal to the number of delegates to which it is entitled on any item of business.
- b. A roll call vote shall be taken:
 1. when ordered by majority vote of the delegates at any convention, caucus, or meeting, or
 2. when demanded by one-fifth (1/5) of the participants at a Precinct Convention, or
 3. when demanded in writing by at least one-fifth (1/5) of the delegations from the precincts represented at a County or Senatorial District Convention, or
 4. when demanded in writing by at least one-fifth (1/5) of the delegations from the districts represented at a State Convention, or
 5. when demanded in writing by one-fifth (1/5) of the members in the case of a committee meeting, Party caucus, or
 6. when ordered by a Convention Chairman, or
 7. for final adoption of any SREC bylaw or standing rule, any amendment to a Republican Party of Texas rule, any item in the report of the resolutions committee, or other motion presented in the form of a resolution in a meeting of the SREC, except that this requirement may be waived for any individual motion by unanimous consent. The SREC Secretary shall make the roll call vote available on

the public portion of the Republican Party of Texas website within ten (10) business days of the adjournment of the SREC meeting.

In the event of a roll call vote at a convention other than a precinct convention, each Delegation Chairman shall poll the delegation and shall announce the result when the delegation is reached. If any delegate doubts the correctness of the announcement, the Secretary of the meeting shall poll such delegation and announce the result.

Rule No. 8 – State Executive Committee and County Executive Committee – Organization

- a. Compliance Required – The SREC, each county executive committee, each district executive committee, and any committee or subcommittee created by any Bylaws or Rules adopted by same, shall comply with and be established in accordance with these Rules.
- b. Supplemental Rules Permitted – The SREC elected at the biennial State Convention or a county executive committee elected in a biennial primary election or a district executive committee created pursuant to the bylaws of any political subdivision within the Party, may adopt supplemental rules or bylaws, provided however that such rules or bylaws do not conflict with any rules or bylaws of a higher authority including, but not limited to, these Rules. All such rules and bylaws shall be filed with the SREC and with the Secretary of State and are hereby adopted by reference.
- c. Organizational Meeting and First Quarterly Meeting of the State Republican Executive Committee – The SREC shall hold its organizational meeting after the adjournment of the biennial State Convention. The agenda of the organizational meeting shall include, but not be limited to the adoption of Bylaws or Rules for the biennium. Upon the adoption of the SREC Bylaws or Rules by the SREC, at the SREC organizational meeting, the SREC Bylaws and Rules shall be amendable at this meeting and the first quarterly meeting by a majority of the entire membership.
- d. The SREC Bylaws may only be amendable by a two-thirds (2/3) vote of the full body for any SREC meeting following the first quarterly meeting subject only to adopted notice requirements.
- e. Organizational Meeting of a County Executive Committee (CEC) – A County Executive Committee shall hold its organizational meeting within forty-five (45) days after the term of office begins for the County Chairman and the Precinct Chairmen. (The term of office begins twenty (20) days after the Primary Runoff Election.) The County Chairman of the incoming term shall be responsible for calling the meeting; however, if the County Chairman does not call the meeting within the forty-five (45) days, then one-fourth (1/4) or fifty (50) of the Precinct Chairmen, whichever is fewer, may, by written demand, call an organizational meeting. Notice of the organizational meeting and a copy of any proposed Bylaws or Rules shall either be mailed via the USPS or emailed, but only if the precinct chair's email address is known, and be posted on the county party website, if available. The notice and any Bylaws or Rules may be sent prior to the end of the previous term. Delivery will be to the last known address of the members of the executive committee at least seven (7) days prior to the date of the meeting. Such notice shall state the time, date, and location of the meeting and the names(s) of the person(s) issuing the call. The agenda of the organizational meeting shall include, but not be limited to, the swearing in of the newly elected executive committee members and the adoption of Bylaws or Rules for the

- biennium. Failure to adopt Bylaws or Rules for the current biennium by a majority of those present and voting shall enact the previous biennium's Bylaws or Rules.
- f. Limitations on County Executive Committee (CEC) Meetings – No County Executive Committee meeting shall be held two (2) days prior, during, or two (2) days after the week of the biennial State Convention or during any calendar week in which committee meetings or general sessions of the quadrennial National Convention are scheduled. Once a County Executive Committee meeting has been properly noticed in accordance with these Rules and the Rules or Bylaws of the County Executive Committee, no other County Executive Committee meeting of any type, other than for statutory business, shall be held during the period that runs from two (2) days prior to two (2) days after the scheduled County Executive Committee meeting.
 - g. Open Meetings and Right to Testify – All meetings of any State or County Executive Committee (CEC) or its committees, subcommittees, or ad hoc committees shall be open to any member of that executive committee, and they shall have the right to appear before any such committee, subcommittee, or ad hoc committee and make recommendations for the committee's consideration or testify concerning any item under purview of the committee and to record or livestream with electronic devices the proceedings of any meeting not held in executive session. The committee may adopt reasonable rules including time limits for such presentations and may establish a reasonable limit of time for these presentations. This Rule does not preclude the committee from going into executive session; however, such executive session(s) shall be open to any member of the executive committee including ex-officio members.
 - h. The County Chairman shall maintain a current list of the name, mailing address, phone number, email address (if available), and precinct number of every Republican Precinct Chair who was elected in the Primary, the Primary Runoff, or was appointed by the County Executive Committee (CEC) to fill a Precinct Chair vacancy. The list shall be updated within seven (7) business days of an election changing the status of the list and shall be made available at reproduction costs or by email to any Republican Precinct Chair, Republican Party Official, Republican Elected Officeholder, or Republican Candidate for Elective Office of the county requesting such.
 - i. Filling Vacancies on a County Executive Committee (Permanent State Executive Committee Rule) – A County Executive Committee (CEC) shall, by majority vote at its organizational meeting, adopt a Bylaw or Rule for filling vacancies on the County Executive Committee.
 - j. Permit Electronic Executive Committee Meetings – In the event of a stated emergency, as declared by the Chairman, an Executive Committee Meeting may be conducted through use of electronic meeting services designated by the Chairman. In the event an Executive Committee Meeting is held electronically, the electronic meeting must allow for the real-time sharing and viewing of committee documents, including the current motion, any amendments to that motion, and any reports that the Committee considers.
 - k. Removal of County Chairman for Abandonment of Office or Ineligibility – If the County Executive Committee (CEC), by a majority vote of the full body, finds that a County Chairman has failed to perform his or her duties or is no longer eligible for office, the CEC shall send a resolution and supporting documentation to the SREC Officials Committee to

begin an official review for remedy. Nothing in this rule prohibits any person affiliated with the Republican Party of Texas from causing a resolution to be considered by the State Republican Executive Committee. The County Chairman being reviewed must be notified at least seven (7) days in advance of any meeting concerning his or her removal and must be offered the opportunity to present his or her own defense before a vote on removal is taken.

- l. No member of a State Executive Committee, County Executive Committee (CEC), or State Convention Committee may vote on any issue for which the member is a registered lobbyist or has a substantial interest, as defined by the Local Government Code Title 5, Subtitle C, Section 171.002, with respect to the issue to be voted upon.
- m. SREC Officials Committee Mediation of Disputes – County Chairmen or County Executive Committees may elect to submit disputes between them to the SREC Officials Committee for mediation in lieu of litigation. The SREC Officials Committee may elect to accept or decline the role of mediator on a case-by-case basis.
- n. Elected Party Officials’ Misconduct in Office – A Precinct Chair, County Chairman, or SREC member may be deemed to be derelict in the execution of his or her responsibilities in office, by:
 1. Failing to perform statutory duties; or
 2. Failing to attend two (2) consecutive statutory Executive Committee Meetings; or
 3. Embezzling County Executive Committee funds; or
 4. Being convicted of election fraud; or
 5. At least three other documented instances of sufficiently egregious conduct that the Republican Party in that county or Senatorial District is subjected to public disgrace.

The Elected Party Official being reviewed must be notified at least seven (7) days in advance of any meeting concerning his or her sanction and must be offered the opportunity to present his or her own defense before a vote on sanction is taken.

Regarding a Precinct or County Chairman, a written complaint signed by at least sixty percent (60%) of the voting membership of the County Executive Committee, or regarding an SREC member, a written complaint signed by at least sixty percent (60%) of the voting membership of the District Executive Committee, shall be forwarded to the Officials Committee of the SREC. If the Officials Committee finds the complaint has merit, the Officials Committee shall conduct a hearing on the conduct of the Precinct or County Chairman, or SREC member, and shall forward a recommendation to the State Chairman to pursue appropriate remedy.

- o. All proposed disciplinary (including censure) actions by a County Executive Committee (CEC) that have continuing effect under these rules shall be in writing and shall be included by the Chairman on the agenda of the notice of meeting posted in compliance with the rules of the County Executive Committee. Upon receipt of a resolution regarding censure from a County Executive Committee, the Chairman of the Republican Party of Texas shall cause consideration of the resolution to be included on the agenda at the next scheduled meeting of the State Republican Executive Committee (SREC). Both bodies shall send the subject of the disciplinary action (including censure) notice by certified mail at the same time as the notice of meeting is posted.

- p. The voting members of the County Executive Committee (CEC) are the County Chairman and Precinct Chairmen. An SREC member is a non-voting ex-officio member of the CEC of every county with territory in his or her district, without the right to make motions. This rule shall not remove the SREC member's right to vote or make motions in his or her home county if the SREC member is a precinct or county chairman in that county.
- q. The County Executive Committee (CEC) shall have the authority, upon a majority vote, to require that the County Chairman include in writing in the regular committee reports of the CEC meeting specific information about the daily operation of the county party including, but not limited to, the details related to financial balances and expenditures from the county party's general fund.
- r. Every County Chairman in a county with a population over 20,000 shall call a County Executive Committee (CEC) meeting at least every quarter. Every County Chairman in a county with a population under 20,000 shall call a CEC meeting at least twice a year (i.e., at least once in both the first half and the second half of the year).

Rule No. 8A – Petition Required for County Chairmen in Certain Counties

(Permanent State Executive Committee Rule) – Persons filing for the office of County Chairman in a county with a minimum of eight (8) incumbent precinct chairmen shall include a nominating petition containing the signatures of at least 10 percent of the incumbent precinct chairs serving on the County Executive Committee, or two (2) – whichever is greater, using a form of promulgated by the Republican Party of Texas. The nominating petition shall contain the candidate's sworn oath that each of the signatures thereon is of an incumbent Precinct Chair and was signed in the presence of the candidate. Any county executive committee of a county with a population of fewer than 300,000 may, by majority vote, opt out of this requirement.

Rule No. 9 – Executive Committee Quorum

- a. Non-Statutory Business and Filling Vacancies – At County or District Executive Committee meetings, one-fourth (1/4) of the membership, excluding vacancies, shall constitute a quorum for conduct of non-statutory business. The SREC has designated one-fourth (1/4) of the membership, excluding vacancies, or such greater percentage, not to exceed a majority of the membership, as may be specified in County Executive Committee (CEC) Bylaws or Rules as the quorum for filling vacancies on County Executive Committees (Permanent State Executive Committee Rule). At SREC meetings, the quorum for conduct of non-statutory business shall be in accordance with the SREC Bylaws. If the quorum provided above is not present at any executive committee meeting, then only statutory business may be transacted at the meeting.
- b. Statutory Business – At SREC, County, or District Executive Committee meetings, a quorum for conduct of statutory business shall consist of those members present.

GENERAL RULES FOR ALL CONVENTIONS

Rule No. 10 – Supplementary Convention Rules

- a. Any convention may adopt temporary or permanent rules which supplement these Rules, as long as such supplemental rules do not conflict herewith.
- b. Any convention committee may adopt supplemental rules related to its proceedings provided that such rules do not conflict with these rules or any supplemental rules adopted by the convention.

Rule No. 11 – Convention Officials Listed – Challenge

- a. Convention Officials – The officers of any convention, whether it be in temporary or permanent organization, shall consist of a Chairman, a Secretary, a Sergeant-at-Arms, and such other officers as the Chairman may deem necessary. The Secretary and the Sergeant-at-Arms shall have the power to appoint assistants. The permanent officers, except parliamentarian, shall be elected or appointed from among the convention delegates.
- b. Challenge – Any officer or committee chairman of any convention, whether it be in temporary or permanent organization, who intentionally violates the Rules of the Republican Party of Texas shall be subject to a challenge filed under the provisions of Rule No. 27; and if such challenge is upheld by the Convention which hears the challenge, that officer or committee chairman shall be removed from serving as a delegate or alternate to any convention of the Party at any level for the rest of the year.

Rule No. 12 – Resolutions Authorized – No Unit Rule

Any convention may express its sense on an issue by adopting a resolution on that issue; however, the use of the unit rule (whereby the entire delegation votes as a unit not recognizing the minority votes within the delegation) or the practice of giving binding instructions to the delegates shall not be permitted at any level of the convention process.

Rule No. 13 – Convention Quorum – Adjournment

- a. Precinct Convention – There shall be no quorum to convene or continue a Precinct Convention.
- b. County or Senatorial District Convention – A quorum to convene a County or Senatorial District Convention shall consist of a majority of the delegates registered as attending. Thereafter, a quorum shall be considered present as long as:
 1. The number of votes represented by delegates in attendance comprises more than fifty percent (50%) of the total voting strength of the Convention;
 2. A majority of the seated precincts are present; and
 3. One-third (1/3) of the seated delegates are present.
- c. State Convention – A quorum to convene the State Convention shall consist of a majority of the delegates registered as attending. Thereafter, a quorum shall be considered present as long as:
 1. The number of votes represented by delegates in attendance comprises more than fifty percent (50%) of the total voting strength of the Convention;
 2. A majority of the seated districts are present; and

3. One-third (1/3) of the seated delegates are present.
- d. Adjournment – In order to adjourn a convention for lack of a quorum, the Chair shall verify the absence of a quorum, using the aforementioned criteria, and such verification shall be made part of the convention minutes.
- e. No quorum shall be required for consideration of the report of a nominations committee or for the election of delegates and alternates.
- f. A convention by majority vote may adopt rules to utilize an electronic system for determining which delegates and alternates are present.

Rule No. 14 – Open Meeting and Right to Testify

- a. All meetings of any convention, committee, or subcommittee, whether it be in temporary or permanent organization, shall be open to any delegate or alternate to that convention, any State or County Republican Party Officer, any elected Republican Public Officeholder, or any Republican Candidate. All the foregoing shall have the right to record or livestream the proceedings with digital devices, except the proceedings of any Nominations Committee. These same people shall have the right to appear before any convention committee or subcommittee and make recommendations for the committee's consideration or testify concerning any item under purview of the committee. The committee may adopt reasonable rules including time limits for such presentations and may establish a reasonable limit of time for these presentations. This privilege shall include delegates and alternates under challenge at any convention pursuant to Rule No. 35. Nothing in this Rule shall be construed as to prohibit individual committee members, whether they be in temporary or permanent organization, from communicating with one another about business to come before their committee, in any manner they choose, prior to the convening of their first committee meeting or at any other time outside of their official committee meeting or meetings. Notice of any meetings of any temporary committee or subcommittee of any County or Senatorial District Convention shall be posted on the preferred digital platform(s), if any, as decided by the County Executive Committee (CEC), at least twenty-four (24) hours prior to the date of the meeting. If the notice is not posted as prescribed, the committee can only convene on the day of the convention. No executive session shall be held by any convention, convention committee, or convention subcommittee.
- b. An official video recording or livestream may be made of all general sessions and any meetings of any committee of the State Convention, whether it be in temporary or permanent organization.

Rule No. 15 – Identification Required

Any persons present at any convention must identify themselves when requested to do so by any Sergeant-at-Arms or any other officer of the convention. Because the Republican Party is a family-friendly Party, minor children in good behavior are always welcome to all Party meetings and conventions and exempt from registration and identification requirements.

Rule No. 15A – Distribution of Literature

Literature may be freely distributed in any State or County/Senatorial District Convention or Caucus, provided that the items being distributed display the name of the person or organization that paid for the literature. Any such literature distributed without the name of the person or organization that paid for the literature shall be removed.

Rule No. 16 – Previous Question

- a. Previous Question – At any convention, when the previous question has been moved and seconded and is sustained by a two-thirds (2/3) vote, the question shall be deemed to have been called and a vote shall occur upon the pending question, except as provided in Section b of this Rule.
- b. Exception – At any convention, a motion to move the previous question or to close nomination concerning any election, including the election of delegates and alternates, shall not be in order until there has been reasonable opportunity for additional nominations, debate, or amendment, as appropriate.
- c. State Convention Committees – Any State Convention committee or subcommittee may by a two-thirds (2/3) vote adopt a rule allowing the motion for the previous question.

Rule No. 17 – Debate

- a. Main Motions – No delegate shall speak more than five (5) minutes on a main motion without the general consent of the Convention, nor shall a delegate speak more than once on the same motion without general consent.
- b. Amendments and Secondary Motions – No delegate shall speak more than three (3) minutes on any amendment or debatable motion subsequently made while a main motion is pending without the general consent of the Convention; nor shall a delegate speak more than once on the same motion without general consent.
- c. Committee Reports – The delegate making the committee report and the delegate making the minority report of any convention committee may speak on such report for up to ten (10) minutes, not including the time required to read the report, and may then answer legitimate questions asked by any delegate relating to such report.
- d. Limiting Debate – Any Convention, by majority vote, may limit or extend equally the time and the number of speakers for each side of a debatable motion.

Rule No. 18 – Voting Strength – Number of Delegates

Except in Presidential Election years in the case of Congressional District Caucuses and National Party business, the Convention will continue to enjoy its full strength in the cases of preceding Conventions not electing all delegates to which it is entitled. No Convention shall elect fractional delegates; i.e., no Convention shall elect more delegates or alternates than the number to which it is entitled.

Rule No. 18A – No Amendments after Adjournment

The minutes of any precinct, county, or senatorial district convention may not be amended to add any delegate or alternate, or strike any elected delegate or alternate after adjournment of that convention.

GENERAL RULES FOR PRECINCT CONVENTIONS

Rule No. 19 – Date, Time, and Place for Precinct Conventions (Permanent State Executive Committee Rule)

On or after the first Tuesday in March for each even numbered year, Precinct Conventions shall be held for each precinct at the date, time, and place designated by the County Executive Committee (CEC) or, in its failure to act, the County Chairman; provided that the place of such convention shall be large enough to accommodate the expected number of participants and must meet the same requirements for access by the elderly and persons with physical disabilities as a polling place. If a County Executive Committee fails to allocate its precinct delegates or to send the precinct redistricting data to Republican Party of Texas five (5) days prior to the precinct convention, then the chair of each precinct convention shall call the convention to order, recess to the call of the chair, and immediately notify the Republican Party of Texas for further instructions.

Rule No. 20 – Qualifications for Participation

The only qualifications for participation in a Precinct Convention, being an officer of such convention or being elected a delegate to the County, Senatorial District, or State Conventions shall be that the person must be a registered voter of that precinct or a resident of that precinct who is eligible to vote a limited ballot and shall have established Party affiliation. Party affiliation is established by Rule No. 46, provided the person has not been disqualified under this Rule or Rule No. 11. A person who wishes to serve as a delegate or alternate must have fulfilled the requirement of Party affiliation at the time of election, which occurs when a Convention approves delegates to the next higher-level convention from that Precinct, Senatorial District, or County. For the purposes of participation in a convention, a person's residence as indicated by his or her current voter registration certificate or electronic records provided by his or her county voter registrar, is determinative. A person's residence for the purpose of conventions in a particular year is fixed as of the date of the General Primary Election, even if the person subsequently moves to a different precinct or district. A Precinct Chairman, or person acting in the absence of the Precinct Chairman, who convenes the Precinct Convention earlier than the hour determined by the County Executive Committee (CEC) shall be subject to challenge by any Republican General Primary voter in the precinct through the method outlined in Rule No. 27; and if the challenge is upheld by the County or Senatorial District Convention, such person shall be removed from serving as a delegate or alternate to any convention at any level throughout the remainder of the year. Children whose parents or guardians are participants in a Precinct Convention may attend the convention if space permits, but may not participate or disrupt. If there was no Convention held at the Precinct, Senatorial District, or County level, no Delegates or Alternates are qualified to participate in the next higher-level convention from that Precinct, Senatorial District, or County.

Rule No. 21 – Agenda for Precinct Conventions

The agenda for each Precinct Convention shall include the following order of business:

- a. Call to order at the appointed hour by the Precinct Chairman or other participant if the Precinct Chairman is not present.
- b. Preparation of a list of and announcement of number of qualified participants present.
- c. Announcement of agenda and basic rules of procedure.
- d. Election of the permanent officers of the convention by majority vote.

- e. Announcement of County or District Convention and of temporary committee meetings, if known.
- f. Election of delegates and alternates to County or Senatorial District Convention, as the case may be, by majority vote, and certification of eligibility of each delegate and alternate by the Precinct Convention Secretary, where the primary voters list is available.
- g. Resolutions.
- h. Other business.
- i. Adjourn.

Rule No. 22 – Chairman’s Responsibilities

- a. Written or Electronic Records – The Permanent Chairman of the Precinct Convention shall be responsible for seeing that an accurate written or electronic record is prepared of all convention proceedings, including:
 - 1. The minutes of the Precinct Convention.
 - 2. The list of participants and their residence addresses and towns.
 - 3. The list of delegates and alternates elected to the County or Senatorial District Convention with residence addresses and towns.
 - 4. All resolutions, whether adopted or not adopted.
- b. Inspection of Records – The written record shall be signed by the Permanent Chairman of the Precinct Convention and made available for inspection and additional copying by any participant in the convention for a period of thirty (30) minutes immediately following adjournment of the convention. Upon request, the Permanent Chairman shall certify any correct copy with his or her signature.
- c. Transmittal of Records – The Permanent Chairman of the Precinct Convention shall safely transmit to the County Chairman the written or electronic record of all convention proceedings, and one (1) copy of the same. Transmittal may be:
 - 1. Electronic, delivered to the County Chairman’s electronic mail address or other website designated by the County Chairman for this purpose, not later than the third (3rd) day after the date of the Precinct Convention if not held on the same day or day immediately preceding the County or Senatorial District Convention. If the Precinct Convention is held on the same day or the day immediately preceding the County or Senatorial District Convention, the Permanent Chairman shall deliver the record not later than thirty (30) minutes prior to the start of the County Convention.
 - 2. By mail, deposited in the mail not later than the second (2nd) day after the date of the Precinct Convention if not held on the same day or day immediately preceding the County or Senatorial District Convention, or
 - 3. In person, delivered not later than the third (3rd) day after the date of the Precinct Convention if not held on the same day or day immediately preceding the County or Senatorial District Convention. If the Precinct Convention is held on the same day or the day immediately preceding the County or Senatorial District Convention, the Permanent Chairman shall deliver the record not later than thirty (30) minutes prior to the start of the County Convention.

In counties that do not hold Precinct Conventions on the same day of, or the day immediately preceding, the County or Senatorial District Convention, and contain multiple

Senatorial Districts, the County Chairman shall deliver the original records of each Precinct Convention to the Temporary Chairmen of the Senatorial District Conventions not later than the sixth (6th) day after the date of the Precinct Convention. The County Chairman shall deliver any records subsequently received from a Precinct Convention within two (2) business days after receipt.

- d. Preservation of Records – The Permanent Chairman of the Precinct Convention shall preserve a copy of the written or electronic record, which is not a public record, until the end of the voting year.

The County Chairman shall preserve a paper or electronic copy of the written records of each Precinct Convention until the end of the voting year. The copies are a public record, and shall be available for inspection. The County Chairman shall schedule a reasonable time and place for review of the records to occur within seven (7) days of receipt of a written request.

GENERAL RULES FOR COUNTY, SENATORIAL DISTRICT, AND STATE CONVENTIONS

Rule No. 23 – Convention Resolutions

- a. At County Conventions or Senatorial District Conventions, all resolutions including those offered by delegates for consideration by the Convention shall be filed with the Secretary of the Convention not later than thirty (30) minutes after the permanent committees are appointed (or elected, if applicable). The Secretary of the Convention shall automatically and without debate cause the resolutions to be referred to the appropriate permanent committees.
- b. At a State Convention, all resolutions including those offered by delegates for consideration by the Convention shall be filed with the Secretary of the Convention not later than thirty (30) minutes prior to the first meetings of the permanent committees. The Secretary of the Convention shall automatically and without debate cause the resolutions to be referred to the appropriate permanent committees.
- c. The Secretary of the Convention, or his or her designee, shall remain available in a publicly announced location easily accessible from the convention floor during the period in which such resolutions can be filed.
- d. All resolutions adopted by the next lower-level convention shall be considered by the committee appropriate to the subject of the next higher-level convention.
- e. A Temporary or Permanent Committee may originate resolutions.
- f. Only a voter properly elected as a delegate or alternate by his or her Precinct Convention is qualified to participate in a County or Senatorial District Convention.
- g. Only a properly elected delegate or alternate from a County or Senatorial District Convention is qualified to participate in the State Convention.

Rule No. 23A – Delegate Allocations and Entitlements

- a. The delegate and alternate entitlements to the County or Senatorial District and State Conventions shall be based on the number of votes cast for the Party's gubernatorial candidate in the most recent gubernatorial general election.
 1. Each Precinct Convention shall be entitled to elect one delegate and one alternate to the County or Senatorial District Convention based on a ratio of one (1) for each twenty-five (25) votes and major fraction thereof within the boundaries of the voting precinct and further shown in more detail on the following table, provided that any Precinct Convention shall be entitled to elect at least one (1) delegate and one (1) alternate:

Votes	Delegates	Alternates
0-37	1	1
38-62	2	2
63-87	3	3
88-112	4	4
113-137	5	5
etc.	etc.	etc.

2. Each County or Senatorial District Convention shall be entitled to elect one (1) delegate and one (1) alternate to the State Convention based on a ratio of one (1) for each 300 votes and major fraction thereof within the boundaries of the County or Senatorial District and further shown in more detail on the following table, provided that any County or Senatorial District Convention shall be entitled to elect at least two (2) delegates and two (2) alternates:

Votes	Delegates	Alternates
0-750	2	2
751-1050	3	3
1051-1350	4	4
1351-1650	5	5
etc.	etc.	etc.

3. Each Precinct and County or Senatorial District Convention delegate and alternate delegate entitlement to the State Convention shall be increased or decreased proportionately among all delegations to achieve a State Convention potential delegate and alternate delegate roll of no less than 7,500 delegates and 7,500 alternate delegates and no more than 9,000 delegates and 9,000 alternate delegates to the State Convention.
- b. At the option of the local County Executive Committee (in counties containing only one senatorial district), Senatorial District Executive Committee (in a district comprising only a part of a single county), or the precinct chairs of the precincts residing in a particular senatorial district (for a county that is only partly situated in a senatorial district) by a two-thirds (2/3) vote of said committee, held not later than the date specified for the required drawing for a place on the general primary ballot, the delegate entitlement may be changed to a ratio of one (1) to forty (40) and major fraction thereof, or any ratio in between one (1) to twenty-five (25) and one (1) to forty (40), for that year only if said committee can justify among its peers that it is impractical due to size or availability of space to use the formula permitting the maximum number.
- c. The delegate and alternate entitlement in a presidential election year for a County or Senatorial District Convention which includes more than one (1) Congressional District shall be apportioned among the Congressional Districts in the same manner they are apportioned to the County or Senatorial Districts, provided that the total delegate and alternate entitlement from the County or Senatorial District does not exceed that provided for in this Rule. If the calculation of delegate and alternate entitlements by Congressional District are different from the calculation of delegate and alternate entitlements by County or Senatorial District, the following guidelines shall be used in adjusting the total delegate/alternate entitlements:
1. The delegate and alternate totals shall not be greater than the delegate/alternate calculation for the County or Senatorial District except that any Congressional District shall be entitled to elect at least one (1) delegate and one (1) alternate which may cause the delegate/alternate entitlement for a County or Senatorial District to exceed the total entitlement for the County or Senatorial District by the number of delegates and alternates from one (1) or more Congressional Districts

- with less than enough votes to get an entitlement of greater than one (1) pursuant to Section a of this Rule, in a presidential election year;
2. Except as provided in Subsection 1 above, if the calculation for delegates and alternates by Congressional District should exceed the number of delegates and alternates by Senatorial District, then the delegate and alternate entitlement to the Congressional District shall be reduced beginning with the smallest fraction, then continuing to the next higher fraction until the calculations are equal;
 3. If the calculation for delegates and alternates by Senatorial District should exceed the number of delegates and alternates by Congressional District, then the delegate and alternate entitlement to the Congressional District shall be increased beginning with the highest fraction, then continuing to the next lower fraction until the calculations are equal;
 4. In a presidential election year, each delegate and each alternate shall have credentials for both the Senatorial District and the Congressional District Caucuses and if a delegate or alternate is not credentialed for both, the delegate or alternate shall not be credentialed for either.
- d. In the event of boundary changes among precincts or districts, or the creation or deletion of precincts or districts since the most recent gubernatorial election, the following rules shall govern the allocation of gubernatorial votes to the changed or newly created precincts or districts.
1. The apportionment of gubernatorial votes to the newly created or changed precincts or districts shall be made using any fair and equitable method for making such determination.
 2. The County Executive Committee shall apportion to each precinct the number of votes to be used in allocating the number of delegates and alternates which may be elected by such precincts using any fair and equitable method for making the determination.
 3. When the boundaries of a Senatorial District or Congressional District have changed or a new district formed causing a boundary change in an election precinct, the apportionment of gubernatorial votes to each precinct shall be used in allocating the number of delegates to be elected in each affected district.
 4. If the County Executive Committee fails to act before the last day of candidate filing for a place on the General Primary ballot for public office, the SREC shall make such apportionment of the gubernatorial vote to precincts.
- e. The Permanent Convention Chair of the County Convention or Senatorial District Convention shall send Notice of Election to every Delegate and Alternate to the State Convention. If the Delegate or Alternate provided his or her email address on the Convention roster, Notice of Election may be by email, but if no email address was provided, the Notice of Election must be mailed to the address on the Delegate or Alternate Exhibit List.

Rule No. 24 – Minority Reports of Committees

At any convention other than a Precinct Convention, a minority report of a committee, shall be presented to the Convention, if a committee member has notified the committee chairman of the intent to file a

minority report before the committee adjourns, and if it has been reduced to writing and signed by not less than two (2) or twenty percent (20%) of the members of such committee, whichever is greater, and presented to the chairman of the committee or the Secretary of the Convention not later than thirty (30) minutes after the committee adjourns. The committee members signing the minority report shall designate the member to present the minority report to the convention and the convention chairman shall permit that member to present the minority report to the convention and that member shall be permitted to move the implementing motion. In a state convention, if a committee chairman has been notified of a potential minority report before adjournment, and does not remain in the committee room for 30 minutes following adjournment, then the minority report may be presented to the Secretary of the Convention during the convention, but before the presentation of the Rules Committee report.

Rule No. 25 – Persons Admitted and Who May Address

- a. Admittance – At any convention other than a Precinct Convention, there shall be admitted to the convention floor only delegates whose names are listed on the Temporary Roll during the temporary organization or on the Permanent Roll when adopted by the Convention, alternates seated for absent delegates in accordance with Rule No. 26, past State Chairmen and Vice Chairmen, the present members of the SREC, its officers and employees, the National Committeeman and Committeewoman, past National Committeemen and Committeewomen, properly accredited members of the media, babies of nursing mothers who are delegates, Republican public Officeholders, Republican candidates for public office, and persons assisting delegates that have physical disabilities.
- b. Badges – The Secretary of the Convention is instructed to issue identification badges in accordance with the above, and the Sergeants-at-Arms shall admit only authorized persons to the convention floor. Seating shall be provided for alternates in the section(s) designated for guests.
- c. Addressing Convention – At any convention other than a Precinct Convention, no person other than a Republican Party of Texas official, member of the SREC, delegate, or an alternate seated for an absent delegate in accordance with Rule No. 26, shall address the Convention or Caucus of the Convention without the permission of the Chairman or the general consent of the Convention or Caucus of the Convention.
- d. At any convention, registration and credentialing shall continue through adjournment.

Rule No. 26 – Seating of Alternates at Any Convention Other Than a Precinct Convention

- a. Order of Seating Alternates – Alternates shall be seated for absent delegates in the order listed in the minutes of the convention electing them; however, if instructions are provided by the Convention electing such alternates, said instructions shall be followed in the seating of alternates.
- b. Voting in Caucuses – Alternates shall be admitted to all district or precinct caucuses; however, any alternate shall not vote or be provided any privileges of a delegate unless seated for an absent delegate.
- c. Limitations on Using Alternates – Alternates shall replace delegates absent from the voting floor only from the same convention electing such alternates.

- d. Timing of Seating – Alternates may be seated to replace absent delegates at any time in a convention by the chairman of a delegation, and seated alternates shall relinquish their seats upon the return to the floor by the delegate except that:
 - 1. Alternates shall be seated to replace delegates absent from the voting floor prior to the beginning of any vote and shall not be seated or unseated during any vote.
 - 2. In caucuses, alternates shall be seated to replace delegates absent from the voting floor prior to roll call of the caucus or delegation of the caucus and shall not be seated or unseated during the roll call of the caucus or delegation of the caucus.
 - 3. Alternates under challenge pursuant to Rule No. 27 shall not be seated until the challenge is resolved.

Rule No. 27 – Challenges to Credentials of Delegates

- a. County or Senatorial District Conventions – The credentials of any delegate or alternate to a County or Senatorial District Convention may be challenged by any person who voted in the Republican General Primary and who resides in the same precinct as the challenged delegate by mailing to the County or District Convention Chairman a written challenge specifying the grounds for the challenge and detailing the specific Rule or Rules alleged to have been violated. The challenge shall be sent via certified or registered mail at least three (3) days before the date of the convention. A copy of this challenge shall be sent by certified or registered mail by the person initiating the challenge to the challenged delegate(s) or alternate(s). The County or District Convention Chairman shall send all challenges to the chairman of the Temporary Committee on Credentials of the convention in question.
- b. State Convention
 - 1. Filing of Challenge – The credentials of any delegate or alternate to the State Convention may be challenged by any person who voted in the Republican General Primary and who resides in the same County and Senatorial District as the challenged delegate or alternate by sending to the State Chairman and to each challenged delegate or alternate a written challenge specifying the grounds for the challenge and detailing the specific Rule or Rules alleged to have been violated. A challenge must include the number of the rule alleged to have been violated and the specific facts supporting the challenge based on a violation of that rule. A challenge must also identify any allegations of fact and identify those alleged facts not personally known to the complainant. A challenge should use simple, concise, and direct statements. The challenge shall be sent via certified return receipt or registered mail not later than thirty (30) days following the date of the County or Senatorial District Convention. The State Chairman shall deliver all such challenges to the Officials Committee of the SREC (as constituted in the bylaws of the SREC, Article VII, Section 8). The names of the members of the SREC Officials Committee shall be posted on the website of the Republican Party of Texas.
 - 2. Officials Committee – Without attempting to assess merit or lack of merit, the Officials Committee shall in open session without taking testimony conduct a preliminary review of each challenge in order to establish whether the basis for the

challenge is valid under the Rules of the Republican Party of Texas. Both the person filing a challenge and the delegate or alternate challenged shall be notified of the date and time of the Officials Committee meeting in which the challenge is heard. The Officials Committee shall forward to the Temporary Committee on Credentials all challenges meeting the requirements of Party Rules with regard to form, content, and procedure. Any challenge not meeting these requirements shall not be forwarded to the Temporary Committee on Credentials, and the principal(s) who brought such challenge and the principal(s) against whom the challenge was brought shall be promptly notified by certified return receipt or registered mail. The Credentials Committee shall not hear a late challenge of a delegate or alternate.

3. Appeal – A decision of the Officials Committee may be appealed by either party to the Temporary Committee on Credentials by mailing notice of appeal via certified return receipt or registered mail to the Credentials Committee Chairman and to the principal(s) named in the challenge not later than ten (10) days prior to the date that the State Convention holds its first (1st) general session.
- c. Status of Challenged Delegate – No delegate whose credentials are challenged shall lose the eligibility to serve on a temporary committee, although the challenged delegate may not vote in the Credentials Committee on his or her own challenge.
- d. Committee on Credentials Procedure – At any convention other than a Precinct Convention, the Temporary Committee on Credentials, when it convenes, shall hear both sides of the challenge and shall report to the Convention the name of each delegate or alternate it believes to be entitled to participate in the convention. The Convention shall vote on the report of the Committee on Credentials on each challenge that is made. Challenged delegates shall be listed on the Temporary Roll, but may not vote on their own respective challenges. Furthermore, delegates from delegations that are being challenged may not be seated until the challenge is resolved.

Rule No. 27A – Date, Time, and Place for County and Senatorial District Conventions (Permanent State Executive Committee Rule)

County and Senatorial District Conventions shall be held on the fourth Saturday in March. However, if that date occurs during Passover or on the day following Good Friday, the conventions shall be held on the next Saturday that does not occur during Passover or is not the day following Good Friday. The County Executive Committee in each county shall set the hour and place for convening County and Senatorial District Conventions in that county.

Rule No. 28 – Conventions in County with Multiple Senatorial Districts

If a county is situated in more than one state Senatorial District, instead of a County Convention, a Senatorial District Convention shall be held in each part of the county that is situated in a different Senatorial District, provided, however, that shared facilities may be utilized for separate Senatorial District Conventions that may be held outside the geographical boundaries of the Senatorial District, if party interests and public accessibility will be served as determined by a caucus of precinct chairmen in each affected Senatorial District within the county not later than the date on which drawing for a position on the primary ballot is conducted. A meeting for this purpose shall have been called by written notice to

each precinct chairman in each respective Senatorial District within the county from the County Chairman not later than ten (10) days prior to the meeting.

Rule No. 29 – County or Senatorial District Convention Committees

- a. The County Chairman is the Temporary Chairman of a County Convention. If a Senatorial district is situated in more than one county or the Senatorial District is completely within but does not include the entire county, the Temporary Chairman shall be elected by the caucus of the Senatorial District Executive Committee at a properly called County Executive Committee (CEC) Meeting. The list of County Executive Committee members that will be caucusing with their Senatorial District for selection of Temporary Senatorial District Convention Chair shall be updated within seven (7) business days before this meeting and enforced by the County Sergeant-of-Arms.
- b. Prior to each County or Senatorial District Convention, the Temporary Chairman shall appoint the following committees and name the chairmen and members thereof before the temporary committees convene, provided that all members shall be delegates, and if the convention has more than fifty (50) delegates each such committee shall be composed of at least five (5) and not more than fifteen (15) delegates. If the convention has more than twenty-five (25) but less than fifty (50) delegates, then each committee must be composed of at least three (3) delegates. The list of committee members shall be published in a manner accessible to delegates and once published shall not increase in number unless it falls below the minimum in which case it shall be brought back to no more than the minimum. The committees and their duties shall be as follows:
 1. Credentials: This committee shall hear any contest concerning delegates and shall recommend the Permanent Roll of the Convention.
 2. Rules: This committee shall recommend the Supplemental Rules for the Convention.
 3. Permanent Organization: This committee shall recommend permanent officers of the convention from among the delegates present.
 4. Resolutions: This committee shall conduct preliminary deliberations for the purpose of making recommendations to the Permanent Resolutions Committee.
 5. Nominations: This committee shall conduct preliminary deliberations for the purpose of making recommendations to the Permanent Nominations Committee.
 6. Legislative Priorities: This committee shall conduct preliminary deliberations for the purpose of making recommendations to the Permanent Legislative Priorities Committee.
- c. The Temporary Convention Chairman shall make available at the Chairman's podium, at the start of the convention, no fewer than five (5) copies of the Temporary Rules Committee report, no fewer than five (5) copies of the Temporary Resolutions Committee report, and no fewer than five (5) copies of the Legislative Priorities Committee report and shall announce they may be inspected by any delegate or alternate to the convention.
- d. Immediately upon the election of the Permanent Convention Chairman, the permanent committees shall be chosen according to the convention supplementary rules or appointed by the Permanent Convention Chairman if the rules do not specify any method. The committee members shall be from among the delegates, whose duties shall be as stated

below, and the chairmen thereof, provided that if the convention has more than fifty (50) delegates, each such committee shall be composed of at least five (5) and not more than fifteen (15) delegates. If the convention has more than twenty-five (25) but less than fifty (50) delegates, then each committee must be composed of at least three (3) delegates. The committees and their duties shall be as follows:

1. Nominations: This committee shall present nominations for delegates and alternates to the State Convention, after considering the recommendations of the Temporary Nominations Committee.
2. Resolutions: This committee shall recommend resolutions to the Convention, after considering the recommendations of the Temporary Resolutions Committee.
3. Legislative Priorities: This committee shall make recommendations of no less than one (1) and no more than fifteen (15) Legislative Priorities to the Convention, after considering the recommendations from the Temporary Legislative Priorities Committee.

Rule No. 30 – County or Senatorial District Convention Agenda

The agenda for each County or Senatorial District Convention shall include the following order of business.

- a. Call to order by the Temporary Chairman.
- b. Roll call of Temporary Roll of delegates. (Roll call may be taken by name or by Precinct Delegation count. The delegate registration list may be used at the start of the convention to establish the Temporary Roll and a quorum for the convention, when approved by a majority voice vote of the delegates present. Delegates must provide proper identification upon registration to obtain their credentials, if this method is to be used.) At the conclusion of roll call the Secretary shall announce:
 1. the number of delegations present;
 2. the combined voting strength of those delegations; and
 3. the number of attending delegates at the start of convention.
- c. Report of the Credentials Committee (this report shall be acted on prior to any further business).
- d. Report of the Rules Committee; adoption of supplemental rules.
- e. Report of the Permanent Organization Committee; election of permanent officers from among the delegates.
- f. Appointment of (or election, if applicable) Permanent Nominations and Permanent Resolutions Committees.
- g. Precinct Caucuses, if applicable.
- h. Report of the Legislative Priorities Committee; adoption of the report.
- i. Report of the Resolutions Committee; adoption of the report.
- j. Report of the Nominations Committee; adoption of the report.
- k. Other business.
- l. Adjourn.

Provided, however, that such order of business, following item (c) may be changed by affirmative vote of a majority of the delegates present and voting.

Rule No. 31 – Report of Nominations Committee

At a County or Senatorial District Convention, the Committee on Nominations shall present a report including a list of delegates and alternates for election to the State Convention. The manner in which alternates shall replace absent delegates may be adopted in the supplemental convention rules, or if none are adopted shall be designated by the Nominations Committee report. That report may be amended by the Convention by the process of adding, or by striking and inserting, or by substitution. Supplemental rules regarding the manner in which alternates shall replace absent delegates can be amended by simple majority vote. The Convention shall then elect the delegates and alternates to the State Convention by adopting the report, or the report as amended, of the Nominations Committee. The Convention may provide in its supplemental rules a method for nominating some or all delegates and alternates in precinct caucuses of the Convention. Delegates and alternates nominated by precinct caucuses shall be reported to the Committee on Nominations to include in its report, and unless provided otherwise in the Convention supplemental rules, these nominations shall not be subject to amendment by the Committee, except to move an alternate to a delegate. In the absence of provisions for nomination of some or all delegates or alternates in precinct caucuses in the supplemental rules, all delegates and alternates will be elected at large.

Rule No. 32 – Convention Records

All lists of delegates and alternates are exclusively for the business of the Republican Party of Texas and may not be disclosed to anyone outside of the Republican Party of Texas (to include Party staff, State Republican Executive Committee members, State Convention Temporary and Permanent Caucus Chairmen, and State Convention Temporary and Permanent Committee Chairmen). The Permanent Chairman of a County or Senatorial District Convention shall be responsible for making a certified list of the delegates and alternates chosen, with residence addresses including towns shown thereon, phone number (if available), and email address (if available), together with a copy of all resolutions adopted by the Convention, and shall sign the same, the Permanent Secretary of such convention attesting the signature of the Permanent Chairman; and within five (5) days after the convention shall forward such certified lists and resolutions to the State Chairman at the Republican Party of Texas State Headquarters. Items from the Report of the Permanent Resolutions Committee and the Report of the Permanent Legislative Priorities Committee shall be submitted to the State Chairman and respective State Convention temporary committees via an electronic method to be determined by the SREC and administered by the Republican Party of Texas. If an electronic method is not available due to an emergency, then a paper submittal is permissible. The SREC may specify a standard format and method of submission for the lists, resolutions, and other records.

GENERAL RULES FOR STATE CONVENTIONS

Rule No. 33 – Temporary Organization

- a. Date, Time, Place, and Call. The SREC shall select the date, time, and place of the State Convention, and the State Chairman shall include this information along with the date and place of temporary committee meetings in the call to the convention, which shall be posted on the website of the Republican Party of Texas (<http://www.texasgop.org>) at least thirty (30) days prior to the Convention. The State Chairman shall send the call via electronic mail twenty-five (25) days prior to the convention to each delegate and alternate on the Temporary Roll who has a valid email address on file with the Republican Party of Texas. All delegates and alternates who do not have a valid email address on file shall be mailed a copy of the call not less than fifteen (15) days prior to the convention. The State Chairman shall recommend the temporary convention agenda and order of business to the SREC.
- b. Temporary Committees. Within twenty (20) days following the County/Senatorial District Conventions, the two (2) SREC members representing each Senatorial District, either separately or jointly, shall recommend to the State Chairman one (1) representative from among their district's delegates to each of the State Convention temporary committees. The State Chairman shall appoint one (1) delegate from each Senatorial District to each of these committees from among these recommendations timely submitted, or of the State Chairman's own choosing if no names were submitted, or none were eligible or willing to serve. In addition to these members, the State Chairman shall appoint the Chairman for each temporary committee. These lists of members and Chairmen, including contact information, shall be posted on the Republican Party of Texas' website within thirty (30) days following the County or Senatorial District Conventions. The lists will be updated as new or corrected information is obtained. The temporary committees are:
 1. Credentials: This committee shall hear any contests concerning delegates and alternates and shall recommend the resolution of such contests, plus the Temporary Roll about which there is no contest, to the SREC. Contests shall include any issue, not filed as a challenge under Rule No. 27, related to the validity of a delegate's election to a State Convention or the delegate's qualifications under Rule No. 20. Additionally, this committee shall hear all challenges forwarded to it by the State Officials Committee, plus any challenge under appeal, and shall recommend the resolution thereof to the State Convention. Upon resolution by the State Convention of any challenges under this appeal process, this committee shall recommend the Permanent Roll to the State Convention.
 2. Organization: This committee shall recommend the temporary organization of the convention to the SREC. The State Chairman shall be the Temporary Chairman of the biennial State Convention. The officers of each State Convention shall include a registered parliamentarian appointed by the State Chairman. This committee, while still under temporary organization, shall also recommend the permanent organization to the State Convention for consideration after the State Convention's adoption of the Permanent Roll. The election of a Permanent Convention Chairman shall not be in order until a majority of those delegates elected at County or Senatorial District Conventions have registered in attendance at the State

- Convention. For the purposes of this section, alternates seated as delegates shall be counted as delegates.
3. Rules: This committee shall recommend the Supplementary Rules for the Convention to the SREC and may recommend changes in these General Rules to the Permanent Committee on Rules.
 4. Legislative Priorities: This committee shall conduct the preliminary deliberations for the purpose of making recommendations to the Permanent Committee on Legislative Priorities.
 5. Platform and Resolutions: This committee shall conduct the preliminary deliberations for the purpose of making recommendations to the Permanent Committee on the Platform and Resolutions. The Platform and Resolutions Committee shall begin deliberations preparing the platform of the state convention by starting with the most recent state convention platform. The Committee shall review submitted resolutions and platform planks sent from the various County and Senatorial District Conventions to eliminate duplicates, consolidate similarly worded submissions, and check for existing planks of a substantially similar nature. The Committee shall only construct or diminish the previous platform through plank-by-plank votes. The report to the Permanent Platform and Resolutions Committee shall clearly make visible all insertions, modifications, and deletions.
- c. SREC Pre-convention Meeting. Prior to the convention, the SREC shall approve the following:
1. The Temporary Roll of the Convention, excluding those challenges, if any, to be resolved by the Convention as provided in Rule No. 27.
 2. The temporary Supplemental Rules of the Convention, which together with these General Rules shall be the Temporary Rules of the Convention.
 3. The temporary agenda and order of business of the convention.
 4. The temporary organization of the convention.
- d. Temporary Caucus Chairmen. Prior to each State Convention in Presidential election years the State Chairman shall appoint the Temporary Chairman of each Congressional District Caucus. Prior to each State Convention, the two (2) members from each Senatorial District of the SREC shall appoint one (1) representative from among their Senatorial District's delegates to be the Temporary Chairman in each Senatorial District Caucus. If the two (2) SREC members cannot agree on a selection, then each shall submit a name to the State Chairman, who will select one (1) of the names submitted. If any appointed delegate is unable to serve, the State Chairman may appoint a replacement.

Rule No. 34 – Permanent Committees and Composition

At each biennial State Convention, the membership of each permanent committee listed below shall be composed of one (1) delegate from each Senatorial District, to be elected by caucus of the delegates in each such district, plus the Chairman thereof, to be appointed by the Permanent Convention Chairman. If there is a temporary committee specified in these Rules corresponding to a permanent committee in this Rule, the scope of the permanent committee is not limited to what was considered by, voted upon, or recommended by the temporary committee counterpart. Such permanent committees shall be as follows:

- a. Credentials: This committee shall continue to add registered delegates and alternates to the Permanent Roll throughout the convention. This committee shall also address contests and challenges until the Permanent Credentials Committee has adjourned sine die.
- b. Rules and Order of Business: This committee shall recommend to the Convention the Supplementary Rules of the Convention, any amendments to these General Rules, and the Order of Business.
- c. Legislative Priorities: This committee shall recommend to the Convention proposed legislative priorities and related resolutions. The Legislative Priorities Committee of the biennial State Convention shall prepare a list of no more than fifteen (15) resolutions defining legislative priorities for the Republican Party of Texas State Convention to consider for the session of the Texas Legislature following the Convention. The State Convention will vote “Yes”, “No”, or “Abstain” for each of the fifteen (15). The top half, rounded up, shall become the Republican Party of Texas Legislative Priorities for the session of the Texas Legislature following the Convention. Legislative Priorities shall be for specific changes, additions to or deletions from the law that directly support the Platform and the core values of the Republican Party of Texas. The SREC shall expend reasonable Party resources to promote passage of legislation crafted in support of these priorities. No one may add to or edit the Legislative Priorities after State Convention adjourns sine die.
- d. Platform and Resolutions: This committee shall recommend to the Convention the platform and resolutions.
- e. State Nominations: This committee shall report to the Convention nominations for the state positions to be filled by the Convention.
- f. State Grammar, Spelling, Formatting, and Punctuation Committee: The Permanent Convention Chair shall appoint a Grammar, Spelling, Formatting, and Punctuation Committee of qualified delegates who shall meet during the consideration of the Reports on the floor of the Convention for the purpose of reviewing non-substantive grammar, spelling, formatting, and punctuation of the language included in the Reports and shall incorporate the necessary corrections. Upon completion of its work, the committee will report back to the chair with their revisions for vote by the convention.

Rule No. 34A – National Nominations Committee

At the biennial State Convention in presidential election years, there shall also be a National Nominations Committee composed of one (1) delegate from each Congressional District, to be elected by caucus of the delegates in each such district, plus the chairman thereof, to be appointed by the State Chairman. The Chairman of the National Nominations Committee shall convene the meeting of the committee two (2) hours after the start of the Congressional Caucus with a quorum being present. This committee shall report to the Convention nominations for National Delegates and Alternates, Presidential Electors, and National Committeeman and National Committeewoman, which nominations have previously been made in accordance with Rule Nos. 39 and 40, and Sections 6 and 7 of Rule No. 38. National and Statewide elected officials, with the exception of the Governor, Lieutenant Governor, and State Party Vice Chairman, are ineligible to be Delegates to the Republican National Convention, but may be elected as Alternates.

Rule No. 35 – Temporary Committee on Credentials – Contest

At a State Convention, any delegate or alternate who has filed a challenge or who has been challenged including delegates and alternates whose names are not listed on the Temporary Roll of the Convention, but are listed on County or Senatorial District Convention Minutes and Returns filed with the State Chairman shall be allowed admittance to the room in which the Temporary Committee on Credentials holds its meetings for the purpose of presenting a contest and may speak to the merits of his or her case within the time limits established by the committee. The contestants from only one (1) County or Senatorial District shall be admitted at one (1) time. Any contest will be reported by the Credentials Committee to the SREC, with a recommendation as to its resolution, and the decision of the SREC will be final in determining its effect on the Temporary Roll of the Convention. If the contest is filed as a challenge, in accordance with provisions of Rule No. 27, the issue will be presented by the Credentials Committee with a recommendation for its resolution, to the full Convention for final determination.

Rule No. 36 – Seating and Voting

Seating and voting at the biennial State Convention shall be by Congressional District or Senatorial District as appropriate. Minor children of delegates must be accompanied by their parents and may sit with their parents while in good behavior but may not displace delegates.

Rule No. 37 – State Convention Exhibition Hall

Applications for booths and displays at the Exhibition Hall venue at the State Republican Convention shall be reviewed for approval by the SREC Officials Committee in accordance with the Preamble and Principles of the Platform. The denial of an application may be appealed by the applicant and the approval may be appealed by a member of the Officials Committee to the full body of the SREC which shall consider the application at its next meeting. A two-thirds (2/3) vote of the SREC shall be required to approve the appeal of the application. The ruling of the SREC Officials Committee shall be final if there is no scheduled meeting before the State Republican Convention. All such votes of appeals shall be by roll call vote.

Rule No. 38 – National Convention Delegates and Alternates*Section 1. Presidential Primary, Application of Rule*

- a. Presidential Primary: A Presidential Primary election shall be conducted by the Republican Party in the year 1980 and every fourth year thereafter in conjunction with the Party's General Primary Election for the purpose of permitting the qualified voters of Texas to express their respective preferences as to the nominee of the Republican Party to the office of President of the United States.
- b. Application of Rule: Such Presidential Primary shall be held, and the delegates and alternates to the National Convention for that year shall be selected and elected, in the manner and at the times set forth in this Rule.

Section 2. Method of Qualifying as Presidential Candidate

- a. Filing: Any person eligible to hold the office of President of the United States may qualify to participate as a Presidential candidate in the presidential primary by filing with the State Chairman, not later than the date and time specified for the General Primary Election ballot filing deadline, a signed and acknowledged application for his or her name to be placed on

the Presidential Primary ballot, accompanied by a supporting petition signed by a minimum of 300 registered voters of the state from each of a minimum of fifteen (15) Congressional Districts, or the payment of a filing fee of \$5,000.

- b. **Signing Petition:** A voter may sign only one (1) petition supporting one (1) candidate for President and may sign that petition only one (1) time. The name of any voter violating this provision shall be stricken from all petitions signed by that voter and shall not be counted for any purpose.
- c. **Form of Petition:** The SREC shall prescribe the form of all applications and petitions which are to be filed pursuant to this section and may by resolution provide for a method of verification of the petitions required here.
- d. **Withdrawal or Death of Candidate:** A Presidential candidate may withdraw from participation in the Presidential Primary at any time by filing with the Secretary of the SREC a signed and acknowledged request to that effect. If a Presidential candidate dies or withdraws before the seventy-ninth (79th) day prior to Election Day, the name of the candidate shall not appear on the ballot. If a candidate dies or withdraws during the seventy-nine (79) days before Primary Election Day, the votes cast for that candidate shall be counted and the delegate and alternates, if any, allocable to that candidate under this Rule shall be elected by the appropriate Congressional District Caucus from any qualified persons and they shall be uncommitted delegates and alternates.
- e. **Replacement of Delegates of Withdrawn or Deceased Candidate:** If a Presidential candidate withdraws or dies during the time between Primary Election Day and the convening of the State Convention, then any delegates and alternates to which such Presidential candidate would otherwise be entitled under this Rule shall lapse and the appropriate Congressional District Caucuses at the State Convention shall elect qualified delegates and alternates as uncommitted delegates and alternates in replacement of the delegates and alternates of such withdrawn or deceased candidate. For the purpose of this section, withdrawal shall be accomplished only by the candidate filing a signed and acknowledged request to that effect with the Secretary of the SREC.

Challenge to Petition: In the event of a challenge to a petition, the State Chairman shall follow the procedure for verification of signatures by means of statistical sampling. If signatures on a petition that is required to contain more than 1,000 signatures are to be verified by the authority with whom the candidate's application is required to be filed, the authority may use as the basis for the verification any reasonable statistical sampling method that ensures an accuracy rate of at least 95 percent.

Section 3. The Presidential Primary Ballot

- a. **Listing on Ballot:** The names of the qualifying Presidential candidates shall be printed on the ballot as a separate race (and as the first race if not prohibited by law) on the Party's Official Ballot for the General Primary. The names of the candidates shall be listed in a vertical column under the heading "Preference for Presidential Nominee." The order of appearance on the ballot in each county shall be determined by lot in each county at a meeting of the County Executive Committee (CEC).
- b. **Uncommitted:** In addition to the ballot listing of the names of the qualifying Presidential candidates, there shall appear at the bottom of such listing of candidates on said ballot a place designated "Uncommitted" in accordance with Section 4 of this Rule.

- c. Adjustment of Ballot for Various Methods of Voting: Appropriate changes shall be made in ballots for voting machines and electronic voting systems; consistent with the method of voting used.
- d. Style of Names: The type for all names of qualifying Presidential candidates shall be uniform and of the same size and the SREC shall prescribe a sample ballot and the State Chairman shall furnish a copy of the sample ballot to each County Chairman in time for appearance on the ballot.
- e. Write-in Prohibited: Write-in voting for presidential candidates shall not be permitted, and any write-in votes shall not be counted for any purpose.

Section 4. Uncommitted Delegates and Alternates

In addition to the foregoing, uncommitted delegates and alternates may be elected as follows:

- a. District Delegates: In those Congressional Districts entitled to uncommitted delegates and alternates under this Rule, the Congressional District Caucus convened at the State Convention shall elect and submit to the Convention for confirmation, in like manner with other delegates and alternates, the name(s) and appropriate number of qualified voters who reside in the district and who voted in the Republican Presidential Primary and who sign a pledge declaring themselves uncommitted at the time of their election as uncommitted district delegates and alternates to the National Convention, and such persons shall be confirmed by the Convention as uncommitted district delegates and alternates.
- b. Delegate Entitlement: For the purpose of determining entitlements under Sections 8 and 9 of this Rule, votes cast for "Uncommitted" on the ballot shall be considered as having been voted for a separate candidate.
- c. At-Large Delegates: In the event a canvass of the Republican Presidential Primary vote on a statewide basis demonstrates that the voters are entitled to one or more uncommitted delegates and alternates at-large under this Rule, the National Nominations Committee, as provided for under Rule No. 34A, shall nominate and include in its report to the Convention under Section 7, Subsection c, the appropriate number of qualified voters of the State who voted in the Republican Presidential Primary and who sign a pledge declaring themselves uncommitted at the time of their election, as at-large and uncommitted delegates and alternates to the National Convention.

Section 5. Canvass of Returns

For the purpose of selecting district delegates and alternates, the returns of votes cast for Presidential candidates in the Republican Presidential Primary shall be canvassed by the SREC at the same time as the returns for other offices and shall be canvassed and recorded by Congressional District. For the purpose of selecting at-large delegates and alternates, the returns shall be canvassed and counted on a statewide basis.

Section 6. Election of District Delegates and Alternates at State Convention

- a. Number of District Delegates and Alternates: Three (3) district delegates from each Congressional District and three (3) alternates shall be elected at the State Convention in accordance with this section and the entitlements set forth in Sections 8 and 9 hereof.
- b. At the State Convention, each Congressional District shall meet and shall elect those district delegates and alternates to which a candidate is entitled under Section 8. Elections

for a candidate's committed delegates and alternates shall be from persons nominated from the floor at the said meeting, provided however, that said nominees agree to adhere to the pledge to the candidate required under Section 10 hereof. Nominations for uncommitted delegates, if there is such an entitlement, shall be provided under Section 4. Elections shall be by majority vote, one at a time, with all delegates being elected first and then all alternates. Those delegates and alternates elected by the Congressional District shall be submitted to the Convention, which shall confirm, and not amend, those district delegates and alternates who shall be the district delegates and alternates from Texas to the National Convention of the Republican Party, and shall be so certified in accordance with The Rules of the Republican Party.

Section 7. Election of At-Large Delegates and Alternates at State Convention

- a. As provided for in Rule No. 34A, each Congressional District Caucus shall meet at the State Convention, and elect one (1) person to serve as a member of the National Nominations Committee from persons nominated from the floor at the said meeting. Election to this committee shall be by majority vote. In the same manner, each Congressional District Caucus may recommend the name of one (1) member for consideration by the National Nominations Committee as a National Convention delegate or alternate, but the National Nominations Committee is not required to accept such recommendation, in accordance with The Rules of the Republican Party.
- b. At the State Convention, the National Nominations Committee shall meet to select nominees for all at-large delegates and alternate delegates, and consider the recommended names of members of the Congressional District Caucuses for possible selection as National Convention Delegates and Alternates. Those elected federal officeholders who have access to the floor of the National Convention by virtue of their office shall be prohibited for selection as an at-large national delegate or alternate, by the National Nominations Committee.
- c. Those at-large delegate and alternate nominees selected by the National Nominations committee shall be reported to the State Convention. This report shall not be amendable by the State Convention, but shall either be confirmed or rejected by the State Convention. If the report is rejected, it shall be immediately returned to the Committee for revision and then resubmitted to the State Convention, until the report is confirmed by the Convention. The at-large delegates and alternates shall also be bound by the pledge provisions of Section 10 of this Rule. At-large delegates and alternates nominated and elected from Texas in accordance with this Rule shall be certified as the delegates and alternates from Texas in accordance with The Rules of the Republican Party for the National Convention.

Section 8. District Delegate and Alternate Entitlements

For the purpose of determining the entitlement to district delegates and alternates by candidates, the provisions of this section shall apply as follows:

- a. More than Fifty Percent (50%) of Vote Received by Candidate: A candidate receiving more than fifty percent (50%) of the votes in any Congressional District shall be entitled to three (3) delegates and alternates from that Congressional District.

- b. No Candidate Receives Majority of Vote: If no candidate receives a majority of the votes in any Congressional District the plurality winner is entitled to two (2) delegates and alternates from that district and the candidate receiving the next highest number of votes receives one (1) delegate and alternate; provided, however, that if no candidate receives a majority vote in a Congressional District, and only one (1) candidate receives more than 20% of the Congressional District vote, such candidate shall be entitled to two (2) delegates and alternates. The remaining Congressional District delegate and alternate shall be awarded to the second (2nd) place candidate.
- c. No Candidate Receives Twenty Percent (20%) of Vote: If no candidate receives more than twenty percent (20%), each of the three (3) candidates receiving the highest number of votes shall receive one (1) delegate and alternate.

Section 9. At-Large Delegate and Alternate Entitlements

For the purpose of determining the entitlement to at-large delegates and alternates by candidates, the provisions of this section shall apply, as follows:

- a. At-Large Delegates and Alternates Allocated by State Convention Caucus: The delegates elected to participate in the State Convention shall caucus by secret ballot and select a presidential candidate by plurality vote to receive the entitlement of a number of at-large delegates and alternates that will represent twenty-five percent (25%) (rounded down) of the total number of Texas delegates and alternates to the Republican National Convention. The State Republican Executive Committee shall prescribe the process for each state convention delegate to cast their vote for their presidential preference by electronic or paper ballot. The National Nominations Committee shall canvass the vote and allocate the State Convention Caucus selection from among the at-large delegates prior to allocating the remaining at-large delegates as follows:
- b. At-Large Delegates and Alternates Allocated by Presidential Primary:
 - 1. More than Fifty Percent (50%) of Vote Received by Candidate: A candidate receiving more than fifty percent (50%) of the votes cast in the Presidential Primary canvassed on a statewide basis shall be entitled to all remaining at-large delegates and alternates allocated to Texas under The Rules of the Republican Party.
 - 2. No Candidate Receives Majority of Vote: If no candidate receives a majority of the votes cast statewide in the Presidential Primary, then the remaining at-large delegates and alternates shall be apportioned among the candidates receiving more than twenty percent (20%) of the statewide vote in the ratio which the number of votes received by each such candidate who received more than twenty percent (20%) of the statewide vote, bears to the total of all such candidates receiving more than twenty percent (20%) of the statewide vote, rounding fractional delegates and alternates upward to the next whole number beginning with the candidate receiving the largest number of votes. However, if no candidate receives a majority of the votes cast statewide in the Presidential Primary and only one candidate receives twenty percent (20%) or more of the statewide vote, then the remaining at-large delegates and alternates shall be apportioned between the candidate receiving more than twenty percent (20%) of the statewide vote and the candidate receiving the second highest number of votes, in the ratio which the number of votes received by

- each such candidate bears to the total votes for both such candidates, rounding fractional delegates and alternates upward to the next whole number beginning with the candidate receiving the largest number of votes.
3. No Candidate Receives Twenty Percent (20%) of Vote: If no candidate receives more than twenty percent (20%) of the votes cast statewide in the Presidential Primary, the remaining at-large delegates and alternates shall be apportioned among all candidates, beginning with the candidate receiving the highest number of votes and rounding fractional delegates and alternates upward to the next whole number, and then awarding delegates and alternates to the second highest candidate in the same manner, and so forth until the remaining at-large delegates and alternates to be apportioned have been fully awarded.
 - c. If, pursuant to The Rules of the Republican Party Rule No. 17, either the chairman of the Republican National Committee or the Republican National Committee Standing Committee on Rules, determines that subsection (a) of this section is in violation of The Rules of the Republican Party, all At-Large Delegates and Alternates will be allocated in accordance with subsection (b) of this section.

Section 10. Pledge of Delegates and Alternates.

- a. Commitment to Candidate: By assenting to nomination on a Presidential candidate's slate, each delegate and alternate representing a Presidential candidate becomes pledged to the Presidential candidate on whose slate the delegate and alternate is nominated in accordance with subsection (b) of this section.
- b. Length of Commitment: A person who is elected as a delegate or alternate to the National Convention on the slate of a Presidential candidate by the State Convention to represent that particular Presidential candidate at the National Convention and who does not resign from the position is pledged to support that Presidential candidate at the National Convention until the candidate is nominated or until the delegate or alternate is released from the pledges as follows:
 1. First Nomination Convention Ballot: A delegate or alternate shall be released from the pledge only in the event of death, withdrawal, or by decision of the candidate. For the first ballot taken at the National Convention to determine the nominee of the Republican Party for the office of President of the United States, the totals of the votes of the members of the Texas delegation shall be announced as assigned in accordance with these Rules. No poll of the members of the delegation, except those delegates who are uncommitted, shall be taken for the announcement of the vote.
 2. Second Nominating Convention Ballot: A delegate or alternate shall be released from the pledge if the candidate has failed to receive twenty percent (20%) or more of the total vote cast on the preceding ballot; or by the decision of the candidate;
 3. Third and Subsequent Nominating Convention Ballots: All delegates and alternates are released from any pledge.
- c. Uncommitted Delegates: Uncommitted delegates and alternates may vote as they choose on all questions and candidates presented at the National Convention.

Section 11. Delegate/Alternate Resignation

- a. Written Notice: Any delegate or alternate may resign by giving written notice to the Delegation Chairman and the State Chairman at any time before the date of the National Convention.
- b. Filling Vacancy: Should a vacancy occur in the at-large delegation after the date of the State Convention but prior to the convening of the National Convention, the Chairman of the National Nomination Committee of the State Convention shall fill such vacancy by appointing, in writing, any at-large alternate to fill any at-large delegate position. To fill the vacancy of an at-large alternate, the said Chairman may select any person eligible under this Rule to hold said position, inasmuch as possible under The Rules of the Republican Party. In the case of a vacancy in a district delegate position, the paired alternate shall be moved over, and the presidential candidate or his or her designated representative shall appoint a new alternate, with the condition that the person so appointed shall reside in the same Congressional District at the time of appointment as the Congressional District in which the vacancy occurred. In the case of a vacancy in a district alternate position, the presidential candidate or his or her designated representative shall appoint a new alternate, with the condition that the person so appointed shall reside in the same Congressional District at the time of appointment as the Congressional District in which the vacancy occurred. All appointments shall be made from those nominated at the convention, if possible. If no potential nominee exists, then the presidential candidate or his or her designated representative shall appoint as a new alternate anyone eligible under this Rule to hold said position, provided that said nominee(s) agree to adhere to pledge to the candidate required under Section 10 hereof.

Section 12. Delegate/Alternate Qualifications

Each nominee for delegate and alternate must have voted in the Republican Presidential Primary, and must be qualified to be a delegate or alternate under The Rules of the Republican Party.

Rule No. 39 – Presidential Electors

At the Biennial State Convention in presidential election years, the delegates from each Congressional District shall nominate one (1) Presidential Elector and such nomination shall be presented to the National Nominations Committee; additionally, the National Nominations Committee shall select additional nominees to bring to total number of nominees to the number allowed by law. Each such nominee for Presidential Elector, prior to the report of the National Nominations Committee, shall file with the Chairman of the National Nominations Committee an affidavit in writing as to the nominee's commitment to vote for the Republican Party's nominees for President and Vice President. The report of the National Nominations Committee shall include only nominees who have so filed such affidavit. The report of the National Nominations Committee must include the nominees from the Congressional District who have so filed affidavits. The Convention shall then elect the Presidential Electors. Any vacancy among the Presidential Electors shall be filled by majority vote of the SREC, with the conditions that: (1) the person elected to fill the vacancy shall have already filed with the State Chairman an affidavit in writing as to his or her commitment to vote for the Republican Party's nominees for President and Vice President and (2) if the vacancy occurs for a person who had been nominated by his or her Congressional District Caucus at the biennial State Convention then the SREC shall elect a person who has filed such an affidavit, has made an affiliation with the Republican Party of Texas, and resides in that same congressional district at the time he or she is elected by the SREC to be a replacement Presidential Elector.

Rule No. 40 – National Committeeman and Committeewoman

At the biennial State Convention held in presidential election years, each Congressional District shall caucus and recommend a man for Republican National Committeeman from Texas and a woman for Republican National Committeewoman from Texas. These recommendations shall be forwarded to the National Nominations Committee by the district's member to the committee, who shall support them on at least the first (1st) round of voting. The National Nominations Committee shall select one (1) man and one (1) woman from these recommendations to be submitted to the Convention as nominees for these positions. Nominations from the floor shall be allowed only for candidates recommended by at least three (3) districts, or by petition signed by delegates equal in number to at least twenty percent (20%) of the convention voting strength. In the event of a vacancy in the office of National Committeeman or Committeewoman the vacancy shall be filled by a majority vote of the State Republican Executive Committee.

Rule No. 41 – State Party Chairman and Vice Chairman

At the biennial State Convention, each Senatorial District shall caucus and recommend a man and woman for State Chairman and Vice Chairman. These recommendations shall be forwarded to the State Nominations Committee by the district's member to the committee, who shall support them on at least the first (1st) round of voting. The State Nominations Committee shall select one (1) man and one (1) woman from these recommendations to be submitted to the Convention as nominees for these positions. Nominations from the floor shall be allowed only for candidates recommended by at least three (3) districts, or by petition signed by delegates equal in number to at least twenty percent (20%) of the convention voting strength. No person shall be eligible to be elected Chairman or Vice Chairman for more than four (4) consecutive two-year terms to the same office. To be eligible, candidates for the office of State Chairman or Vice Chairman shall be required to file a statement of intent to run with the SREC Secretary at least ten (10) days prior to the first General Session of the State Convention.

Rule No. 42 – State Republican Executive Committee (SREC)

At the biennial State Convention, each Senatorial District shall caucus and recommend two (2) nominees to represent that Senatorial District on the SREC as Committeeman and Committeewoman. The results shall be forwarded to the State Nominations Committee by the district's member to the committee, and the committee shall include the results in its report to the Convention. Those members selected to represent a particular Senatorial District must be those recommended by the convention delegates representing that Senatorial District. For the purposes of election to, and service on, the SREC a person must be a resident of the district he or she represents as indicated by his or her current voter registration. No person shall be eligible to be elected State Republican Executive Committee man or woman for more than four consecutive two-year terms. No member of the SREC may hold any elective federal, state or county office. All SREC candidates shall disclose to their respective caucuses prior to their election the source of any campaign contributions and whether or not they are employed by any elected official, registered lobbyist, or political action committee. All SREC members shall disclose to the SREC whether or not they receive compensation from any elected official, registered lobbyist, or political action committee and, if so, the member shall disclose the source(s). The SREC shall be authorized to approve the minutes of the State Convention.

GENERAL RULES FOR CANDIDATES

Rule No. 43 – Candidate Platform and Legislative Priorities Review

The Republican Party of Texas shall make an electronic copy of the most recent Platform and Legislative Priorities available on its website. The County or State Chairman shall distribute either an electronic or a paper copy of the Platform and Legislative Priorities to each candidate along with all other candidate application papers. The County or State Chairman shall request each candidate to indicate whether the candidate agrees, disagrees, or is undecided for each bullet point item of the Party Principles included in the Preamble of the Platform and may include comments if desired. The County or State Chairman shall also request that each candidate read the entire Platform and Legislative Priorities and indicate at least ten (10) line items from the Platform that the candidate strongly supports. All candidates for offices should file the completed Platform and Legislative Priorities Review containing the candidate's responses at the time of filing for office. Candidates' responses shall be collected and recorded by the filing entity and may be published on the filing entity's website prior to the primary. If the filing entity has no website, a copy of the candidate's responses may be received from the filing entity. At the discretion of the Executive Committee of the filing entity, a candidate's response may be excluded from posting to the website of the filing entity. This rule shall not apply to judicial candidates.

Rule No. 43A – Platform and Principles

The Platform Committee of the biennial State Convention shall prepare a list of no less than ten (10) and no more than twenty (20) principles included in the Preamble of the Platform of the Republican Party of Texas which clearly defines the Party's values, with the knowledge and purpose that they be used to identify candidate values as stated in Rule No. 43. A candidate must return the candidate's completed Platform Review and the completed Candidate Resource Committee (CRC) funding application to be eligible to receive funds from the CRC of the SREC.

Rule No. 44 – Censure Process and Penalties

a. Process:

A County or District Executive Committee may, after no less than seven (7) days' notice and invitation to the Officeholder to appear and be provided time to speak before a County or District Executive Committee, by a two-thirds (2/3) vote of those constituent Executive Committee Precinct Chairs present and voting, but in no case by less than a majority of constituent Precinct Chairs 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 Officeholder's current term in opposition to the core principles of the Republican Party of Texas 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 No. 34(c). Any resolution of censure that does not meet those criteria shall be subject to challenge by a point of order.

Resolution Content:

Such a resolution may include a request to impose the penalties below to the SREC. The SREC must confirm or deny penalties prior to early voting of the Republican Primary Election in which the Officeholder is seeking election.

Penalties:

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 in response to the request. The SREC, by a three-fifths (3/5) vote of the full membership, may vote to concur with the resolution of censure and impose one or more of the following penalties:

Penalty 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 the Officeholder's 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 Election 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.

Penalty 2: Declare that the named Officeholder is discouraged from participating in the Republican Party Primary Election following the censure passage.

Penalty 3: Authorize and direct the State Chairman or any County Chairman to refuse to accept any application for a place on the ballot of a Republican Primary Election for a period of twenty-four (24) months following adoption of the censure and imposition of said remedy.

- b. Any County Chairman who applies the provisions of Rule No. 44 and thereby becomes the subject of a lawsuit for doing so shall be indemnified by the Republican Party of Texas, who shall provide counsel to the County Chairman or pay for any expenses incurred related to any suit. The State Chairman shall defend in court any suit against the Party arising from the application of Rule No. 44.
- c. The biennial State Convention may censure statewide elected officials. Resolutions for censure shall originate at a County or Senatorial District Convention. County or Senatorial District Convention resolutions for censure shall be delivered to the State Chairman, who shall deliver the censure to the Chairman of the Temporary Platform and Resolutions Committee and shall provide notice of censure and invitation to the censured Officeholder to appear. The Platform and Resolutions Committee shall determine whether or not to send the censure to the Convention for a vote. Rule No. 24 shall apply to any minority report. Any elected Officeholder censured at the State Convention held after the Primary Election in which that Officeholder is on the General Election ballot may not incur penalties in this rule. Potential penalties listed in Section a above apply to this Section c.
- d. Any above penalty imposed shall expire on the day following the date of the Primary Runoff Election in which the Officeholder would be up for reelection. The term "Officeholder" as used in this rule shall mean a holder of public office. Nothing within this

Rule shall be construed to authorize the removal of a public Officeholder; and likewise, nothing within this rule shall serve to limit the removal of any public Officeholder under other rule or law.

- e. A candidate wishing to file with a State or County Chairman for a position on a Republican Primary ballot shall include the following statement on his or her application: “I swear or affirm, under penalty of perjury, that I have not been censured under Rule No. 44 of the Republican Party of Texas by the SREC, or a state convention in the preceding twenty-four (24) months prior to this application.” A State or County Chairman shall declare any application without this statement as incomplete and refuse to accept said application, and follow the prescribed process to notify the candidate for a chance to cure the defect, when applicable. If no timely correction is made, the applicable chairman shall reject the application.

Any County Executive Committee (CEC), County Convention, or Senatorial District Convention may originate a censure resolution against the Speaker of the Texas House.

Rule No. 45 – Is intentionally left blank

GENERAL RULES FOR CONDUCTING PRIMARY ELECTIONS

Rule No. 46 – Closed Primaries

In Texas Republican Primary Elections and Texas Republican Primary Runoff Elections, only a United States citizen eligible to vote in Texas who is registered to vote with the Texas Secretary of State as a Republican may cast a ballot in those elections.

PROVISO: Except for rules on electoral affairs, which take effect on January 1 of the odd-numbered year following the biennial Republican Party of Texas State Convention, amendments to these rules take effect: (1) upon adjournment sine die of each biennial Republican Party of Texas State Convention, or (2) immediately, when amended by the State Republican Executive Committee.

Republican Party of Texas 512-477-9821 (Telephone)

These rules were originally adopted by the State Executive Committee on March 13, 1972 in Austin, Texas, and amended or changed by the:

State Convention on September 19, 1972 in Dallas, Texas;
State Convention on September 17, 1974 in Houston, Texas;
State Convention on June 19, 1976 in Fort Worth, Texas;
State Convention on September 11, 1976 in Austin, Texas;
State Convention on September 9, 1978 in Dallas, Texas;
State Convention on June 21, 1980 in Houston, Texas;
State Convention on September 6, 1980 in San Antonio, Texas;
State Convention on September 11, 1982 in Austin, Texas;
State Convention on September 22, 1984 in Corpus Christi, Texas;
State Executive Committee on November 23, 1985 in Austin, Texas;
State Convention on June 28, 1986 in Dallas, Texas;
State Executive Committee on May 30, 1987 in Austin, Texas;
State Executive Committee on November 21, 1987 in Copperas Cove, Texas;
State Convention on June 10, 1988 in Houston, Texas;
State Convention on June 30, 1990 in Fort Worth, Texas;
State Convention on June 20, 1992 in Dallas, Texas;
State Convention on June 11, 1994 in Fort Worth, Texas;
State Convention on June 13, 1998 in Fort Worth, Texas;
State Convention on June 16, 2000 in Houston, Texas;
State Convention on June 8, 2002 in Dallas, Texas;
State Convention on June 4, 2004 in San Antonio, Texas;
State Convention on June 3, 2006 in San Antonio, Texas;
State Convention on June 13, 2008 in Houston, Texas;
State Convention on June 12, 2010 in Dallas, Texas;
State Executive Committee on October 1, 2011 in Austin, Texas;
State Executive Committee on February 29, 2012 in Austin, Texas;
State Convention meeting on June 8, 2012 in Fort Worth, Texas;
State Executive Committee on December 7, 2013 in Austin, Texas;
State Convention on June 6, 2014 in Fort Worth, Texas;
State Executive Committee on March 7, 2015 in Austin, Texas;
State Executive Committee on September 12, 2015 in Austin, Texas;
State Convention on May 13, 2016 in Dallas, Texas;
State Executive Committee on March 4, 2017 in Austin, Texas;
State Executive Committee meeting on April 7, 2018 in Austin, Texas;
State Convention on June 16, 2018 in San Antonio, Texas;
State Executive Committee on September 14, 2019 in Austin, Texas;
State Convention on October 6, 2020 by electronic vote;
State Executive Committee on August 28, 2021 in Lubbock, Texas [changed Rule No. 1(e) and amended Rule Nos. 19 and 27A];
State Executive Committee on February 12, 2022 in Austin, Texas [amended Rule No. 19 and changed Rule No. 23A];
State Convention on June 18, 2022 in Houston, Texas; and
State Executive Committee on September 24, 2022 in Austin, Texas [changed Rule No. 44(b) and proviso language];
State Executive Committee on March 4, 2023 in Austin, Texas [changed Rule No. 8(f)];
State Convention on May 24, 2024 in San Antonio, Texas;
State Executive Committee on March 22, 2025 in Austin, Texas [changed Rule No. 44(a)]; and
State Executive Committee on June 14, 2025 in Austin, Texas [changed Rule No. 46].

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CHIP HUNT; REPUBLICAN PARTY OF
TEXAS,

Plaintiffs,

v.

STATE OF TEXAS; JANE NELSON, in her
official capacity as Texas Secretary of State,

Defendants.

Case No. 2:25-cv-200

[PROPOSED] ORDER GRANTING THE MOTION TO DISMISS

The Court, having considered Defendant Secretary of State Jane Nelson's Motion to Dismiss, finds that the Motion should be granted.

IT IS THEREFORE ORDERED that the Motion is GRANTED.

IT IS SO ORDERED.

Signed this _____ day of _____, 2025.

Matthew J. Kacsmayk
United States District Judge