



OFFICE OF THE SECRETARY OF STATE

DAVID A. DEAN  
SECRETARY OF STATE

STATE CAPITOL  
P.O. Box 12697  
AUSTIN, TEXAS 78711

September 8, 1982

Mr. Wayne J. Thorburn  
Executive Director  
Republican Party of Texas  
1300 Guadalupe, Suite 205  
Austin, Texas 78701

Election Law Opinion DAD-57  
Re: Selection of members of  
the State Executive  
Committee

Dear Mr. Thorburn:

In your letter of August 18, 1982, you submitted the following questions regarding V.A.T.S. Election Code, art. 13.38:

1. Is election of the State Executive Committee empowered to the full convention or to the delegates from each senatorial district separately?
2. If the full convention must officially elect the entire State Executive Committee, does the phrase "to be those" limit their action to a ratification of a decision made by delegates in each senatorial district caucus?
3. Conversely, can the full convention disregard the vote of the senatorial district, as implied by the word "recommended," and select another person to serve on the committee?

This official election law opinion is rendered by me as chief election officer of the state in accordance with V.A.T.S. Election Code, art. 1.03, subd. 1.

Your questions may be summarized as follows: Are members of the State Executive Committee chosen by delegates from each senatorial district acting alone, or by the entire state convention?

Article 13.38, states, in pertinent part:

. . . The convention shall elect a chairman and a vice-chairman of the state executive committee, one of whom shall be a man and the other a woman, and sixty-two members thereof, two from each senatorial district of the state, one of whom shall be a man and the other a woman, the members of the committee to be those who shall be recommended by the delegates representing the counties composing the senatorial districts respectively. . . .  
(Emphasis added.)

Our construction of this statute would require that the members of the State Executive Committee be chosen by the delegates from each senatorial district, which choice may be ratified but may not be overturned by the convention delegates as a body. This conforms with what appears to be the legislative purpose of the statute.

In answer to your specific questions:

1. Delegates to the state convention from each senatorial district have the right and duty to select the persons from their districts who will represent them on the State Executive Committee.
2. Any "election" of these State Executive Committee members would in effect be a ratification of the selections of the senatorial district delegates.
3. The state convention may not disregard the vote of the senatorial district delegates.


#### SUMMARY

Under the provisions of V.A.T.S. Election Code, art. 13.38, delegates to the state convention from each senatorial

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district choose the two persons who will represent their  
district as members of the State Executive Committee.

Sincerely,

  
David A. Dean  
Secretary of State

Willis Whatley  
Counsel to the Secretary of State

Charles C. Bailey  
Special Assistant for Elections

Prepared by Karen C. Gladney  
Assistant General Counsel for Elections

APPROVED:  
OPINION COMMITTEE

Karen C. Gladney, Chairman  
Charles E. Evans  
Horace Jennings III  
Felix R. Sanchez  
Donna Brown  
Sharon Talley

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Election Law Opinion DAD-57

Request from Wayne Thorburn, Austin, regarding selection of members of the State Executive Committee.

SUMMARY

Under the provisions of V.A.T.S. Election Code, art. 13.38, delegates to the state convention from each senatorial district choose the two persons who will represent their district as members of the State Executive Committee.