

Faith and football

Issue of Student-Initiated Prayer Debated

The issue of student-led prayer at school events is likely to be the focus of public attention in Texas and the nation during the coming months.

Voters in Texas' Republican primary on March 14, 2000, will be invited to respond to a nonbinding referendum asking, "Shall student-initiated prayer be allowed at school sporting events?" The same question will confront the U.S. Supreme Court on March 29, when oral arguments are scheduled in the Texas case of *Santa Fe Independent School District v. Doe* (No. 99-62). The court likely will issue a decision by the end of its term sometime this summer.

The *Doe* case, arising from events in the Santa Fe school district in Galveston County, is likely to be the high court's first major decision on the issue of prayer at school events since the 1992 case of *Lee v. Weisman*, 505 U.S. 577. The court's decision in *Lee* prohibits a school from bringing in a clergy member to deliver a nondenominational prayer at graduation ceremonies as violating the prohibition against state establishment

of religion in the First Amendment to the U.S. Constitution.

While the issue in *Doe* concerns only the constitutionality of student-led and -initiated prayer at football games, the background of the case includes a number of religious issues.

Chronology of the *Doe* case

During the 1992-93 and 1993-94 school years, the Santa Fe ISD allowed

students to read Christian prayers from the stage at graduation ceremonies and over the public address system at home football games. The district had no written policy about such events. Student council officers typically read the prayers, though district officials screened the texts in advance and retained control over the programs and facilities during the readings.

[\(See *Doe*, page 2\)](#)

March Presidential Primaries Set Stage for Selection of National Delegates

Texas will choose delegates to this summer's national political party conventions based on the results of presidential primary elections on March 14. Florida, Louisiana, Mississippi, Oklahoma, and Tennessee also will hold presidential primaries that day.

Texas Republicans will apportion all of their national-convention

delegates solely on the basis of the primary vote. Texas Democrats will use a hybrid selection system, apportioning their delegates based partly on the primary vote and partly on a presidential preference "sign-in" poll of delegates at the state party convention in June.

The Texas Legislature in 1986 established a presidential primary to be held on the second Tuesday in March, along with the primary for other offices. The presidential-primary law is found in [Election Code, Chapter 191, Subchapter A](#). A state political party must hold a

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[\(See *Delegates*, page 6\)](#)

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In April 1995, the parents of two students filed suit against the school district in U.S. district court, claiming that the district was violating the First Amendment to the U.S. Constitution by allowing a “pervasive religious atmosphere” in the district’s schools. One of the two students had been involved in previous religion-oriented disputes. The lawsuit was filed under the pseudonym “Jane Doe” because of its sensitive nature.

The school district adopted a final written policy for graduation ceremonies in July 1995 and an identical policy for football prayers in October 1995. The policies provided for students to decide if they would like to select individual students to give invocations or other messages at these events.

In December 1996, U.S. District Judge Sam Kent held the school district’s policies for both graduation and football prayers unconstitutional as written. The ruling allowed prayer to remain part of the graduation ceremonies and pregame activities only if the students organized and presented the prayer with no involvement by the school and if the prayer was nonsectarian and nonproselytizing. “Fallback” provisions in the district’s written policies had required that prayers be nonsectarian and nonproselytizing. Judge Kent ruled that those restrictions applied to graduation and pregame prayers alike.

On appeal to the 5th U.S. Circuit Court of Appeals, the school board argued that there was no constitutional requirement that student-initiated prayers be nonsectarian and nonproselytizing. The board said that such limitations would infringe on the free-speech rights of the students giving the prayers and would entangle the school impermissibly in applying these terms to religious speech. On February 26, 1999, a three-judge 5th Circuit panel ruled 2-1 that under the First Amendment, student-initiated graduation prayers must be nonsectarian and nonproselytizing. The panel also ruled that prayers before football games, regardless of their content, were unconstitutional (*Doe v. Santa Fe Independent School District*, 168 F.3d 806).

In requiring that graduation prayers be nonsectarian and nonproselytizing, the court relied on its prior ruling in *Jones v. Clear Creek Independent School District* [977 F.2d 963 (1992) cert. denied 508 U.S. 967 (1993)]. At the time of the *Doe* decision, *Clear Creek* was the only appellate case addressing student-initiated graduation prayers after the *Lee* decision.

On the issue of pregame prayers, Judge Jacques Wiener Jr., writing for the majority, said that the controlling issue was that football games were “hardly the sober type of annual event that can be appropriately solemnized with prayer.” Regardless of the nature of the prayers, their occurrence at “frequently recurring, informal, school-sponsored events” makes

them very different from the type of prayer allowed at a once-in-a-lifetime, serious, and solemn graduation ceremony, Judge Wiener said.

Judge E. Grady Jolly dissented from the court’s rulings on both graduation and pregame prayers. He argued that the First Amendment does not require that graduation prayers be nonsectarian and nonproselytizing and that, in fact, such a requirement impermissibly impairs the free-speech rights of the student chosen to deliver the message because the school had created a “limited public forum.” The majority’s ruling banning pregame prayers also was wrong, Judge Jolly argued, because the student chosen to deliver the pregame message was given the same limited public forum.

After an appeal for a rehearing of the ruling was denied, the district petitioned the U.S. Supreme Court in July 1999 to hear the case, joined by Gov. George W. Bush, Attorney General John Cornyn, and the attorneys general of eight other states, who filed briefs urging the high court to hear the district’s appeal.

On July 13, 1999, the 11th U.S. Circuit Court of Appeals issued a ruling in conflict with the *Doe* ruling. In *Chandler v. James*, 180 F.3d 1254, a three-judge panel ruled unanimously that student-initiated prayers at graduation ceremonies, football games, and other school

Writing for the 5th Circuit majority in Doe, Judge Wiener said that football games were “hardly the sober type of annual event that can be appropriately solemnized with prayer.”

activities were constitutional. That court determined that requiring or allowing the school to impose any restrictions on the content of such prayers also was unconstitutional, as it would infringe on students' rights to freedom of speech and religion. The 11th Circuit decision applies only to Alabama, Florida, and Georgia, while the 5th Circuit decision covers Texas, Louisiana, and Mississippi.

School districts' response

In September 1999, before Santa Fe High School was to play its season-opening football game, the parents of 17-year-old Marian Ward sued the school district to allow her to offer a prayer during her pregame speech. The students had elected Ward, the daughter of a Baptist minister, to deliver the pregame message, but the district superintendent warned students that anyone who violated the court's ban on prayers would be disciplined. Hours before the game, U.S. District Judge Sim Lake of Houston issued a temporary restraining order barring the school district from pre-screening or censoring Ward's message and from punishing her for any comments made in her pregame message [*Ward v. Santa Fe Independent School District*, No. G-99-556 (S.D. Tex. 1999)]. Her message that evening included references to God and Jesus.

During the fall, school districts across the state had to determine how to apply the *Doe* case to their own pregame prayer policies.

Districts adopted various options, including eliminating any pregame messages, allowing a moment of silence, and allowing student-led prayers with no restrictions on content.

In an effort to clarify the issue, Attorney General Cornyn in October 1999 sent a letter to all Texas school boards and administrators

advising them of his interpretation of the court's ruling in the *Doe* and *Ward* cases. Cornyn said that *Doe* only prohibits schools from organizing or being involved in student-initiated prayers at football games. Students who engage voluntarily in religious activities should not be prohibited from or punished for doing so, the letter said. Cornyn also relied on Judge Lake's ruling in *Ward*, allowing a student selected by his or her peers to deliver a pregame message with no restrictions on religious content by the school district. The Texas Association of School Boards and the Texas Association of School Administrators advised districts to use caution in making decisions regarding prayers at school events and to rely only upon the advice of local legal counsel until the U.S. Supreme Court rules on the issue.

On November 2, the U.S. House of Representatives adopted a nonbinding resolution, HCR 199 by Bonilla, *et al.*, urging the Supreme Court to uphold the constitutionality of permitting prayers and invocations before public school sporting events.

The high court granted an appeal of *Doe* on November 15 and limited the appeal to the question of whether the Santa Fe district's policy permitting student-led and -initiated prayer at football games violates the U.S. Constitution. However, because the district's policy on football games contains two alternative provisions — one requiring prayers to be nonsectarian and nonproselytizing and one without that requirement —

the court also may address the issue of whether prayers at football games and other events, including graduation ceremonies, must be nonsectarian and nonproselytizing, as the *Doe* decision requires.

School districts across Texas have had to determine how to apply the Doe case to their own policies on pregame prayer.

Arguments for and against allowing student-initiated prayers before football games appear on pages 4-5.

Should student-initiated prayer be allowed at football games?

Supporters say:

If prayer is permissible at graduation ceremonies, there is no reason to prohibit prayer at other school events, including football games. The argument of the 5th Circuit Court that football games are hardly the solemn event that warrants a prayer misses the point. People feel the need for serious thoughts and words at events other than graduation ceremonies. The school policy at issue in *Doe* specifically allows a message that promotes good sportsmanship and safety of the players. Allowing students to use religious language at times to deliver that message does not violate the establishment clause of the First Amendment but respects the free-speech and freedom-of-religion clauses of that amendment.

The fact that the message is delivered in a stadium rather than in an auditorium does not limit students' freedom to express themselves. Once the school has relinquished control of the message to a student selected by other students, there is no reasonable way to connect the words of that student to the control and supervision of the school. Given that the school does not control the content of the message, there can be no entanglement of state and church. Even though the school may own the public address system and the venue being used, once the student is free to deliver a message, limiting or prohibiting that message infringes on that student's rights.

The First Amendment does more than simply prevent the entanglement of church and state. It recognizes that Americans have different and strongly held religious beliefs. It does not prevent those beliefs from being expressed but guarantees that people may express them while respecting the beliefs of others. Requiring schools to be devoid of all expressions of faith in whatever form does not separate church and state; rather, it establishes a state-mandated "religion" of secularism, excluding all religions. By prohibiting students from expressing any religious beliefs, schools tell students that no religion is more appropriate than any other religion. Doing so contradicts the long historical support for religion and prayer by the people of the United States.

Opponents say:

Allowing students to solemnize certain events with messages that may include prayer could entangle church and state. Because public schools are an extension of the state, the time, place, and manner in which prayer may be delivered in schools must be scrutinized closely.

The crux of the 5th Circuit's *Clear Creek* decision is that limiting prayers to graduation ceremonies is a balance between allowing some solemnization of this important event and limiting the amount of religious speech that the state forces people to listen to. While the state must recognize the rights of the person allowed to speak, it cannot ignore the rights of students and others in the audience who believe differently from the speaker and would prefer not to have the speaker's religious beliefs forced upon them at a taxpayer-funded event. While this balancing could weigh in favor of allowing prayers to be delivered at graduation ceremonies, allowing prayers at football games and other school events would tip the scales in the other direction. A regular attendee of home football games would be forced to listen to prayer messages four to eight times a year. This would transform these sporting events into something resembling church services.

The argument that once a student is given license to deliver a message at a school event, such license creates a public forum and guarantees the free-speech rights of the student above all else, ignores the history and case law of public forum decisions. Students allowed to speak at school functions are not given free rein to speak their minds on any subject. For example, a student who used profanity or racially insulting remarks or called for violent overthrow of the government either could be prohibited from making such statements or could be reprimanded for doing so. In both graduation and pregame prayers, the message is limited to a single viewpoint, selected by the school or by the students with the school's arm's-length supervision. There is no opportunity for contrasting views or debate and usually no opportunity for a different speaker at the next event. Thus, to argue that these events create even limited public forums is simply reaching to find a way to allow this first step toward allowing more prayer in schools.

If prayer is allowed, must it be limited to nonsectarian, nonproselytizing prayer?**Supporters say:**

The *Clear Creek* decision clearly establishes that for prayer at graduation ceremonies to be constitutional, the prayer must be nonsectarian and nonproselytizing. If the Supreme Court decided that prayers were appropriate at football games, it should extend this same limitation to those prayers.

Otherwise, the students selected to deliver those messages could increase the coercive effect of allowing a prayer at all. The U.S. Supreme Court, in *Lee*, specifically invalidated the practice in that case because bringing in a member of the clergy would have a coercive effect on the students in attendance.

Nothing is served by allowing sectarian and proselytizing prayers other than to advance the speaker's particular religious beliefs before a captive audience at a state-sponsored event intended as entertainment for the spectators. It does not increase the solemnity of the event nor provide additional guidance to students hearing the message. Thus, there is no constitutional reason to allow such messages to be included at any school events.

Opponents say:

Limiting the content of messages in this fashion, whether at graduation ceremonies or football games, increases the state's involvement in this exercise. So long as the state, acting through the school, takes no part in developing or editing the message, then it truly is the free expression of the student. However, when the school is forced to review the message and determine which words constitute sectarian and proselytizing language, the school becomes more deeply entangled in promoting a particular religious point of view. Requiring schools to censor such messages further leads to conformity of those messages and increases the chance that the state will be establishing a particular belief system.

Since most school administrators likely will ask for guidance in what types of speech to permit, the establishment of a standard graduation or pregame prayer becomes more likely. That course of action would eliminate the free-speech rights of the student chosen to deliver the message and would entangle the state in developing a single nonsectarian, nonproselytizing religion promoted to all spectators at these events.

— by ***John J. Goodson***

(Delegates, from page 1)

presidential primary if its nominee for governor received at least 20 percent of the vote in the last election, its national party rules authorize a presidential primary, and the national party plans a national nominating convention during the election year. This year, only the Democratic and Republican parties are required to hold a presidential primary.

At least 75 percent of the Texas delegate seats, excluding those set aside for party and elected officials, must be apportioned on the basis of the March 14 primary vote. As required by law, the Democratic and Republican state executive committees have adopted rules for selecting delegates and apportioning them by presidential preference.

How Democrats will choose delegates

The Democratic National Convention will take place August 14-17 in Los Angeles. As has been the practice since 1988, Texas Democrats will apportion delegates among the presidential candidates through a hybrid system, based partly on the preference of voters in the March 14 primary and partly on a presidential preference poll of delegates at the state party convention. Individual delegates to the national convention will be chosen at the state party convention June 9-10 in Fort Worth.

Filing requirements. Presidential candidates appearing on the 2000 Democratic primary ballot had to pay a filing fee of \$2,500 or submit a petition signed by at least 5,000 registered voters. The signature of a person who signed more than one petition does not count.

Number of delegates. Under national Democratic Party rules, Texas is entitled to 231 national-convention delegate votes out of a total of 4,337, plus 32 alternates.

Unpledged delegates. Of Texas' 231 delegates, 37 will be party leaders and elected officials, known as "unpledged PLEOs." These delegates — the 15 members of the Democratic National Committee from

Texas, the 17 Democratic members of Congress from Texas, former U.S. House Speaker Jim Wright, and former Democratic National Committee Chairman Robert Strauss, plus three "add-on" delegates with a long, recognized history of party support chosen by the state convention — will be formally "unpledged," although they may endorse and vote for any candidate.

Pledged delegates. Of the 194 Texas delegates who must be pledged to a particular presidential candidate, 25 will be party leaders and elected officials, called "pledged PLEOs," chosen at the state convention. The priority for selecting these delegates is: (1) Democratic mayors of cities with a population over 250,000, including those elected in a nonpartisan election, and the Democratic statewide leadership; (2) the Democratic speaker of the Texas House, the state legislative leadership, and Democratic state legislators; and (3) other state, county, and local Democratic elected officials and party leaders. No individual on the priority list is required to be selected as a pledged PLEO delegate.

Another 42 of the 194 pledged delegate slots will be filled at large. These slots, plus the 25 reserved for pledged PLEOs, will be apportioned among the presidential candidates according to a presidential preference poll of state-convention delegates.

The remaining 127 pledged delegate slots will be apportioned to presidential candidates based on results of the March 14 primary in each of the 31 state senatorial districts. Unlike the Republicans, the Democrats do not apportion any delegates based on the statewide primary results.

The Texas "base" delegation totals 169 members, excluding the 37 unpledged PLEOs and 25 pledged PLEOs. Therefore, 75 percent of the base (127 of 169) will be apportioned on the basis of the March 14 primary vote, as required by state law, and 25 percent of the base (42 of 169) will be apportioned on the basis of the presidential preference poll of state-convention delegates.

Apportioning delegates by primary vote. The 127 delegates to be apportioned among the candidates

Summary of Presidential Delegate Selection Procedures

	<u>Democrats</u>	<u>Republicans</u>
Filing	\$2,500 or 5,000-signature petition	\$5,000 or 300-signature petition from at least 15 congressional districts
Delegate apportionment by primary vote	127 by Senate district vote; 15-percent vote threshold to get delegates	90 by congressional district vote, 34 by statewide vote; 20-percent vote threshold to get delegates; 50-percent winner-take-all
Delegate apportionment by convention "sign-in"	25 officials, 42 at large; 15-percent threshold to receive delegates	None
Unpledged <i>ex officio</i> delegates	37	None
Delegate selection	<p>Delegate filing</p> <p>Limited candidate veto</p> <p>District delegates selected by candidate's pledged delegates from each senatorial district at the state convention. At-large delegates selected by party committee.</p>	<p>No delegate filing</p> <p>No candidate veto</p> <p>District delegates selected by delegates from each congressional district at the state convention. At-large delegates selected by nominations committee.</p>
Delegate pledge	Not formally binding	Bound for first two ballots. Released on third ballot if candidate receives less than 20 percent on second ballot. Unconditional release on fourth ballot.

based on the March 14 primary vote in each state senatorial district are allocated among the 31 districts according to a formula that takes into account each district's vote for the Clinton/Gore ticket in the 1996 presidential election and for Democratic nominee Garry Mauro in the 1998 gubernatorial election. The 127 slots are allocated as follows:

Two	District 31
Three each	Districts 6, 7, 8, 9, 16, 24, 28
Four each	Districts 2, 5, 10, 11, 15, 17, 18, 19, 21, 22, 25, 26, 27, 29, 30
Five each	Districts 1, 3, 4, 12, 20, 23
Seven each	Districts 13, 14

Each district's delegates will be apportioned among presidential candidates who receive at least 15 percent of the primary vote in the district. If no candidate receives 15 percent of the district vote, the threshold for receiving delegates will be reduced to the percentage received by the district's plurality winner, minus 10 percentage points. For example, if the top vote-getter in a district receives 12 percent of the vote, the threshold for receiving delegates will be 2 percent.

Apportioning delegates by convention preference. At the state Democratic convention in June, delegates will be polled on their presidential

preference. That poll will determine the apportionment among the candidates of the 42 at-large delegates and the 25 pledged PLEOs. A presidential candidate must receive at least 15 percent of the state-convention delegate “sign-in” vote to be apportioned any at-large or pledged PLEO delegates.

Selecting state-convention delegates. Both major parties choose delegates to their state conventions through a two-stage process: at precinct conventions held the night of March 14, then at county/district conventions held April 1. However, the two parties differ in that delegates to Democratic precinct and county/district conventions also declare their preference for a presidential candidate. These preference polls ultimately determine the delegates to the state convention, where a final preference poll will allocate a portion of the national-convention delegates among the presidential candidates.

At the precinct convention, anyone who voted in the Democratic primary may participate by signing in for a presidential candidate or as “uncommitted,” an option that is not available on the primary ballot. In effect, Democratic primary voters may vote for their favored presidential candidate twice — in the primary and at the precinct convention.

Each precinct elects delegates to the county/district convention, with one delegate for each 15 votes the precinct cast for Garry Mauro in the 1998 gubernatorial election. The precinct’s delegates to the county/district convention are apportioned among the candidates based on the preference poll. The 15-percent threshold does not apply at the precinct level. Any candidate preference group with enough sign-ins to receive at least one delegate may caucus separately and elect its share of delegates to the county/district convention. If a group is too small to elect a delegate, individuals from that group may join another candidate’s caucus, which may increase that candidate’s share of the delegates to the county/district convention.

County/district conventions will be held Saturday, April 1. In counties containing more than one state senatorial district, district conventions are held. Delegates to the state convention are elected in two

stages. First, each precinct elects one state-convention delegate for every 180 votes cast in the precinct for Garry Mauro in the 1998 gubernatorial election. Precincts that cast fewer votes than the required threshold are grouped with other precincts to elect state-convention delegates.

In the second stage, a presidential preference poll of county/district convention delegates is used to allocate among candidates the at-large delegates to the state convention. A candidate must exceed a 15-percent threshold to receive delegates. The convention nominations committee selects the at-large delegates. The total number of delegates chosen by precinct and at large should reflect each candidate’s proportional share of the county/district convention preference poll.

Selecting national-convention delegates. The next step is selection at the state party convention of delegates to the national convention. Those desiring to be national-convention delegates must file their candidacy with the chair of the state Democratic Party in Austin between April 15 and May 15. Delegate candidates must pledge their support for a presidential candidate or declare themselves uncommitted.

The state party will deliver to each presidential candidate a list of national-convention delegate candidates pledging their support. The candidate must file with the state party a list of approved delegate candidates. The list must contain at least three times the number of delegates and alternates to which the candidate is entitled by the primary vote, equally divided between men and women, as required by party rules. Failure to respond by the May 30 deadline will mean that all of the filed delegate candidates pledged to the candidate will be presumed approved.

State-convention delegates who sign in for a candidate in the presidential preference poll will caucus by senatorial district and choose, from the approved list of national-convention delegate candidates, the delegates to which their candidate is entitled, based on the district’s vote in the primary. (A total of 127 delegates and 21 alternates will be chosen by district based on the primary vote.) No more than half the delegates and alternates may be of the same sex.

After the unpledged PLEO delegates have been certified, the 25 pledged PLEO delegates and five alternates will be chosen. As noted earlier, delegate slots for these positions will be apportioned to the presidential candidates based on the state-convention presidential preference sign-in poll, with a 15-percent threshold required for a candidate to receive delegates. Candidates have the right to disapprove delegate candidates for these positions in the same manner as for other pledged delegates, except that they must approve at least twice as many declared PLEO delegate candidates as there are PLEO delegate slots to be filled and prospective PLEO delegates may file their candidacy at the state convention. The nominating committee of the state convention — 31 members chosen by each of the senatorial district caucuses and three members chosen by the state convention chair — will select these delegates.

Last to be chosen will be the pledged at-large delegates (42 delegates and six alternates). These delegates also will be apportioned based on the state-convention presidential preference sign-in poll, with a 15-percent threshold for receiving delegates. The nominating committee of the state convention will choose these delegates from among the delegate candidates pledged to each presidential candidate. Candidates may disapprove delegate candidates for these slots in the same manner as for other slots, except that they must approve at least twice as many at-large delegate candidates as there are at-large delegate slots to be filled. If a candidate withdraws before election of the at-large delegates, the number of delegates to which that candidate is entitled will be allocated proportionately among the remaining candidates entitled to delegates.

The Texas delegation as a whole and delegates and alternates chosen at the district level must be divided equally between men and women. The at-large delegates and alternates are chosen last to allow the nominating committee to balance the number of men and women delegates and alternates in the delegation

as a whole and to achieve affirmative-action goals for representing minorities. Based on the state's population and participation in primary and general elections, the Texas Democratic Party has set goals of 52 African-American delegates, 51 Hispanic delegates, one Asian-American delegate, and one Native American delegate. The party also is to give priority consideration to other groups historically underrepresented in party affairs, based on race/ethnicity, age, sexual orientation, and disability.

Delegate pledge.

Delegates to the Democratic National Convention are not bound to vote at the convention for the candidate to whom they are pledged. The only requirement is that pledged delegates "shall in all good

conscience reflect the sentiments of those who elected them."

In effect, Democratic primary voters may vote for their favored presidential candidate twice — in the primary and at the precinct convention.

How Republicans will choose delegates

The Republican National Convention will be held July 29-August 4 in Philadelphia. All Texas delegates will be apportioned among the presidential candidates according to results of the March 14 primary, both statewide and in each of the 30 congressional districts. Since 1980, Texas Republicans have apportioned their national-convention delegates to presidential candidates by using a presidential primary established under party rules. Individual delegates to the national convention will be selected at the state party convention June 15-17 in Houston.

Filing requirements. Republican presidential candidates filed for the Texas primary by paying a \$5,000 filing fee or by submitting a petition signed by at least 300 registered voters from each of at least 15 of the 30 congressional districts. The signature of a voter signing more than one petition does not count.

Number of delegates. Texas will send 124 delegates out of a total of 2,066 to the Republican National Convention. Each of the 30 congressional

districts is entitled to three delegates, a total of 90, and 34 delegates will be chosen at-large. One alternate will be chosen for each of the 124 delegates.

Apportioning delegates by primary vote.

Unlike the Democrats, Texas Republicans will apportion among the candidates all of their national-convention delegates based solely on the primary election results and also will include an “uncommitted” option on the presidential primary ballot.

Congressional district vote. In apportioning the three delegates from each of the 30 congressional districts, a presidential candidate who receives more than 50 percent of the district vote will receive all three delegate slots. A first-place candidate receiving less than a majority of the district vote but more than 20 percent will get two delegates, and the second-place candidate will get one delegate. However, if the second-place candidate receives less than 20 percent in the district, the first-place candidate will get all three delegates. If no candidate receives more than 20 percent of the district vote, the top three candidates each will receive one delegate.

Statewide vote. The 34 at-large delegate slots will be apportioned among the candidates based on the statewide primary vote. A candidate winning more than 50 percent of the statewide vote will get all 34 at-large delegates. If no candidate receives a majority statewide, the at-large delegates will be apportioned among all candidates receiving more than 20 percent.

For example, assume that Candidate A received 40 percent of the statewide vote; Candidate B, 30 percent; Candidate C, 20 percent; Candidate D, 5 percent; Candidate E, 3 percent; and Candidate F, 2 percent. Candidates D, E, and F would be dropped from the delegate apportionment because they did not reach the 20-percent threshold. Counting only the votes cast for the remaining candidates, Candidate A received 44.4 percent of the remainder and thus would be entitled to 15.1 of the 34 at-large delegates. Fractions are

rounded upward, starting with the highest vote-getter, so Candidate A would get 16 delegates. Candidate B, with 33.3 percent of the remaining vote, would be entitled to 12 delegates (11.3, rounded up). Candidate C would get only six delegates. Although 22.2 percent of 34 equals 7.6 and rounding up the fraction otherwise would entitle Candidate C to eight delegates, only six delegates would remain unapportioned.

If no candidate receives more than 20 percent of the statewide vote, the 34 at-large delegates will be allocated proportionately to all candidates, starting with the top candidate and rounding all fractions upward. If candidates withdraw or die between primary election day and the state convention, uncommitted delegates and alternates are chosen in their place.

Delegate selection. As in the Democratic Party, but without a presidential preference sign-in poll, Republican primary voters may attend precinct conventions on the night of the March 14 primary to elect delegates to the county or senatorial district conventions to be held April 1. The county and district conventions, in turn, elect delegates to the state convention.

At the state convention, delegates from each congressional district will caucus and choose national-convention delegates and alternates from their districts

for each presidential candidate entitled to delegates based on each district's primary vote. Election is by majority vote, with each delegate and alternate elected one at a time. The state convention must confirm the entire district delegation as a slate.

Texas Republicans will apportion all of their national-convention delegates based solely on results of the March 14 primary election.

Each congressional district caucus also will elect one person to serve on the National Nominations Committee, which will select the at-large delegates and alternates. This committee will submit the at-large delegation to the convention for ratification, and only the entire delegation, not individual delegates, may be approved. If the state convention rejects the at-large

delegation, the nominations committee will submit another delegation slate until the state convention approves it.

The Republican Party does not require equal numbers of men and women delegates and has no affirmative-action goals for minority representation. Party rules prohibit abridging participation in any caucus, meeting, or convention held to select delegates because of sex, age, race, religion, color, or national origin.

Delegate pledge. Unlike Republican procedures in previous years, the rules for 2000 do not allow presidential candidates a direct say in the selection of individual delegates pledged to vote for them at the convention. However, delegates who assent to their nomination pledge to vote for the candidate to whom they are pledged.

On the first ballot, Texas delegates and alternates may be released from their pledge to vote for a candidate at the national convention only upon the candidate's death, formal withdrawal, or agreement. On the second ballot, delegates may be released only by agreement of the candidate. Pledged delegates are released from their pledge on a third ballot if their candidate fails to receive at least 20 percent of the total votes cast on the second ballot or if their candidate agrees to release them. Delegates are released unconditionally beginning with the fourth ballot. Uncommitted delegates may vote however they choose.

Delegate selection by other parties

Libertarian Party. Under [Election Code, sec. 181.006\(b\)](#), a political party is entitled to have its nominees placed on the ballot if any of the party's nominees for statewide office received at least 5 percent of the vote. A Libertarian candidate for judge of the Texas Court of Criminal Appeals exceeded this threshold in the 1998 general election. Accordingly, the Libertarian Party's candidates for president, vice president, and other offices will be on the 2000 ballot along with the candidates of the Democratic and Republican parties.

The Election Code does not specify how delegates are to be chosen to the national conventions of parties that do not hold a primary. The Libertarian Party will hold precinct conventions on the night of March 14 to select delegates to county conventions. The party will hold regional conventions on March 18 to nominate candidates for county and district office and to choose delegates to the June 10-11 state convention in Corpus Christi.

The Texas Libertarian Party will send 67 delegates out of a total of 1,452, plus 67 alternates, to the national party convention to be held June 30-July 4 in Anaheim, Calif. Either the party executive committee or delegates to the state party convention will choose the national-convention delegates. Delegates are selected from a preliminary list of those stating a desire to be chosen. Delegates are not pledged to any presidential candidate, and the party does not have affirmative-action goals for delegate selection.

Other parties. To qualify their candidates, including those for president and vice president, for the November 7 general-election ballot, other parties must meet certain conditions. First, they had to register with the secretary of state by January 3. For the 2000 election, the Constitution, Green, Natural Law, Reform, and Southern parties have filed for access to the ballot, according to the Secretary of State's Office.

If the parties meet other requirements under [Election Code, Chapters 161 and 181](#), such as establishing a state party executive committee and timely filing their party rules, they also must submit to the secretary of state a list of names of participants in their precinct conventions and other registered voters who did not vote in the primary or participate in the conventions of any other party. The combined number of precinct-convention participants and valid petition signers must equal at least 1 percent of all votes cast for all candidates for governor in the last general election. According to the Secretary of State's Office, the required number of names for 2000 is 37,380.

Parties may begin circulating petitions on March 15, the day after the precinct conventions. The filing deadline for parties to submit the required number of

names to qualify for the 2000 general-election ballot is May 30, the 75th day after the March 14 precinct conventions. The Election Code does not specify the procedure for selecting national-convention delegates for other parties.

Independent and write-in candidates. Under [Election Code, Chapter 192](#), an independent candidate for president may qualify for the ballot by submitting a petition to the secretary of state with the valid signatures of registered voters equaling at least 1 percent of all votes cast for all candidates for president in the last election. According to the Secretary of State's Office, the number of signatures required for the 2000 election is 56,116. Those signing the petition cannot have voted in the 2000 primary of the Democratic or Republican parties.

Independent candidates may begin circulating their ballot-access petitions on March 15, the day after the

primary, and must submit them to the secretary of state by May 11, within 30 days after the April 11 runoff primary. Anyone whose name appeared on the presidential primary ballot of a party holding a primary (this year, the Democratic or Republican parties) is disqualified from appearing on the general-election ballot as an independent. Independent candidates also must submit a list of the names and addresses of 33 presidential electors and statements from the vice presidential candidate and the electors that they consent to be candidates.

Under [Election Code, Chapter 192](#), write-in candidates for president must file their candidacy with the secretary of state, beginning August 9 and no later than September 8, in order for votes for the candidate to be counted. They also must file the names and addresses of 33 electors and statements from the vice presidential candidate and the electors that they consent to be candidates.

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