

Rule No. 38 - National Convention Delegates and Alternates - Adopted October 1, 2011

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 6:00 p.m. the second Monday in December of an odd-numbered year preceding the presidential primary, 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.
- f. 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 as provided in Chapter 141, Sub-Chapter C, Section 141.069 of the Texas Election Code.
- g. Extended Deadlines Due to Court Order: In the event a state or federal court orders a modification to the deadlines for filing an application for a place on the ballot in the general primary election, the deadlines specified in that order supersede this Section to the extent of any conflict.

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 in accordance with Section 172.082, Texas Election Code.

- 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 at the time prescribed by the Election Code for certifying the names to appear 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. 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.
- b. At-Large Delegates and District Delegates: In the event a canvass of the Republican Presidential Primary vote on a state-wide basis demonstrates that the voters are entitled to one or more uncommitted delegates and alternates 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 uncommitted delegates and alternates to the National Convention, who become pledged as uncommitted delegates and alternates to the National Convention, in accordance with section 10 of this rule.

Section 5. Canvass of Returns

For the purpose of selecting at-large delegates and alternates, as well as 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 on a statewide basis, for the purpose of determining proportional allocation of delegates and alternates, in accordance with the results of the presidential primary vote.

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 required by Section 174.092, Texas Election Code, 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 nominee agrees to adhere to the pledge in the candidate commitment requirements 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 individuals 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, 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. District delegate and alternate entitlements for candidates shall be pooled, calculated and then apportioned by the SREC, in accordance with the statewide canvass of returns, as provided for in section 5. This entitlement and apportionment among the candidates shall be made by calculating the ratio of the number of statewide votes received by each candidate compared to the total of all such candidates, rounding major fractional delegates and alternates upward to the next whole number, beginning with the candidate receiving the largest number of votes. This is then to be followed by the apportionment of delegates and alternates to the second highest candidate in the same manner, and so forth until the total numbers of delegates and alternates to be apportioned from the overall statewide pool is complete.
- b. Upon completion of this statewide apportionment, the assignment of specific congressional district delegate and alternate seats to candidates shall be made by comparing the candidate's vote total in each congressional district presidential primary vote between all congressional districts, and forming a highest to lowest vote total ranking of the candidate's vote totals. Starting with the highest ranked statewide candidate, the highest ranked congressional district for a specific candidate shall receive assignment of the first seat from the statewide delegate and alternate pool apportioned to the candidate, and so forth downward, until the candidate's statewide proportional allocation entitlement of delegates and alternates from the overall delegate and alternate pool has been allocated. This process is then performed for each subsequent presidential candidate, as to their rank downward in the statewide vote, until all congressional district delegates and alternates have been assigned. However, no congressional district delegates will be assigned to any presidential candidate receiving less than 20% of the statewide vote, unless the presidential candidate's primary vote in any specific congressional district exceeds 20%, and then the process of this subparagraph b shall be applied. Any remaining congressional district delegates and alternates not assigned to candidates qualifying under this 20% provision, will be assigned to the presidential candidates that do meet the 20% provision, but come from their At-large allocations. If after this congressional delegate and alternate allocation, all of the congressional delegate and alternates seats have not been assigned to the presidential candidates with 20% or more of the statewide vote, then assignment will continue in ranked order to the remaining presidential candidates with less than 20%, until all congressional district delegate and alternate seats are assigned.
- c. Upon allocation of all three delegate and alternate seats in each congressional district, the final assignment of seat order between the three delegates and the three alternates shall be determined by the total vote ranking in each individual congressional district presidential primary vote total.
- d. These congressional district delegate and alternate seat assignments shall be one portion of a presidential candidate's allocated delegates and alternates, and thus contribute to the fulfillment of the overall proportional allocation, as determined by the statewide presidential primary vote for each candidate, and as prescribed in other sections of this rule.

- e. These shall be reported by the SREC to each of the congressional district caucuses prior to voting for delegates and alternates in said caucuses, which shall then be reported by the congressional district caucuses to the National Nominations Committee of the State Convention.
- f. The total Texas delegation of delegates and alternates to the Republican National Convention shall be proportional to the statewide presidential primary vote, as provided for in this rule.

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 delegate and alternate entitlements by candidates shall be pooled, calculated, and then apportioned by the National Nominations Committee, among the candidates in the ratio in which the number of statewide votes received by each candidate bears to the total of all such candidates, rounding major fractional delegates and alternates upward to the next whole number, beginning with the candidate receiving the largest number of votes. This is then followed by the awarding of delegates and alternates to the second highest candidate in the same manner, and so forth until the delegates and alternates to be apportioned have been fully awarded. Assignment of specific delegates and alternates to candidates shall be made by the National Nominations Committee of the State Convention, in accordance with the apportionment process contained in this section 9, and then included in their report to the State Convention.
- b. The total Texas delegation of delegates and alternates to the Republican National Convention shall be proportional to the statewide presidential primary vote, as provided for in this rule.

Section 10. Pledge of Delegates and Alternates.

- a. Commitment to Candidate: Following the assignment and nomination by the National Nominations Committee to 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 (1st) nomination convention ballot: delegate or alternate shall be released from the pledge only in the event of death, withdrawal, or by decision of the candidate.
 - 2. Second (2nd) nomination convention ballot: delegate or alternate may be released from the pledge by decision of the candidate;
 - 3. Third (3rd) nominating convention ballot: 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;
 - 4. Fourth (4th) and subsequent nominating convention ballots: 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 18 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/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/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/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