

Special Session

Strategy Discussion

with Republican Party of Texas Chairman
James Dickey



Monday, July 10, 2017
Legislative Conference Center

Dear Republican House or Senate Member,

As the 85th legislature's Special Session approaches, I'm eager to work with you and all Republican members of the Texas Legislature to advance conservative principles. I realize this will be a challenging time for you and your staff, and it is my desire to help in any way I can and work together to further the Principles and Platform of the Republican Party of Texas.

Many of the items included in Governor Abbott's call directly reflect planks of the Republican Party of Texas Platform which was approved by more than 5,700 delegates at the 2016 State Republican Convention. The following is a list of those call items and their corresponding planks:

- Cracking down on mail-in ballot fraud- Plank 59
- Municipal annexation reform- Plank 37
- Property tax reform- Plank 175
- Caps on state and local spending- Plank 167
- School finance reform commission- Plank 120
- Prohibition of taxpayer funding for abortion providers- Plank 91
- Strengthening patient protections relating to do-not-resuscitate orders- Plank 100
- Pro-life insurance reform- Plank 94
- Prohibition of taxpayer dollars to collect union dues- Plank 197
- School choice for special needs students- Plank 147
- Privacy- Plank 87

The Republican base and the grassroots are ready to encourage you and support your efforts in any way you need.

We also look forward to working with you to find ways to advance our remaining Legislative Priorities. These Priorities are: constitutional carry, abolition of abortion, replacing property tax, comprehensive school choice in a manner consistent with the platform, and defense of Constitutional religious liberty and freedom of speech (specifically the First Amendment Defense Act).

Please know that your Party stands ready to help you be successful. I look forward to an ongoing conversation about how we can work together to further our shared values found in the Texas Republican Platform and make this session a great success for our Party and our State.

Best regards,

James R. Dickey
Chairman, Republican Party of Texas
512.623.0276

Special Session Call Item:

Cracking Down on Mail-In Ballot Fraud

Platform language:

Plank 59: We support modifications and the strengthening of election laws to ensure ballot integrity and fair elections. We support the Secretary of State strictly enforcing printing of Results Tapes for electronic voting for early voting and Election Day at polling locations after the polls close for all counties. We support increased scrutiny and security in balloting by mail, prohibition of internet voting and any electronic voting lacking a verifiable paper trail, prohibition of mobile voting, prosecution for election fraud with jail sentences, repeal of the unconstitutional Help America Vote Act, and assurance that each polling place has a distinctly marked, where possible, separate locations for Republican and Democrat primary voting. We support all means of protecting the integrity of our elections, including the optional use of paper ballots. We oppose countywide polling locations due to heightened potential for fraud.

Delegate vote at convention: Yes: 7,606.5 No: 846.84 (89.98% approval rate)

Platform Breakdown:

- Support increased safety measures to prevent inappropriate and fraudulent mail-in ballot voting.
- Support the prosecution of election fraud, including jail sentences.
- Uphold the integrity of all elections.

Background:

- To use a mail-in ballot, a person must be 65 years or older; disabled; out of the county on Election Day and during the period for early voting by personal appearance; or confined in jail, but otherwise eligible.
- Voters who mail ballots are not required to give their ID as is required for in-person voting.
- Ballot harvesters, known as politiqueras, are sometimes hired by campaigns to help get votes in an election. These politiqueras influence votes -- either legally (through talking about their employer) or illegally (through bribes or coercion).
- Electioneering (campaign activity) is prohibited inside polling places. However, it is not prohibited in the homes of those who are filling out mail-in ballots.
- 93 election law violations have been pursued by the Texas Attorney General since 2004.
- In one of these incidents, 700 suspicious ballots in Dallas County were sequestered.
- In another incident, 6 mail-in ballot harvesters were accused of fraud and pled guilty for illegally assisting voters.

Special Session Call Item:

Municipal Annexation Reform

Platform language:

Plank 37: Property ownership and free enterprise, the foundation of our collective wealth, must not be abridged nor denied by government. We support legislation to protect these bedrock rights. Areas of concern are: annexation, eminent domain (including foreign entities), property forfeiture, extraterritorial jurisdiction, seizure for public or private development, natural resources and conservation easements, groundwater and/or mineral rights, nationalization of lands, and the preservation of our 4th Amendment right to privacy. Property owners should be notified of their rights with regard to condemnation, annexation, or easement; and the condemner should be required to petition a court of jurisdiction to show public necessity. Taking of property should result in immediate compensation of fair market value to the owner. These issues should be administered by elected officials accountable to voters.

Delegate vote at convention: Yes: 8,159.22 No: 354.79 (95.83% approval rate)

Platform Breakdown:

- Annexation is an area of concern.
- Property owners should be notified of their rights regarding annexation (these vary by municipality).
- The issue should be administered by elected officials, not by appointed individuals or commissions.

Background:

- Texas is one of the few remaining states that still allow forced municipal annexation.
- Property owners have no power over whether or not they get annexed.
- Forced annexation leads to owners being forced to pay taxes.
- Cities are annexing specific areas in order to boost their tax base while ignoring poorer areas.
- Other areas are annexed for limited purposes and forced into dealing with a government they did not elect.

Special Session Call Item:

Property Tax Reform

Platform language:

Plank 175: We in the Republican Party of Texas believe in the principles of constitutionally limited government based on Federalist principles. To this end we encourage our elected officials at all levels of government to work to reverse the current trend of expanding government and the growing tax and debt burdens this places on we the people. We believe the most equitable system of taxation is one based on consumption and wish to see reforms towards that end at all levels of government. Furthermore, we believe that the borrower truly is a slave to the lender, and so long as we continue to increase our tax and debt burdens we will never be a truly free people. Towards these ends, we support the reformation of the current systems of taxation at all levels of government: federal, state, and local.

Examples of these reforms include the following:

1. Eliminating the Internal Revenue Service (IRS)
2. The "Fair Tax" system
3. A Flat Tax
4. The 1-2-3 No Federal Tax
5. Abolishing property taxes, but in the interim, property taxes should be paid on the price of the property when it was initially purchased.
6. Electing appraisal boards
7. Exempting inventories from property taxes
8. Abolishing estate taxes or the "Death Tax" as it's more commonly known
9. Abolishing capital gains taxes
10. Abolishing franchise and business income taxes
11. Abolishing the gift tax.
12. Discontinuing revenue generating licensing fee

Delegate vote at convention: Yes: 7,818.79 No: 576.42 (93.13% approval rate)

Plank 178: includes: ". . . All elections of personnel responsible for adopting a budget and a property tax rate and all elections involving bond indebtedness shall be held on the November uniform election date and administered by the County Clerk or the County Elections Administrator."

Delegate vote at convention: Yes: 7,615.36 No: 710.81 (91.46% approval rate)

Please see **Property Tax Replacement** legislative priority.

Special Session Call Item:

School Finance Reform Commission

Platform language:

Plank 120: We support a simple, fair, and efficient method for financing our public school system. School districts that have an adequate tax base should be free to manage their finances without any state recapture of local funds. Those districts that do not have sufficient tax base should be provided resources from general state revenues to meet the Texas Constitution's requirement of an efficient system of public free schools.

Delegate vote at convention: Yes: 7,763.79 No: 668.9 (92.07% approval rate)

Platform Breakdown:

- This is full of possibilities. There are various ways to fulfill platform planks.
- Use a simple, fair, and efficient method.
- Districts with enough local money should keep that money and be self-financing without state government gathering and redistributing that district's money.
- Other districts should receive funding from general state funds, not from other districts' excess that has been collected.

Background:

- Texas Constitution, Article VII, Section 1
"A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools."
- Texas Supreme Court Rulings: 3-pronged test for a constitutional school finance system:
 1. Efficiency
 2. Adequacy
 3. Suitability
- 2014-15 school year facts:
 - \$60.98 billion spent on public education (TEA report)
 - 4,778,559 students attending public schools = \$12,761/student
 - Average tuition for accredited private schools: \$7,848/student

Special Session Call Item:

Prohibition of Taxpayer Dollars to Collect Union Dues

Platform language:

Plank 197: We oppose the Employee Free Choice Act (Card Check) and any action that eliminates the secret ballot or requires an employee to be forced to join or pay dues to any organization. Texas should prohibit governmental entities from collecting dues for labor union dues through deductions from public employee pay checks. We also encourage the adoption of a National Right to Work Act.

Delegate vote at convention: Yes: 8,033.23 No: 297.89 (96.42% approval rate)

Preamble: “. . . our economic success depends upon free market principles. . . .”

Platform Breakdown:

- The plank covers several items, including this specific issue.
- Prohibit governmental entities from deducting funds from public employee paychecks in order to pass that money along to labor unions as membership dues.
- These governmental employees would include police officers, first responders, municipal employees, and teachers.

Background:

- Proposition 3 in the 2016 Republican Primary: “Texas should prohibit governmental entities from collecting dues for labor unions through deductions from public employee paychecks.”
Vote: 82.95% for, 17.05% against
- Texas allows labor unions to contract with governmental entities to automatically withhold dues from their members’ paychecks.
- Texas government collected over \$40 million in the past five years for just one union. Most of that money went to Democrats. Wall Street Journal, May 2015: “Over the last three election cycles, Texas Democrats received 99% of the political contributions from the American Federation of State, County and Municipal Employees (Afcme), and 98% from the Service Employees International Union (SEIU) as part of a multi-union effort to “turn Texas blue.”
- Even 57% of the union members surveyed in 2015 said they saw it as a conflict of interest and 67% said they support legislation to end this practice.
- Public sector unions are growing faster in Texas than any other state.
- Previous legislation would prohibit the state, or subdivision of the state, from being the middleman. Government employees would still be permitted to join unions, but membership would be their responsibility and not be facilitated by government entities.

Special Session Call Item:

Caps on State and Local Spending

Platform language:

Plank 167: Amend the Texas Constitution and state statute with a stricter spending limitation based on population growth and inflation, and apply the new limit to all General Revenue and General Revenue-dedicated state spending.

Delegate vote at convention: Yes: 7,805.02 No: 565.94 (93.24% approval rate)

Platform Breakdown:

- The platform calls for a Constitutional Amendment.
- It also calls for change in state statute.
- Base spending limit on population growth & inflation, not on personal income growth.
- Establish a new, stricter limit.
- Apply the limit to all General Revenue funds and spending.

Background:

- The current spending limit, enacted in 1978, covers less than half of the budget.
- Article VII, Section 22(a) of the Texas Constitution limits spending of “state tax revenues not dedicated by this constitution,” which is about 45% of the total budget.
- The current limit is based on the growth of the state’s economy, statutorily identified as personal income growth. That growth is projected over as much as 33 months and is difficult to accurately predict.
- According to the U.S. Census Bureau, local government spending in Texas grew 215% from 1992-2013. During the same time, population and inflation grew at approximately 116%.
- Local governments have no spending limits.
- Past efforts have focused on revenue limits such as revising the roll-back rate as a means of controlling local government growth.
 - Rollback Rate: the rate at which local government property taxes can increase without triggering a rollback election.
 - Rollback Election: voters decide whether to override the rollback rate and allow taxes to increase more than the predetermined percentage.
 - Current: 8% rate, petition-gathering process required for a rollback election
 - Proposed change: 4% rate, automatic rollback election (no petitions needed)
 - Likely with proposed change: opportunity for taxpayers or local officials to override the limit, but increased transparency and accountability in the process.

Special Session Call Item:

Prohibition of Taxpayer Funding for Abortion Providers

Platform language:

Plank 91: We support the elimination of public funding or the use of public facilities to advocate, perform, or support elective abortions, embryonic stem cell research, research on fetal tissue, or human cloning.

Delegate vote at convention: Yes: 7,891.9 No: 611.19 (92.81% approval rate)

Platform Breakdown:

- Eliminate public funding for elective abortions.
- Government funds should also not be used to advocate for or support elective abortions.
- The prohibition applies to any government funds - state or local.

Background:

- SB1 (passed 85R) prohibits state funding for abortion providers and their affiliates.
- There is still a loophole for local governments to provide funding to abortion providers.
- Gov. Abbott has mentioned extending that prohibition to local governments under this call item.
- Previous legislation has focused on prohibiting transactions between a governmental entity and an abortion provider
- In 2005 and again in 2011, Texas passed legislation that excludes Planned Parenthood and other abortion providers from the Healthy Texas Women Program (formerly the Women's Health Program).
- In *Planned Parenthood v Seuhs*, the 5th Circuit Court of Appeals upheld TX's right to structure the program the way Texas legislators saw fit and focus the monies on comprehensive health care through federally qualified health centers, private physicians and family planning clinics that do not offer or refer for abortion. The 5th Circuit Court also ruled that Texas can prevent abortion providers and affiliates from being emissaries of our programs.
- Women who are over 18, do not have insurance and are at or below 185% of the federal poverty line can receive preventive health and family planning services through the Healthy Texas Women program. In fact, 5,342 providers are available who are NOT abortion providers or affiliates in the State of Texas
- The State has virtual free reign to actively implement its value judgment favoring childbirth over abortion where it does not directly restrict individual decisions. Nowhere is this more clear than in the allocation of public funds.

Special Session Call Item:

Strengthening Patient Protections Relating to Do-Not-Resuscitate Orders

Platform language:

Plank 100: We support patients' rights, especially near the end of life, and call for reform of existing legislation so that:

1. Texas law should provide that medical personnel may not deny care, change advanced directives, or originate directives for any patient without the permission of the patient or the patient's designate.
2. No "Do Not Resuscitate" order may be ordered for a patient without his/her own or family's knowledge and consent;
3. We also support the passage of legislation to amend the Advance Directive Act by requiring hospitals intending or threatening to withdraw life-sustaining treatment against the patient's wishes or their advance directive to continue all treatment and care for such patients pending transfer to another facility.

Delegate vote at convention: Yes: 7,905.19 No: 537.45 (93.63% approval rate)

Platform Breakdown:

- Patients have rights all the way through the end of their lives regarding the treatment and care they receive.
- Require the permission of the patient or a person designated by the patient in order to deny care, give directives, or change directives.
- Specifically, a Do Not Resuscitate (DNR) order must require the consent of the patient or his/her family.

Background:

- A DNR Order is a medical directive that instructs medical professionals not to perform certain cardiopulmonary resuscitation (CPR) and other life-sustaining procedures if the patient suffers cardiac or respiratory arrest.
- Current Texas law does not require a patient's or surrogate's consent prior to a physician or healthcare facility writing or executing a DNR order. Health care providers impose DNR orders on patients without the patient's or surrogate's knowledge or consent.
- Even if a patient has expressed in writing a desire for resuscitative measures, a doctor can still write a DNR order for that patient.
- Previous legislation on this topic contains language requiring that consent be obtained from the patient or surrogate before a DNR order may be written.

Special Session Call Item:

Pro-Life Insurance Reform

Platform language:

Plank 94: Until our final goal of total constitutional rights for the unborn child is achieved, we support laws that restrict and regulate abortion including, but not limited to:

1. Parental and informed consent;
2. Prohibition of abortion for gender selection;
3. Prohibition of abortion due to the results of genetic diagnosis;
4. licensing, liability, and malpractice insurance for abortionists and abortion facilities;
5. Prohibition of financial kickbacks for abortion referrals;
6. Prohibition of partial-birth, late-term abortions
7. The prohibition of the manufacturing and sale of abortifacients (e.g. morning after pill);
8. Eliminate causes of action for “wrongful birth.”
9. Enactment of any other laws which will advance the right to life for unborn children;
10. Health insurance coverage for abortion services and abortifacients, which under Texas law should be considered supplemental coverage and billed to the beneficiary.

Delegate vote at convention: Yes: 7,606.56 No: 860.52 (89.84% approval rate)

Platform Breakdown:

- Until abortion is abolished, the abortion services and abortifacients that continue to exist should not be a part of normal health insurance plans.
- They should be moved to supplemental coverage, which is billed to the beneficiary.
- Texans who have health insurance plans should not be required to fund abortions.

Background:

- Section 1303(a)(1) of the “Affordable Care Act” specifically allows states to opt out of abortion coverage in the federally mandated insurance exchanges, as 25 states have done.
- The federal exchange, state employee plans, and private health insurance are all issues.
- Texans are purchasing health insurance through the **federal exchange**, which currently includes insurance plans that include elective abortion coverage.
- The insurance benefit plans for **state employees** cover abortion in the case of medical emergency, but “medical emergency” is vague. Previous legislation incorporated the existing statutory definition in Section 171.002(3) of the Health and Safety Code.
- At least six **private health benefit plans** in Texas automatically cover elective abortion. Previous legislation would apply protections to the private health insurance market to protect consumers from unknowingly paying for the abortions of others.
- Previous legislation would move insurance coverage for elective abortion to separate, supplemental plans.
- Section 1454.052 of the Insurance Code confirms that employers are not required to provide insurance coverage for abortion to their employees.

Special Session Call Item:

School Choice for Special Needs Students

Platform language:

Plank 147: We believe that all children should have access to quality education. We support the right to choose public, private, charter, or home education. We support the distribution of educational funds in a manner that they follow the student to any school, whether public, private, charter, or home school through means of tax exemptions and/or credits.

Delegate vote at convention: Yes: 7,859.62 No: 563.32 (93.31% approval rate)

Platform Breakdown:

- Our platform does not make a distinction between different groups. It promotes access to quality education for all children.
- The platform prescribes a method of school choice in which money is not handled by or filtered through the government.
- The platform opposes increasing subsidies and wealth redistribution.

Background:

- With tax exemptions and/or tax credits, tax money is never given to the government and is not redistributed from one family to another.
- ESAs (Education Savings Accounts) and vouchers require tax money to be given to the government from some and then distributed to others based on criteria established by the state government, which is not consistent with the platform.
- The Texas Constitution (Article 7, Section 1) states:
A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.
- This grants the authority and responsibility of providing for a system of public schools, but it does not grant the same ability to allocate money for private schools, as in ESAs.

Special Session Call Item:

Privacy

Platform language:

Plank 87: We urge the enactment of legislation addressing individuals' use of bathrooms, showers and locker rooms that correspond with their biologically determined sex.

Delegate vote at convention: Yes: 7,623.31 No: 856.4 (89.90% approval rate)

Platform Breakdown:

- Platform language is open-ended.
- The issue is important, and Republicans want some action to be taken.
- This is about more than bathrooms. It is just as much about privacy in public showers and locker rooms (e.g., showers in public schools).
- Do not require that a private business or individual create or provide a custom product or service.

Background:

- This plank is a reaction to Houston's HERO ordinance in 2015 and a FWISD transgender bathroom policy in 2016. Both were rescinded due to citizen response.
- Previous legislation is a response to Obama threatening to pull school districts' funding if they required students to use bathrooms corresponding to their biologically determined sex.
- Some previous legislation included language affirming that governments (including local governments) are prohibited from telling private entities what to do regarding these areas.

Legislative Priorities of the Republican Party of Texas

Background on RPT Legislative Priorities

From the Platform & Resolutions Adopted by the 2016 State Convention of the Republican Party of Texas:

We, the delegates of the 2016 Republican Party of Texas State Convention, call upon the 85th Texas Legislature to:

1. Pass constitutional carry while maintaining licensing as optional for reciprocity purposes.
2. Abolish abortion by enacting legislation to stop the murder of unborn children; and to ignore and refuse to enforce any and all federal statutes, regulations, executive orders, and court rulings, which would deprive an unborn child of the right to life.
3. Prioritize the allocation of funds to effectively secure the border through whatever means necessary, including but not limited to barriers, personnel, and technology over land, sea, and air, because the federal government refuses to secure the southern border of Texas.
4. Call for a limited Article V convention of states for the specific purpose of restricting the power of the federal government, including the implementation of term limits, and balanced budget amendment. Any proposed amendments must be ratified by 3/4 of the states.
5. And to replace the property tax system with an alternative other than the income tax and require voter approval to increase the overall tax burden.

We request the Republican State Chair and the State Republican Executive Committee to utilize reasonable Party resources necessary to promote and support passage. It should be understood that these five priorities are not meant to diminish the requirement for the legislature to address the full platform of planks.

From the Republican Party of Texas Rules:

The Legislative Priorities Committee of the biennial State Convention shall prepare a list of no more than five (5) resolutions defining legislative priorities for the Republican Party of Texas for the session of the Texas Legislature following the Convention. The SREC may adopt up to an additional three (3) legislative priorities. 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.

Three additional priorities from the SREC:

6. Working to advocate for comprehensive school choice in a manner consistent with the RPT Platform.
7. We support denial and/or withdrawal of public funds for entities, public and/or private, not in compliance with immigration laws, including sanctuary cities or campuses.
8. Protect the citizens of Texas from unlawful encroachments on their First Amendment rights, including Constitutional religious liberty and freedom of speech, and as specified in RPT Platform plank 153.

Legislative Priority:

Constitutional Carry

chosen by the 2016 Republican Party of Texas Convention

Priority resolution language:

We, the delegates of the 2016 Republican Party of Texas State Convention, call upon the 85th Texas Legislature to **pass constitutional carry while maintaining licensing as optional for reciprocity purposes.**

Delegate vote at convention: Yes: 6,295 No: 724.9 (89.67% approval rate)

What does it mean?

Any Texan who legally possesses a handgun should be able to carry it, open or concealed, without a permit.

- Repeal the ban on carrying handguns
- Keep the permitting system as an option, for reciprocity and sales

Note: Constitutional carry does not remove the criminal offense for someone who may not legally possess a handgun. In other words, it does not authorize felons or domestic violence offenders to carry handguns. Assault or other crimes with a deadly weapon will still be penalized in the same way as they are currently.

Background

- Currently, those who legally own handguns may carry without a permit on their property (open or concealed) and inside vehicles (concealed).
- 33 states have some form of unlicensed carry outside of one's property or vehicle.
- 22% of the States already recognize constitutional carry.
- Constitutional carry is a long-standing platform plank. It is also the longest-standing priority. At the 2014 convention, it was the only priority and was approved in a majority of SD conventions across Texas.
- Over 75,000 petitions signed by Texans and supporting constitutional carry were presented at the committee hearing this past legislative cycle.
- Texas already recognizes permitless carry for long guns (rifles, shotguns) since there is no ban, fee, or license requirement for carrying them in public.

Crime Reduction

From the Crime Prevention Research Center:

“The five states in 2013 that allowed concealed carry without a permit had much lower murder and violent crime rates than the five jurisdictions with the lowest permit rates. Indeed, the murder rate was 33 percent lower in the states not requiring permits. The violent crime rate was 32 percent lower.”

The Texas Constitution grants authority to the legislature to regulate the wearing of arms with a view to prevent crime. However, there is no statistical data that shows licensing reduces crime by even a fractional amount.

Relevant RPT plank

Plank 150: We strongly oppose all laws that infringe on the right to bear arms. We oppose the monitoring of gun ownership, the taxation and regulation of guns, ammunition, and gun magazines. We collectively urge the legislature to pass “constitutional carry” legislation, whereby law-abiding citizens that possess firearms can legally exercise their God-given right to carry that firearm as well. We call for the elimination of all gun free zones. All federal acts, laws, executive orders, and court orders which restrict or infringe on the people’s right to keep and bear arms shall be invalid in Texas, not be recognized by Texas, shall be specifically rejected by Texas, and shall be considered null and void and of no effect in Texas. Firearms and ammunition manufactured and sold in the state of Texas are not covered under the Commerce Clause (Article I Section 8 of the United States Constitution) and therefore are not subject to federal regulation.

Relevant RPT principles:

#2. The sanctity of innocent human life, created in the image of God, should be protected from fertilization to natural death.

#3. Preserving American and Texas sovereignty and freedom.

#4. Limiting government power to those items enumerated in the United States and Texas Constitutions.

#5. Personal accountability and responsibility.

#8. Americans having the right to be safe in their homes, on their streets, and in their communities; and the unalienable right to defend themselves.

Legislative Priority:

Abolish Abortion

chosen by the 2016 Republican Party of Texas Convention

Priority resolution language:

We, the delegates of the 2016 Republican Party of Texas State Convention, call upon the 85th Texas Legislature to **abolish abortion by enacting legislation to stop the murder of unborn children; and to ignore and refuse to enforce any and all federal statutes, regulations, executive orders, and court rulings, which would deprive an unborn child of the right to life.**

Delegate vote at convention: Yes: 6,187.53 No: 822.4 (88.27% approval rate)

What does it mean?

Completely abolish legal abortion in Texas.

Remove the loophole in the current law that allows mothers and doctors to kill pre-born children.

Ignore federal court rulings or other action that claim abortion is allowable.

Platform Breakdown

Treat abortion as murder.

- Current provisions which allow for abortion are found in the homicide chapter of the Penal Code (Texas Penal Code 19.06; Chapter 19, Criminal Homicide)

Treat pre-born children equal with born children.

- A pre-born child is already defined as an individual person by our laws (Texas Penal Code 1.07(a)(26) and (38))

Act on the authority of the U.S. Constitution without waiting for the Supreme Court.

- Roe v. Wade violates the Constitution
- Waiting for the Supreme Court to overrule itself has not been successful
- We are a government of laws, not men
- Legislators swore oath to uphold U.S. Constitution
- Constitution requires equal protection and no deprivation of life without due process

Background

- Current Texas law makes it a crime to kill a pre-born child, unless the person committing the act is a mother or her doctor.
- The Federal government clearly has no constitutional authority under the 10th amendment to force Texas to allow murder.

- Reversing Roe v. Wade in the courts can not happen without a new law. The Supreme Court will not have an opportunity to overturn Roe v Wade unless a new law that violates Roe is passed and a challenge is adjudicated.
- Roe v. Wade was decided in part because Texas' law at the time made an exception to the law prohibiting abortion if it was done to save the life of the mother.

Relevant RPT planks

Plank 13: The Republican Party of Texas supports the historic concept, established by our nation's founders, of limited civil government jurisdiction under the natural laws of God, and we oppose the humanistic doctrine that the state is sovereign over the affairs of men, the family, and the church. We believe that government properly exists by the consent of the governed and must be restrained from intruding into the freedoms of its citizens. The function of government is not to grant rights, but to protect the unalienable, God-given rights of life, liberty, property, and the pursuit of happiness. Texans should be free to express their religious beliefs, including prayer, in public places.

Delegate vote at convention: Yes: 8,304.28 No: 211.58 (97.52% approval rate)

Plank 14: Federally mandated legislation, which infringes upon the 10th Amendment rights of Texas, should be ignored, opposed, refused, and nullified. Regulation of Commerce in Article I, Section 8 of the Constitution has exceeded the original intent. All attempts by the federal judiciary to rule in areas not expressly enumerated by the United States Constitution should be likewise nullified. Any federal enforcement activities that do occur in Texas should be conducted under the authority of the county sheriff.

Delegate vote at convention: Yes: 7,621.36 No: 862.25 (89.84% approval rate)

Plank 159: Unborn Victims of Violence- We believe a person who injures or kills an unborn child should be subject to criminal and civil litigation.

Delegate vote at convention: Yes: 7,668.89 No: 731.01 (91.3% approval rate)

Relevant RPT principles:

#1. "The laws of nature and nature's God" and we support the strict adherence to the original intent of the Declaration of Independence and the Constitutions of the United States and of Texas.

#2. The sanctity of innocent human life, created in the image of God, should be protected from fertilization to natural death.

#3. Preserving American and Texas sovereignty and freedom.

#4. Limiting government power to those items enumerated in the United States and Texas Constitutions.

Legislative Priority:

Replace the Property Tax

chosen by the 2016 Republican Party of Texas Convention

Priority resolution language:

We, the delegates of the 2016 Republican Party of Texas State Convention, call upon the 85th Texas Legislature to **replace the property tax system with an alternative other than the income tax and require voter approval to increase the overall tax burden.**

Delegate vote at convention: Yes: 6,140.29 No: 846.09 (87.89% approval rate)

What does it mean?

Fully remove the property tax.

The current government functions funded by property tax will be funded by another method determined by the Legislature.

This other method can not be an income tax and needs to be approved by Texas voters.

Background

- Property tax is considered by many Texas Republicans to be the worst, most immoral method of taxation available, or on par with income tax for this distinction.
- Republican delegates and voters want this system abolished, not just reformed. This question was put to Republican voters on the 2016 primary ballot, and 69.5% voted in support. To compare, 62.3% voted in favor of the proposition in favor of denying funding to sanctuary cities.
- No homeowner truly owns their property when that ownership is contingent on the payment of a tax, and those that hit hard times cannot even rely on the shelter they have secured for themselves.
- Consumption-based taxing methods allow people some control over their tax burden because they have the ability to choose what and how much they consume.
- Property valuations are rising at a rapid pace and increasing the overall tax burden on homeowners.
- If a local school district or municipality does not increase the tax rate, the tax burden can still increase if the appraisal district raises property values.
- If we enact only homestead exemptions and appraisal caps, the tax burden can still increase if a jurisdiction raises the tax rate.
- Property taxes have more than doubled over the past 13 years, rising 63% faster than population and inflation combined (ref.: nonpartisan Tax Foundation).

- From 2000 to 2013, property tax levies rose more than 101%, while population and inflation rose just 70% (ref: Texas Public Policy Foundation).
- According to the Texas Comptroller's 2012 report, from 1992-2010 property tax levies increased 263%, while population growth and inflation rose 121%.

Relevant RPT planks

Plank 175: We in the Republican Party of Texas believe in the principles of constitutionally limited government based on Federalist principles. To this end we encourage our elected officials at all levels of government to work to reverse the current trend of expanding government and the growing tax and debt burdens this places on we the people. We believe the most equitable system of taxation is one based on consumption and wish to see reforms towards that end at all levels of government. Furthermore, we believe that the borrower truly is a slave to the lender, and so long as we continue to increase our tax and debt burdens we will never be a truly free people. Towards these ends, we support the reformation of the current systems of taxation at all levels of government: federal, state, and local. Examples of these reforms include the following:

1. Eliminating the Internal Revenue Service (IRS)
2. The "Fair Tax" system
3. A Flat Tax
4. The 1-2-3 No Federal Tax
5. Abolishing property taxes, but in the interim, property taxes should be paid on the price of the property when it was initially purchased.
6. Electing appraisal boards
7. Exempting inventories from property taxes
8. Abolishing estate taxes or the "Death Tax" as it's more commonly known
9. Abolishing capital gains taxes
10. Abolishing franchise and business income taxes
11. Abolishing the gift tax.
12. Discontinuing revenue generating licensing fee

Delegate vote at convention: Yes: 7,818.79 No: 576.42 (93.13% approval rate)

Plank 178: includes: ". . . All elections of personnel responsible for adopting a budget and a property tax rate and all elections involving bond indebtedness shall be held on the November uniform election date and administered by the County Clerk or the County Elections Administrator."

Delegate vote at convention: Yes: 7,615.36 No: 710.81 (91.46% approval rate)

Relevant RPT principles:

#3. Preserving American and Texas sovereignty and freedom

#8. The inalienable right of all people to defend themselves and their property

Legislative Priority:

Comprehensive School Choice in a Manner Consistent with the Platform

chosen by the State Republican Executive Committee

Committee resolution language:

Working to advocate for comprehensive school choice in a manner consistent with the RPT Platform. (Plank #147)

Platform Breakdown

- Maintaining parents' freedom of choice in educating their children is of utmost importance.
- The platform prescribes a method of school choice in which money is not handled by or filtered through the government.
- The platform opposes increasing subsidies and wealth redistribution.

Background

- With tax exemptions and/or tax credits, tax money is never given to the government and is not redistributed from one family to another.
- ESAs (Education Savings Accounts) and vouchers require tax money to be given to the government from some and then distributed to others based on criteria established by the state government, which is not consistent with the platform.
- The Texas Constitution (Article 7, Section 1) states:
A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.
- This grants the authority and responsibility of providing for a system of public schools, but it does not grant the same ability to allocate money for private schools, as in ESAs.

Relevant RPT planks

Plank 117: Local Control for Education-Quality education is best achieved by encouraging parental involvement, protecting parental rights and maximizing local independent school district (ISD) control. District superintendents and staff should be made solely accountable to their locally elected boards. We support sensible consolidation of local school districts. We encourage local ISDs to consider carefully the advantages and disadvantages of accepting federal money.

Delegate vote at convention: Yes: 8,151.34 No: 335.56 (96.05% approval rate)

Plank 147: We believe that all children should have access to quality education. We support the right to choose public, private, charter, or home education. We support the distribution of educational funds in a manner that they follow the student to any school, whether public, private, charter, or home school through means of tax exemptions and/or credits.

Delegate vote at convention: Yes: 7,859.62 No: 563.32 (93.31% approval rate)

Plank 127: The rights of parents to raise and educate their children is fundamental.

1. Parents have the right to withdraw and/or opt-out their child from any specialized program or psychological testing.
2. The State of Texas shall protect, at all costs, the privacy of its students, requiring written parental consent for student participation in any test or questionnaire that survey beliefs, feelings, or opinions.
3. We oppose mandatory pre-school and kindergarten.
4. We oppose teaching of values clarification that focus on behavior modification.
5. Taxpayer rights include the ability to review course materials and curriculum at any time.
6. We urge the legislature to enact penalties for violation of these rights.

Delegate vote at convention: Yes: 7,931.9 No: 537.58 (93.65% approval rate)

Relevant RPT principles:

#1. "The laws of nature and nature's God" and we support the strict adherence to the original language and intent of the Declaration of Independence and the Constitutions of the United States and of Texas.

#7. Having an educated population, with parents having the freedom of choice for the education of their children.

#9. A free enterprise society unencumbered by government interference or subsidies.

Legislative Priority:

Religious Liberties & 1st Amendment Rights

chosen by the State Republican Executive Committee

Priority resolution language:

Protect the citizens of Texas from unlawful encroachments on their First Amendment rights, including Constitutional religious liberty and freedom of speech, and as specified in RPT Platform plank 153.

Plank 153

That legislation at the state and federal level be passed that concretely defines public accommodations as originally defined and understood in the Civil Rights Act of 1964, that it prohibit any expansion of that legal definition by any federal, state or local law to expand government control to restrict any First Amendment rights; and to proscribe any law that requires any private business or individual to create or provide a custom product or service, or any kind of expressive work, or enter into a contract, or be coerced into any speech that is not their own.

Delegate vote at convention: Yes: 7827.48 No: 538.86 (93.56% approval rate)

Background

- This is one of 3 priorities added by the SREC after the delegates' priorities were established at convention.
- The language of this priority is very broad.
- The Legislative Affairs Committee has identified two remaining areas that will enact this priority in its entirety.
 1. Privacy Act (similar to 85(R)'s SB 6)
 2. First Amendment Defense Act (FADA) (similar to 85(R)'s HB 1923)

Those two areas will be addressed separately below.

PRIVACY ACT - also a Special Session call item

Platform language:

Plank 87: We urge the enactment of legislation addressing individuals' use of bathrooms, showers and locker rooms that correspond with their biologically determined sex.

Delegate vote at convention: Yes: 7,623.31 No: 856.4 (89.90% approval rate)

Platform Breakdown:

- Platform language is open-ended.
- The issue is important, and Republicans want some action to be taken.
- This is about more than bathrooms. It is just as much about privacy in public showers and locker rooms (e.g., showers in public schools).
- Do not require that a private business or individual create or provide a custom product or service.

Background:

- This plank is a reaction to Houston's HERO ordinance in 2015 and a FWISD transgender bathroom policy in 2016. Both were rescinded due to citizen response.
- Previous legislation is a response to Obama threatening to pull school districts' funding if they required students to use bathrooms corresponding to their biologically determined sex.
- Some previous legislation included language affirming that governments (including local governments) are prohibited from telling private entities what to do regarding these areas.

FIRST AMENDMENT DEFENSE ACT (FADA)

What:

A governmental entity may not take any adverse action against any person who acts on the sincerely held religious belief or moral conviction that marriage is or should be recognized as the union of one man and one woman or that sexual relationships are properly reserved to marriage.

Examples - FADA is designed to offer protection to people in situations such as these:

- The County Clerk of Hood County, Katie Lang, was sued after she chose to have another government official in issue a same sex marriage license. The same sex couple received the marriage license but still pressed legal action against her.
- Catholic Dallas County Justice of the Peace, Bill Metzger, has been pressured to resign because his Catholic faith tells him that marriage is between one man and one woman, and he chooses to follow this belief at work.
- In East Texas, a woman named Edie Derlome owns Kern's Bakery and has a belief that marriage is between a man and a woman. When that information became public, her son received threats of being violated and that the family's home would be burned down.
- Catholic nuns of the Little Sisters of the Poor recently had to go all the way to the U. S. Supreme Court when federal government chose to punish them for following their religious beliefs while serving the impoverished.
- Bed and breakfast owner and operator in the Texas Hill Country Angela Smith stated that she has been fearful to advertise that her business is open to host weddings because someone may use the government to punish her for her belief that marriage is between one man and one woman.

Please reach out to us at any time and let us know what we can do for you.

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