

SUBJECT: Repealing gender requirements of a political party's executive committee

COMMITTEE: Elections — favorable, without amendment

VOTE: 7 ayes — Morrison, Miles, Johnson, Klick, Miller, Simmons, Wu
0 nays

WITNESSES: For — Bill Eastland; Glen Maxey, Texas Democratic Party (*Registered, but did not testify*; Teresa Beckmeyer; Amy Hedtke, North Texas Liberty Group; Chris Howe)
Against — James Gaston, Texas AFL-CIO

BACKGROUND: Election Code, sec. 171.002 prescribes the composition of a political party's state executive committee. The committee must have a chair and a vice chair, one of whom must be a man and the other a woman.

A U.S. Supreme Court case from 1989, *March Fong Eu, Secretary of State of California, et. al v. San Francisco County Democratic Central Committee, et. al.*, 489 U.S. 214, held that certain restrictive laws in the California Elections Code violated the state political parties' First Amendment rights to free speech. There are concerns that the gender restriction created by sec. 171.002(b) may be unconstitutional.

DIGEST: HB 1866 would repeal the gender requirements in Election Code, sec. 171.002(b).

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.