



Office of the Secretary of State

May 4, 1994

Mr. Paul E. McClintock
8529 Hearth Drive, #23
Houston, Texas 77054

Dear Mr. McClintock:

Reference is made to your letter of April 18, 1994, in which you asked if it would be a violation of the Texas Election Code ("Code") for a political party to provide by rule for the removal of party officers, such as county and precinct chairs. You also asked if it would be a violation of the Code for a county executive committee to actually remove such officers.

A political party is required by the Code to adopt rules prescribing the parliamentary procedure governing the conduct of party meetings from the precinct level to the state level, including the operation of executive committees. Tex. Elec. Code Ann. § 163.002(1)(C) (Vernon 1986). The Code neither specifically requires nor prohibits party rules concerning removal of party officers. The enactment and enforcement of such rules is left to the political party.

We would point out that our office is without statutory authorization to intervene in the internal affairs of state political parties, county executive committees, or precinct conventions.

Texas courts have long held that the right to determine policies and membership of a political party was to be exercised by the state convention of the party and could not be conferred on the state or a governmental agency by the legislature. Carter v. Tomlinson, 227 S.W.2d 795, 798-99 (Tex. 1950); Bell v. Hill, 74 S.W.2d 113, 120 (Tex. 1934). Nor, except to the extent that jurisdiction has been conferred by statute, do courts have power to interfere with the judgments of political parties in matters involving party government and discipline, or to determine disputes within a party concerning the regularity of the election or removal of its officers. Carter, supra; Runyon v. Kent, 239 S.W.2d 909, 910 (Tex. Civ. App.--San Antonio 1951, writ ref'd). A county executive committee of a political party is the judge of the qualifications of its own members, and courts have no jurisdiction to determine such qualifications. Garcia v. Garcia, 334 S.W.2d 621, 622 (Tex. Civ. App.--San Antonio 1960, writ ref'd n.r.e.). Finally, it has been held that county executive committees are basically creatures of state parties and, absent statutory regulation, such committees and the members thereof are subject to party control. Wall v. Currie, 213 S.W.2d 816, 817-19 (Tex. 1948).

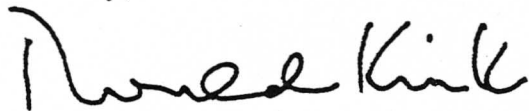
Mr. Paul E. McClintock

Page 2

Based on the foregoing, you are advised that your queries should be directed to the general counsel of the Republican Party of Texas for proper response.

Please contact us if we may be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Ronald Kirk". The signature is written in a cursive style with a large initial "R" and a distinct "K".

Ronald Kirk

RK:AB:id