

89th Legislature

**Advocating for the Green Party and our
candidates**

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Background

Convention-nominating parties

- The Texas Election Code establishes two systems that govern how political parties nominate their candidates to the general election ballot.
 - The duopoly parties nominate by primary election, which is administered and funded by the State of Texas. (Chapter 172)
 - All other parties nominate by convention. (Chapters. 181 and 182)
 - Only parties that have achieved ballot access under Sec. 181.005 have the right to have the names of their nominees placed on the general election ballot - currently, GPTX and the Libertarian Party of Texas.
 - Greens have ballot access until 2034 under Sec. 181.005(c) because our statewide candidate Eddie Espinoza received greater than 2% of the votes in his race last year.

Background

Candidate filing fees

- For many years, the State has imposed candidate filing fees on the duopoly candidates under the rationale that:
 - there is a “compelling state interest” in regulating the number and quality of candidates for nomination
 - and to offset the large expenditure of public money used to administer the primary elections on behalf of the duopoly
 - the duopoly candidates pay the fee or submit petition signatures TO THEIR OWN PARTY
- Prior to 2019, candidates seeking nomination of convention-nominating parties were NOT required to pay a filing fee when applying for nomination. Dozens of Green candidates were nominated and appeared on ballots in preceding years.

Background

Candidate filing fees

- However, in 2019 the legislature passed HB 2504 which imposed the filing fee scheme on to convention-nominating parties and the Governor signed that bill into law.
- This bill also changed the ballot access threshold under Sec. 141.041(c) and put GPTX back on the ballot.
- Greens and Libertarians seeking nomination to the 2020 ballot where now forced to pay a filing fee TO THE STATE or submit petition signatures in lieu of fee...even though the State does not administer our nomination process. This law has had the effect of heavily suppressing the number of potential candidates, with many citing their inability to pay the fee.

Background

Candidate filing fees

- Most Green and Libertarian candidates that year did not comply (did not pay the fee) and since the law had no enforcement mechanism, most were allowed on the ballot.
 - Three statewide Democrat nominees sued our three statewide Green nominees that year but eventually lost when the Texas Supreme Court ruled in our favor citing that “the public interest is best served...” when voters have choices on their ballots in “fair and vigorous elections” and that interest superseded any technicality that would result in candidates being declared ineligible due to ambiguous enforcement of the filing fee requirement.
- Subsequently in 2021, the legislature passed a new law that enforced the collection of the filing (or petition in lieu of fee) and mandated that the Secretary of State declare ineligible any candidate who did not pay the fee (or submit valid number of petition signatures).
 - Other lawsuits followed, including a recent federal lawsuit (Miller v. Nelson - our own Laura Palmer was also a plaintiff) that sadly ended at the Supreme Court last week after the Court refused to consider the case.

Current status

New legislation could help fix things

- The current filing fee scheme not only suppresses our party's ability to recruit candidates by essentially placing a price tag on electoral participation but those candidates who do successfully raise the fee are forced to pay the money to the state (draining an already-shallow well of Green donors). We do NOT believe that only affluent and well-connected people should be able to run for office. **The ballot belongs to the people and Greens are staunchly opposed to any law that keeps poor, working class, marginalized people out of the political system.**
- SB 2197 (Johnson) and identical companion bill HB 4309 (Bucy) would not change the filing fee requirement (which we still consider unjust) but would change WHO gets paid.
 - These bills would require that the filing fee or petition in lieu of fee be submitted to the state chair of the party, meaning GPTX would get to keep any money paid as a filing fee which could amount to several thousands of dollars each election year, far exceeding the party's current receipts from small dollar donations. This would also mean that when we help our candidates raise the money to pay the filing fees we are also helping fundraise for the party itself. And the party would democratically administer the use of those funds, allowing us to grow and strengthen across the state.

But, Julián, why should we care?

Aren't there more important bills we should focus on?

- Thousands of bills get filed each legislative session; lots of bad bills, some good bills, covering nearly everything under the sun. Most bills never make it through both chambers, most never make it to the Governor's desk, and unfortunately lots of bad bills become law every two years.
- As Greens we care about a lot of issues and we want to fight the bad bills and support the good ones. We absolutely want folks to advocate for and against bills that are important to us no matter the issues. We have a list!
- The reality however is that few people care about grassroots democracy like we do. While there are plenty of groups (that have more money and more staff and more volunteers than we do) that are working on issues important to us...
 - NO ONE, not LWV, not MOVE, not TOP, not TCRP, really fights for fair ballot access and multi-party democracy the way we do so that all voters regardless of political persuasion have more choices on their ballots and not less. No other group is encouraging working class candidates to run for office outside of the duopoly except for Greens and actually making that happen STILL despite all odds.
 - Our existence is resistance against the hegemonic system. If not us, who? If not now, when?

We need this bill to pass

All hands on deck

- SB 2197 is currently assigned to the Senate State Affairs Committee but has not been scheduled for a public hearing
 - In order to move forward the bill must be heard in committee, the public will be allowed to testify in person for, against, or on the bill, and senators can ask questions of witnesses.
 - In conjunction with LPTX we are mobilizing people to petition the State Affairs committee members so that this bill gets scheduled for a hearing and that the committee report favorably on this bill and send it to the full Senate for passage.
 - This bill is a reasonable change to the law that centers fairness and makes everything the same for all parties.

What can we do?

Actions to take now

- If your senator is a member of State Affairs:
 - Call their Austin and district offices and speak to a real person
 - Tell them you want SB 2197 scheduled for a public hearing
 - Call them every day
 - Request a meeting with a staffer in person at the district office
 - Great opportunity to learn the names of staffers and develop a relationship
 - Emails do not have a significant impact; they're too easy to ignore.
 - Legislators listen to real people especially constituents.
 - Tell other voters in your district to support this bill and call in to the senators office
 - Collect petition signatures (LPTX is leading those efforts) from voters in your district. LPTX's Legislative director will be hand delivering petition signatures to senators in Austin.

What can we do?

- If your senator is not a member of State Affairs:
 - It still helps to call them and voice your support for this bill.
 - Legislators have to listen to constituents; most people never talk to their legislators, so by calling in or showing up, you are making a serious statement that you care about the issue.
 - Call your senator and visit their district office if possible. Develop a relationship.

What can we do?

And what will we commit to doing?

- What ideas do we have to pass this bill?
 - Outreach on social media
- What is each of us willing to do to help in these efforts?
- Questions or concerns?
- TLO - tracking bills
- Watch the livestreams - Senate ; House