

★PRACTICING★ TEXAS POLITICS

FIFTH EDITION



Jones/Ericson/Brown/Trotter

★ Practicing Texas Politics ★

★ Fifth Edition ★

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HOUGHTON MIFFLIN COMPANY • BOSTON
DALLAS GENEVA, ILLINOIS HOPEWELL, NEW JERSEY
PALO ALTO LONDON

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Printed in the U.S.A.

Library of Congress Catalog Card Number: 82-81521

ISBN: 0-395-32793-8

★ Preface ★

Practicing Texas Politics, Fifth Edition, is designed primarily for use in college and university courses in Texas state government. Because classroom experience indicates that students benefit doubly from a combination of text and related readings, this extensively revised fifth edition follows the basic plan of previous editions. Content is divided between text material written by the four authors and readings selected from books, newspapers, magazines, and government documents, and from previously unpublished articles that were prepared especially for *Practicing Texas Politics*.

A new chapter on interest groups has been added; other chapters have been extensively rewritten. Ninety percent of the readings are new, and each reading begins with an introductory statement intended to prepare readers for what follows. Maps, tables, diagrams, photographs, and cartoons illustrate graphically or quantitatively some matters of special importance. A list of key words and concepts at the end of the text section in each chapter serves as a guide for review.

A selected bibliography lists more than three hundred entries, most of which were published in the early 1980s. Other source materials are cited in notes at the end of each chapter. A detailed index enables the reader to locate information contained in both text and selected readings.

With this edition, coverage of developments in Texas government extends nearly to 1983. In addition to a review of the first Republican governorship since the Reconstruction era, this edition covers the 1982 primaries and elections; redistricting based on the 1980 census; the 67th session of the Texas Legislature; and the latest developments in Texas law, justice, and judicial administration. Other new topics covered in the fifth edition include a critical examination of Texas campaign financing and a detailed analysis of recent state budgetary changes resulting from President Reagan's New Federalism.

We are indebted to many fine professionals who have assisted us in preparing this edition of *Practicing Texas Politics*. Journalists, state and local officials, librarians, and friends aided in collecting and refining the information we needed to complete our task. The following political scientists who read all or parts of the fifth-edition manuscript provided many useful comments and suggestions for which we are grateful:

Lynn Brink
North Lake College

Mary Hanna
Whitman College
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Jesse Horton
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Rodolfo Ibarra
Laredo Junior College

Mary R. Mattingly
Texas A&I University

Neale Pearson
Texas Tech University

David Robinson
University of Houston

M. Theron Waddell
Galveston College

A vote of thanks is extended also to the staff of Houghton Mifflin Company, and, as ever, we continue to be indebted to secretaries who have typed and retyped manuscripts and to our understanding wives. Last, and most important, we rededicate this edition to Texas college and university students who, we hope, will continue to be the chief beneficiaries of our work.

Eugene W. Jones
Joe E. Ericson
Lyle C. Brown
Robert S. Trotter, Jr.

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be mailed to the voter until the official absentee voting period begins. Those who make application from outside the county of their residence may vote absentee by mail; but if they are in the county during the period for absentee voting, they must vote absentee in person.

The county clerk's office (or office of election administration if one has been established in the county) conducts the absentee balloting for all elections and party primaries except city and special district elections. In more populous counties, the clerk's office accommodates absentee voters by maintaining branch offices during the absentee voting period. For municipal elections, absentee voting is conducted by the city clerk or secretary; and for special district elections, the governing board of the district designates a clerk to conduct absentee voting.

Special Elections

In Texas, *special elections* are nonpartisan with no party designations on the ballot. Special elections are held to fill vacancies in state legislative and congressional offices, to consider proposed amendments to the Texas Constitution, to vote on local bond issues, and on occasion to elect members of city councils and school boards. Vacancies in state judicial and executive offices are filled by gubernatorial appointment. Applications to obtain a place on a special-election ballot must be filed with the secretary of state for state or district offices and with the city secretary for municipal offices. If no candidate obtains a majority in the special election, a run-off election must be conducted in order to obtain a winner. Candidates participating in the run-off are the two contestants in the first special election who obtained the largest number of votes.

Administration of Elections

The Texas Constitution empowers the Legislature to provide for the administration of elections. Aside from making the secretary of state the chief election officer of the state, the Legislature leaves most administrative duties to the counties.

Voting Precincts The basic unit for conducting national, state, district, and county elections is the *voting precinct*. Created by the county commissioners court, these relatively small geographic areas number about six thousand in the state. Usually, a precinct is composed of no fewer than one hundred and no more than two thousand voters as of the preceding presidential general election. But counties of fifty thousand or fewer may have precincts with a minimum of fifty voters, and counties using voting machines or electronic voting devices are permitted to have precincts with a maximum of three thousand registered voters. There must be at least one voting precinct

in each of the four commissioners precincts from which county commissioners are elected. Election precincts for municipal elections are designated by the governing body thereof. A city may form a precinct by combining two or more county election precincts.

Election Officials Various county and political party officials participate in the administration of elections. The county clerk (or election administrator if the county has appointed one) prepares general- and special-election ballots based on the certification of state and district candidates by the secretary of state. Local candidates are certified and their names are placed on the ballot by the county clerk or election administrator. The *county election board* consists of the county judge, the county clerk, the sheriff, and the chairmen of the two major political parties. It selects polling places, prints ballots, and provides supplies and voting equipment. The county commissioners court (the county judge and four commissioners) appoints one election judge and one alternate judge to administer the election in each voting precinct, officially canvasses election returns, and determines boundary lines of voting precincts based on population. The commissioners court also appropriates funds to cover the costs of ballots, voting machines, and supplies, and to pay the election officials for their labor.

Democratic party majorities on most county commissioners courts in the state can be expected to name Democratic precinct chairmen to serve as precinct election judges. In turn, each election judge selects clerks needed to assist in conducting general and special elections. The Texas election code prescribes that, where practicable, clerks shall be selected from different political parties. The code specifies that the county chairman of each of the two major parties may submit to the precinct judge the names of "two eligible nominees who are members of that party," and the election judge is required to appoint at least one from each list. In large precincts where paper ballots are used, a dozen or more clerks may be employed. As a rule, all clerks but one will be members of the precinct judge's party.

Vote Counting Many precincts continue to use paper ballots, which must be counted by hand. This manual counting operation, when compared with use of mechanical or electronic voting devices, requires more clerks, is more subject to error, and is more likely to delay reporting of election returns. Voting machines automatically count each vote as the ballot is cast. If the punch-card device is used, ballots can be electronically counted as soon as the polls close. Purchase of mechanical or electronic voting equipment requires an outlay of county funds, and the mechanical type is bulky, hence costly to store. Only more heavily populated counties have been willing to make necessary expenditures for mechanizing the voting process. Once such equipment is purchased, however, the cost of conducting elections is reduced. Election officials are paid on the basis of the national minimum wage rate.

In a precinct using paper ballots, payment to ten officials working twelve hours on election day would be about \$400. If mechanical devices are used, however, this labor cost might be reduced by over half.

Where paper ballots are used, a candidate may request a recount of the ballots cast in any precinct if the difference in the number of votes received by the requesting candidate and the number received by the next highest candidate is less than 5 percent of the total. A candidate may also petition for a recount if the secretary of state certifies that an original counting error involved enough ballots to change the result of the election in favor of the petitioning candidate. Third, a candidate who does not receive the greatest number of votes may obtain a recount if less than one thousand votes were cast for all candidates for the office. To obtain a recount, however, a petitioner must deposit \$10, or \$3 if voting machines are used, with the county canvassing board (composed of members of the county commissioners court) for each precinct involved. If an error is insufficient to alter the outcome, the petitioner must pay the cost of the recount.

Bilingual Requirements The Texas Legislature anticipated the intent of Congress to amend the Voting Rights Act of 1965 by including Spanish-speaking citizens in the act's coverage and to extend such coverage to Texas. Thus, in 1975, the state's lawmakers enacted a *bilingual voting law*. The new statute requires that registration and election materials be printed in both English and Spanish. The bilingual requirement applies to each county in which 5 percent or more of the inhabitants are of Spanish origin or descent. In such a county, the following forms must be printed in both languages: ballots; instructional materials; affidavits and other forms that designated voters are required to sign; all registration materials, including voter application forms; voter registration certificates; and all materials pertaining to absentee voting. This bilingual requirement extends to all general, special, and primary elections in those counties affected.

The Politics of Parties

When Texas entered the Union, party government in the United States was already fifty years old. To most people, a democracy without political parties is inconceivable. Such organizations are an integral part of the total political system in Texas as in the other states. Parties serve as essential instruments for selecting public officials. In the pursuit of their major objective—obtaining control of the government through popular elections—parties must inform people about issues and candidates.

A basic characteristic of democratic societies is freedom of political party organization and operation, and this above all else sets democracies apart

from more authoritarian systems of government. The United States has had a national two-party system since 1800. In general, minor parties have been unable to survive long enough to gain a permanent foothold, though the Republican party emerged from minor to major party status just before the outbreak of the Civil War. The founding of the two major parties, Democratic and Republican, is traditionally traced to Thomas Jefferson and Alexander Hamilton, respectively.

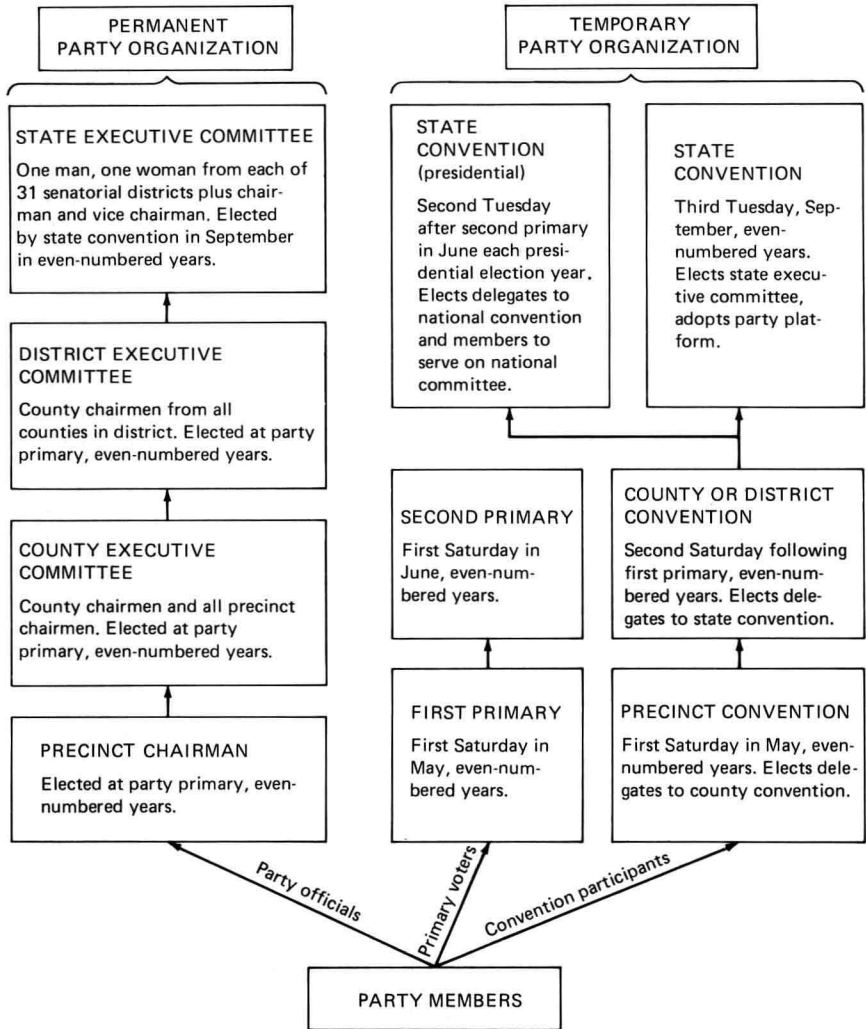
American political parties are structured on four levels: national, state, county, and precinct. In part, this is in response to the federal arrangement of government in the United States. On these four levels, the two major parties together have 2 organizations on the national level, 100 on the state level, approximately 6,100 on the county level, and about 300,000 on the precinct level. This multiplicity of party units is in itself not too different from party structures in other countries. What is remarkable is the autonomy of each unit. They are so loosely joined that each is free to make decisions as it sees fit, including which candidates and issues to support. No orders are handed down from the top. Each higher-level organization must try to maintain cooperation at the lower levels through agreements in pursuit of common goals. The former cannot command because there are few, if any, sanctions available to force compliance. The complete absence of control from top to bottom in the American party structure is such that any single unit, if it chooses, may even agree in conference to support the candidate of the opposing party—an action that occurred in the Texas Democratic party on the state level in the presidential election of 1952.

Texas political parties are part of the loose, nonhierarchical structure that sharply distinguishes American parties from those of other countries. Yet Texas party identity is quite different from that of parties in many other states. From the Civil War until recently, Texas, like the other Confederate states, has had a one-party system (that is, a strong Democratic party and a weak Republican party). Within the Democratic party, however, significant conservative and liberal factions have developed.

Party Structure: Temporary Organization

The two major parties in Texas are similar in organizational structure, if not quite alike in philosophy. Each has a permanent and a temporary organizational arrangement. (See Figure 3.6.) The *temporary party organization* is composed of primaries and conventions. It comes into being for a few hours or a few days and then is dismantled until called into existence two years later, in a manner depending on the level of government involved. The direct primary, for example, is organized for one day (two days if there is a run-off primary) to enable a party to nominate its candidates. Conventions, on the other hand, are generally used on state and local levels to conduct any party business (that is, to select party leaders and determine party policy). On the

FIGURE 3.6
Texas Political Party Organization



national level, conventions are held every four years to select candidates for president and vice president of the United States.

Precinct Conventions At the bottom of the temporary party structure is the *precinct convention*, which in Texas meets biennially on first-primary election day, the first Saturday in May. Both the Democratic and Republican parties hold conventions in almost all the voting precincts in the state. Al-