



OFFICE OF THE SECRETARY OF STATE

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July 29, 1982

Mrs. Wayne A. Rath
Permanent Republican
Convention Chairman
26th Senatorial District
227 Springwood Lane
San Antonio, Texas 78216

Election Law Opinion DAD-43
Re: When must a state
convention delegate meet
a political party's
membership requirements.

Dear Mrs. Rath:

This opinion is in response to your May 18, 1982 letter.

This official election law opinion is rendered by me as chief election officer of the state in accordance with V.A.T.S. Election Code, art. 1.03, subd. 1.

In your letter, you asked whether an individual may be elected as a state convention delegate if he did not vote in the general primary election but would vote in the runoff primary election.

In order to answer your question, one must begin with the qualifications for state convention delegates. State convention delegates must be qualified voters residing within the territory they are selected to represent and must be affiliated with the party as prescribed in Article 13.01a. *Id.* at art. 13.34(c). Article 13.01a, subds. (1) and (3), provide that party members, in order to participate in conventions and to be selected as delegates, must have become qualified members by voting in elections of the party or as otherwise provided.¹ The individual must, therefore,

¹The alternative qualification procedures authorized in Article 13.01a(5) do not pertain to the major political parties.

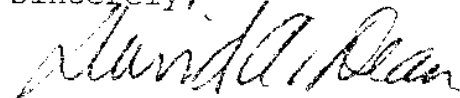
vote before the county/senatorial convention in order to satisfy the requirement of party affiliation for purposes of becoming a state convention delegate.

The general primary election is held on the first Saturday in May. Id. at art. 13.03. The delegates to the state convention are selected at the county/senatorial conventions held on the second Saturday after the general primary election day. Id. at art. 13.34. The runoff primary election is held on the first Saturday in June. Id. at art. 13.03. Therefore, in order to have become affiliated with the party as of the date of the county/senatorial convention, an individual must have voted in the general election primary. Voting in the runoff primary election would not suffice for purposes of becoming a qualified member in time for the county/senatorial convention.

SUMMARY.

The party membership qualification for state delegate selection purposes must have been satisfied at the time of the county/senatorial conventions. It is satisfied when the individual votes in the elections of the party. The only election of the party held before the conventions is the general primary election, therefore, in order to qualify as a party member for state delegate selection, one must have voted in the general primary election. Voting in the runoff primary election would not suffice.

Sincerely,



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Secretary of State

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APPROVED:
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