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“Educating and motivating citizen engagement in all levels of government.”

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Greetings Citizen Advocates!

People often ask me where they can find the voting record for their Texas legislator. Especially at election time, it's important to know how your incumbent elected representatives have behaved in the past. However – there are so many things that happen before the vote is even taken that we should be paying attention to. These things tell the true tale of where the legislator stands, and whether their priority is serving the people of Texas, or serving leadership and their own career advancement.

Are you aware of all the things our legislators do to hide their true behavior? Last year I developed a new workshop that I call "Games People Play". I thought it might be helpful to share with y'all, some of the games and gimmicks that are used to hide behind the truth. Consider these things as you make your voting decisions during the next few weeks. Early voting starts on Feb 20, and election day is March 5. Choose wisely!

### **Gimmick #1 – Introducing a bill**

Anyone can write a bill. Literally, anyone. The challenge is getting a legislator to file it and champion it in the House or Senate. The truth is that

most bills are thought up by lobbyists and special interest groups who have the resources to find members to file them. Very few bills filed are based on party platforms, or constituent ideas.

Sometimes, when an unpopular colleague files a bill, a representative will work against it and claims it's a bad idea. Then in a future session that representative files the same bill with his name on it, and champions it because it's his idea. The flip side of that is the representative who will write a good bill, but let another (more popular) member file and carry the bill so that it has a chance. You might be surprised at how many good bills don't get traction, because it's not authored by one of the cool kids.

### **Gimmick #2 – Drafting a Clean Bill**

Most bills go through the Legislative Council process. This is a group of lawyers hired by House and Senate to review bills to make sure they are compliant with existing law, and all the wording is sufficient and appropriate, and that the language is such that there are no obvious points of order. While Legislative Council approval is not required, most Committee Chairs will not accept a version that is not vetted by Lege Council.

BUT... in reality, some legislators will purposely place or leave a point of order as a fail-safe, so they can kill their own bill if it becomes necessary. Of course, they would never want you to know they are killing their own bill! A deliberate poison pill lets them look like they're working for the issue, when they have no intention of supporting it, and can blame someone else for killing it.

### **Gimmick #3 – Kill it in Committee**

After 1<sup>st</sup> reading, bills are assigned to committees. The Committee Chair decides whether or not to hold a public hearing on the bill. Keep in mind that ZERO legislation gets to 2<sup>nd</sup> reading by the whole body without first going through the committee process. So, this step is probably the most important one and the best opportunity for activists to speak out about the bill, but also the best opportunity for opposition to kill it.

Most legislation is decided by the Committee before hearings are held. It is rare that testimony in a hearing sways opinion, but it does happen! Bills can

be killed in committee in various ways.

- The bill can be assigned to a committee with a chair who will do the bidding of leadership (Democrat Chairs!), or assigned to an obscure committee that doesn't normally consider that type of issue. Example: assign an education bill to the Health Committee.
- During committee consideration, the language for one bill can be completely substituted for the language of another bill. Poof! SB4 becomes HB7 in disguise! (and SB4 is dead)
- Even if the bill gets a hearing, and reports favorably, the Calendars Committee can kill it through the scheduling mechanism by placing it on a calendar that will never be heard.

#### **Gimmick #4 – Floor Action/Protect the Members!**

After a bill has first reading, and goes through the Committee process, and gets scheduled by the Calendars Committee, it goes to 2<sup>nd</sup> reading in the respective chambers. This is where debate happens, points of order are raised, questions are answered and a lot of BS gets spewed out of the mouths of the members. If the bill passes to 3<sup>rd</sup> reading, it is generally passed without amendment. Bills have died or been amended on 3<sup>rd</sup> reading but it is rare.

The thing to remember is that *leadership protects the members from taking hard votes*. They would rather not have to go on record for controversial issues like gun rights, child gender mutilation, election integrity. Leadership knows this, and does things to protect them from taking a record vote.

Most of the time votes are whipped before floor debate even begins. In the Senate, the Lt Governor doesn't schedule a bill for 2<sup>nd</sup> and 3<sup>rd</sup> reading unless he knows he has the votes to pass it. In the House, the Speaker can influence things as he handles questions, parliamentary inquiries and points of order. The Speaker of the House also helps members who need a PR boost by allowing them to carry popular Senate bills in the House. Good example of this is SB7 (88<sup>th</sup> 3<sup>rd</sup> Special), the Mayes Middleton bill to ban employer requirements for Covid vaccines. Jeff Leach, who faced criticism for impeaching AG Paxton, was allowed to carry this very popular bill in the

House. Leach then took complete credit for the bill on social media, saying, “The House overwhelmingly passed **my** legislation providing the nation’s strongest protections against COVID vaccine mandates”

Did you know that House Representatives can change their vote after the fact? It is not really a change in vote, because the original vote stands, but they can express a different opinion in the journal, and then go back home and say I voted yes on this bill, when they actually voted no. The original vote is what matters, so if a bill passes by one vote, and a representative puts in the journal record he intended to vote the other way, it does not change the outcome. The bill still passes, but it’s a clever way for them to be able to walk both sides of an issue.

Of course, all these floor action gimmicks are designed to avoid accountability, so it’s important that activists are aware of what is really going on. Accountability is what we’re all about, but you have to pay attention. God is in the details!

### **Gimmick #5 – Conference Committee**

When a bill passes one chamber, then passes in the other chamber with amendments, the originating chamber has to reconsider the bill with amendments. If they concur, then the bill is sent to the Governor. If not, it goes to Conference Committee. The Conference Committee is 5 members from each chamber who are tasked with working out the differences. This means that only 10 people are deciding the fate of the bill. They can’t outright kill it but they can make significant changes to the language that completely changes the intent of the bill.

A good example of this is the Prop 2 Constitutional amendment that was on the ballot in 2021. TTP and 2 other groups sued the Secretary of State over the language of that proposition, because the phrase “to be repaid with ad valorem taxes” was taken out of the language at the last minute by the Conference Committee. Why? Because they knew it would not pass with the language in there.

### **Gimmick #6 – “We Ran Out of Time”**

Don’t ever believe this excuse! If they ran out of time, it was deliberate. The

Senate once passed a bill start to finish in 4 hours! SB2142 in the 87<sup>th</sup> Regular session was written, filed, heard in committee, and passed in 4 hours flat. I have the complete timeline of that process if anyone is interested. The clock is not our enemy, it is their best excuse for not delivering on promises.

### **Gimmick #7 – “I Fought Hard for That Bill” (no you didn’t!)**

Some people file the bill, and then go to their colleagues and get help to kill it. That way they can say “I tried!”. They do these things for each other – you help me, I’ll help you next time. Republicans often use this tactic to blame Democrats for killing bills. I read one example where a rep signed on as co-author to a bunch of priority legislation late in May, (days before the end of session) knowing that the bills would never reach a vote before the session ran out. But because he signed on to the bill, he can brag about supporting issues he never had any intention of supporting.

### **Gimmick #8 – “You Just Don’t Understand!” (yes we do!)**

We are constantly being told that we don’t understand how things work in the legislature. (Uh.... Pretty sure we do!). Or, it’s complicated. (Uh.... No it’s not). Or they have to get along with colleagues if they want to get anything accomplished. There’s getting along with others, and then there’s compromising your principles. Some of them have not learned the difference.

### **Let The Bragging Begin! (Silly Season is Upon Us!)**

After all these gimmicks are employed to fool us, the bragging will begin on the campaign trail. And you’ll hear that often repeated phrase.....”**Most conservative session ever!**”. A few examples – there’s the one about Leach mentioned above taking full credit for banning Covid vaccine mandate bill that was Mayes Middleton's bill. I found a social media post from Charlie Geren that says, “Authored removal of illegal immigrants”. It’s talking about HB4 which had not passed at the time the poster was made (it passed later in a special session). Geren had another one claiming he “shut down the woke agenda”. What do you think? Is the woke agenda shut down?

Then there’s my favorite brag from Rep. Justin Holland

4:37



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Rep. Justin H...  
@justinaholl...

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Nobody (in real TX politics) cares about the SREC or its chair. It's a defunct organization and needs a total re-haul from the top down. Local parties are AWOL. It's a mess. The good news is that they are all irrelevant and have no local/state respect. We can win without them.

4:14 PM · 16 Jun 23 · 687 Views

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Rep Holland doesn't need the grassroots! He voted with Democrats 25% of the time on contested votes, and he changed his votes in the Journal records 67 times. Let's prove him wrong on March 5th!

This message has gone on way too long, and I commend those of you who read the whole thing! But I want you to be prepared for the games people play in the Texas legislature because the next session starts sooner than you think, and the primary election starts next week. So pay attention to what your reps are doing, and don't let them get away with the gimmicks and games.