

Resolution No. \_\_\_\_

Submitted by: Joe K. Longley (SBN 00000114)

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WHEREAS, in 2021 the State Bar of Texas consists of over 106,000 active members of diverse political thought and philosophies, and

WHEREAS, since its enactment in 1939, the State Bar Act has provided State Bar Members with unique powers of self-governance which include annual statewide membership elections for President-elect positions for the State Bar as a whole; and the Texas Young Lawyers Association, and

WHEREAS, the President-elect for each of these groups serves a three-year term on the State Bar Board of Directors--which is the *governing body* for the State Bar, and

WHEREAS, a question has arisen regarding potential age discrimination by the State Bar in the conduct of the annual TYLA election to choose the TYLA President-elect, and

WHEREAS, House Bill 2393 has been introduced by State Representative Yvonne Davis of Dallas, and Senate Bill 891 has been introduced by State Senator Sarah Eckhardt of Austin to prohibit any form of voter discrimination in any election conducted, or directed by, the State Bar, and

WHEREAS, these two measures also seek to promote greater member participation in the self-governing process by allowing easier nomination of State Bar members through the petition process, then

THEREFORE, BE IT RESOLVED by the General Assembly of the State Bar of Texas at its 2021 Annual Meeting that:

1. The State Bar extends its gratitude to Representative Yvonne Davis and to Senator Sarah Eckhardt for attempting to provide even better mechanisms for self-governance within the State Bar, and further
2. The State Bar shall publish this Resolution in the *Texas Bar Journal* to thank these outstanding public servants for their efforts to increase member participation in State Bar elections.

By: Davis

H.B. No. 2393

A BILL TO BE ENTITLED  
AN ACT

relating to State Bar of Texas elections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 81.019, Government Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) Except as provided by Subsections [~~Subsection~~] (c) and (d), the officers shall be elected in accordance with rules for the election of officers and directors prepared and proposed by the supreme court as provided by Section 81.024.

(c) The election rules must permit any member's name to be printed on the ballot as a candidate for president-elect if a written petition requesting that action and signed by at least 500 active members [~~five percent of the membership~~] of the state bar is filed with the executive director at least 30 days before the election ballots are to be distributed to the membership.

(d) The election rules must permit electronic signatures on a written petition submitted as provided by Subsection (c).

SECTION 2. Subchapter B, Chapter 81, Government Code, is amended by adding Section 81.0243 to read as follows:

Sec. 81.0243. VOTING DISCRIMINATION PROHIBITED; INJUNCTIVE RELIEF. (a) Voting discrimination based on religion, age, sex, race, color, creed, or national origin is prohibited in any form by members of the state bar in elections under this chapter.

(b) A person may bring an action for injunctive relief against a member of the state bar who appears to be violating or is threatening to violate Subsection (a). Venue for the action is a district court in Travis County. The person may recover reasonable expenses incurred in obtaining injunctive relief, including court costs and attorney's fees.

SECTION 3. As soon as practicable after the effective date of this Act, the Texas Supreme Court shall adopt the rules necessary to implement the changes in law made by this Act.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.



By: Eckhardt

S.B. No. 891

A BILL TO BE ENTITLED  
AN ACT

relating to State Bar of Texas elections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 81.019, Government Code, is amended by amending Subsections (b) and (c) and adding Subsection (d) to read as follows:

(b) Except as provided by Subsections ~~[Subsection]~~ (c) and (d), the officers shall be elected in accordance with rules for the election of officers and directors prepared and proposed by the supreme court as provided by Section 81.024.

(c) The election rules must permit any member's name to be printed on the ballot as a candidate for president-elect if a written petition requesting that action and signed by at least 500 active members ~~[five percent of the membership]~~ of the state bar is filed with the executive director at least 30 days before the election ballots are to be distributed to the membership.

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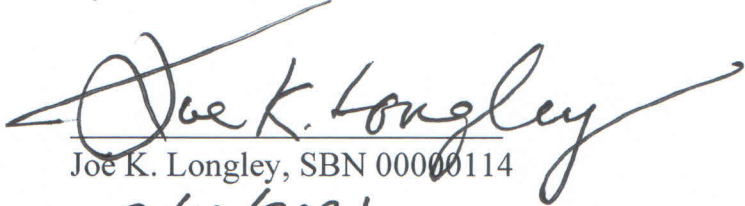
STATEMENT BY PROPONENT, JOE K. LONGLEY,  
OF COMPLIANCE WITH SBOT POLICY MANUAL

Section 1.19.06(A)(1)

Copies of HB 2393 and SB 891 (referred to in the proposed Resolution) are attached hereto.

Section 1.19.06(A)(2)

The proposed Resolution has not been approved by any local bar association or by any section or committee of the State Bar. The proponent, Joe K. Longley, (licensed December 10, 1969), has no knowledge of any prior submission of any substantially similar resolution, and therefore states on over 51 years of information and belief, that no action has ever been taken on a similar Resolution by the annual meeting resolutions committee, the general assembly, and the Board.

  
Joe K. Longley, SBN 00000114  
3/10/2021

**JKL BILL ANALYSIS HB 2393/SB 891**  
**(“Fairness in State Bar Elections Act”)**

Section 1 of HB 2393/SB 891 reduces the number of petition signatures required to nominate candidates for the Office of President-elect of the State Bar of Texas from approximately 5300 *actual* signatures down to minimum of 500 actual or *electronic* signatures. This change is made to encourage more participation by active bar members within the structure of self-governance as provided by the State Bar Act. (Originally adopted in 1939).

This reduction *equalizes* the minimum number of signatures required at 500 for any active member seeking nomination as a candidate for either President-elect of the State Bar of Texas *or* President-elect of the Texas Young Lawyers Association [“TYLA”].

Section 2 *prohibits* any form of voter discrimination in State Bar elections based upon religion, age, sex, race, color, creed, or national origin. It likewise provides an enforcement mechanism which allows injunctive relief lawsuits to be filed exclusively in Travis County—the State Bar’s principal place of business.