

COMMENTARY

VanDyke: You do have a voice in the speaker's race

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Perhaps you thought the election season was over. Think again.

The election that most affects the daily lives of Texans is still to come. On Jan. 13, the members of the Texas House of Representatives will elect from their midst the new House Speaker, arguably the most powerful and influential person in Texas politics.

This year's speaker's race will be different than past races for several reasons. It is common knowledge that, unlike in past years, this election looks to be very close and hotly contested.

Much less publicized, however, is a recent judicial decision that struck down a decades-old law and radically expanded the influence that ordinary Texans can have on this key leadership decision.

For more than 35 years, Texas residents were effectively shut out from speaking on who should be speaker. Texas law banned any meaningful expenditures by individuals or grass-roots organizations to advocate for or against any speaker candidate.

Only two exceptions existed: First, speaker candidates themselves could spend unlimited sums. Second, individuals were allowed to make unlimited donations to the speaker candidates themselves. Effectively, Texas law permitted only speaker candidates and their wealthy contributors to opine on who should run the House.

This year, a diverse coalition of groups including the Free Market Foundation, the ACLU of Texas and the Texas Eagle Forum challenged the Texas laws in federal court. These groups argued that the draconian provisions, which allowed unlimited influence by politicians and wealthy individuals, but muzzled ordinary Texans and grass-roots organizations, violated the First Amendment.

Two different federal judges agreed and found the laws unconstitutional.

For the first time in decades, all Texans are free to voice their opinions about the various speaker candidates without violating Texas law.

However, the last chapter in the story remains unwritten. To work, democracy depends on the willingness of ordinary citizens to make their voices heard.

Whether individually or together, Texans have an opportunity between now and Jan. 13 to help decide who will be the next Speaker of the Texas House.

Speak up.

VanDyke, a Dallas lawyer, was the lead attorney for the plaintiffs challenging the Texas speaker's law.