

Uvalde, Border Troubles, and a Landmark Court Ruling: Top Texas Political Stories of 2022

Here's a review of the top stories in Texas politics this year.

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Left to right: Robb Elementary School Memorial Site (DHS Photo by Benjamin Applebaum); Border Wall near McAllen, Texas (U.S. Customs and Border Protection photo by Jerry Glaser); and the U.S. Supreme Court Building (Photo by Joe Ravi, CC-BY-3.0).

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Relative to its immediate predecessor, this year maintained a much calmer annum in Texas politics. Instead of the knock-down-drag-out policy fights featured during the regular session and subsequent specials, this year's focus centered on the primary and general elections.

November 8, 2022 was a good night for Texas Republicans, especially those at the statewide level. Headlined by Gov. Greg Abbott’s 11-point win over Democrat Beto O’Rourke, each of the seven statewide Republicans defeated their opponents by double-digit percentages.

Whereas their federal counterparts floundered at the polls, Texas Republicans gained two seats in the House and one in the Senate. This sets the table for the 88th Legislative Session that begins on January 10 next year. A \$27 billion projected surplus is expected to dominate the debate, with jockeying already underway over how to disburse the sum.

Galvanized by their victories, Abbott, Lt. Governor Dan Patrick, and Speaker Dade Phelan (R-Beaumont) have begun to lay out their priorities for next year — or doubled-down on promises made on the campaign trail.

Democrats failed to replicate the 2018 gains that forced a strategic reappraisal by Republicans in 2019, a focus on “kitchen table, bread-and-butter” reforms above social issues. No such dynamic exists this year, and thus it’ll be Republican priorities debated by GOP legislators that drive policy — though the 2021 quorum break’s shadow will remain cast over the pink dome.

Back to the Wilderness for Texas Democrats

The latest great Democratic hope in Texas, Beto O’Rourke, barely outperformed 2018 candidate Lupe Valdez despite outspending her 40 times over. O’Rourke’s lesson taken from the defeat, along with the Democrats’ U.S. Senate win in Georgia, is that more money and time must be invested into Democratic political infrastructure in Texas.

The Texas Democratic Party’s post-mortem placed the blame at the feet of redistricting, “voter suppression,” their admittedly poor border security messaging, and a lack of national Democratic investment.

The party prevented a GOP wave in South Texas’ congressional seats — losing one but preserving two — but they also lost a couple of state House seats and nearly lost a state Senate district.

Four years ago, O’Rourke nearly took the first statewide seat for Democrats since 1994 and spurred a wave that flipped 12 Texas House seats and two Senate districts.

But now, after another cycle ginning up fantasies of “turning Texas blue,” Democrats find themselves back in the political wilderness — and the shot clock to the 2024 election is already ticking.

The Court Ruling 50 Years in Waiting

In June, the U.S. Supreme Court dominated headlines with its landmark ruling in *Dobbs v. Jackson* that overturned the 1973 case *Roe v. Wade*, upholding a Mississippi state law banning abortion after 15 weeks of gestation.

The ruling was a major victory for pro-life activists who sought to have *Roe* overturned for decades.

The new precedent held states would be responsible for regulating abortion; allowed Texas’ pre-*Roe* laws that ban abortion to go back into effect; and cleared the way for Texas’ newly enacted Human Life Protection Act or “trigger ban” to take effect, making abortion a criminal offense 30 days after the court decision.

The fallout in Texas wasn’t as dramatic as some political pundits spectated. While Democratic candidates like O’Rourke clearly received fundraising boosts after the decision, those dollars didn’t translate into votes. The incumbent Gov. Abbott still swept the November election victory, along with all statewide Republican candidates, and retained control of the Texas Legislature.

In response to the decision, President Joe Biden issued a series of executive orders aimed at increasing access to abortion across state lines, including through Medicaid funding.

Data on abortions performed in Texas one month after the Dobbs ruling shows that abortions dropped a staggering 97 percent, from 2,596 performed in June to only 68 performed in July.

The Newest Political Battleground

Parents displeased with the gender- and race-themed curriculums in their children’s schools pushed Gov. Glenn Youngkin, a Republican, across the finish line in Virginia. The same dynamic played out in school board races across the State of Texas.

Conservative candidates — who focused their messaging on bureaucratic transparency, financial responsibility, and apolitical curriculum — knocked off their incumbent opponents in many different school districts. Some of these races even received involvement from state-level

Republicans.

Round Rock residents sued their school board over speech restrictions, while parents and officials throughout the state challenged the availability of sexually explicit books in their children’s school libraries.

In Tarrant County, the Patriot Mobile PAC went 11 for 11 in the races it jumped into, pumping in over \$400,000 collectively.

Outside of elections, the Texas Association of School Boards was pressured to leave its parent organization after the National School Board Association (NSBA) equated heated parents’ criticism of school board policies with domestic terrorism.

“As these acts of malice, violence, and threats against public school officials have increased, the classification of these heinous actions could be the equivalent to a form of domestic terrorism and hate crimes,” NSBA’s letter to the Biden administration read.

The rebuke by parents against school boards found many different avenues and acquired a bipartisan flavor in the wake of the COVID-19 school closures that spanned much of 2020 and played into a 40 percent uptick in homeschooling.

Sen. Cornyn’s Unfriendly Welcome at the Texas GOP Convention

Senator John Cornyn (R-TX) was not well received at his speech to some ten thousand delegates at the Republican Party of Texas State Convention in Houston this past June.

Cornyn could barely be heard while attempting to speak as the delegates booed the senator over his bipartisan gun control legislation. The senator did receive some support from the crowd when addressing his efforts to confirm Donald Trump-nominated judges and promote pro-life policies.

The gun legislation deemed the “Bipartisan Safer Communities Act” contained several provisions that concerned gun rights activists, including provisions they say would encourage states to impose “red flag” laws — something Cornyn contended it would not.

President Joe Biden signed the bill into law in June, praising its passage and writing how the legislation would increase funding for crisis intervention, including red flag laws, and enhance background checks for gun purchases.

Trouble in Paradise for Lina Hidalgo

Harris County Judge Lina Hidalgo drew scrutiny last year after the county awarded an \$11 million COVID-19 vaccine outreach contract to a company owned by Felicity Pereyra, a highly connected political insider. Following months of investigations that included the Texas Rangers, a grand jury handed down felony indictments for Hidalgo’s staffers Aaron Dunn, Wallis Nader, and Alex Triantaphyllis, each on charges of Misuse of Official Information and Tampering with a Record.

According to search warrant affidavits, the three had been in communication about creating unspecified work for Pereyra and then allowed her to help create scope language for the project. They also allegedly conspired to disqualify a more highly-ranked and lower-cost vaccine outreach proposal from the University of Texas Health Science Center.

Although the county paid out \$1.4 million even after the contract was canceled, only \$208,000 had been returned over a year later, with more than half a million in non-refundable payments going to known Democratic voter turnout groups.

While dismissing the investigation and indictments as politically motivated, Hidalgo has warned that she expects to be indicted in the matter eventually. Despite concerns over public corruption, she managed to win a second term in November with 50.82 percent of the vote.

Partisan Musical Chairmanships

A sore point for some conservatives is the custom of appointing members of the opposite party to positions of leadership in the Texas House, namely the chairmanships of committees. For example, Speaker Dade Phelan (R-Beaumont) appointed Rep. Harold Dutton (D-Houston) to lead the Public Education Committee during the 87th Legislature.

Opponents of this practice say it lets Democrats scuttle the legislative priorities of the GOP and is unfaithful to the will of the voters. However, an effort two years ago to create a rule banning the appointments was overwhelmingly defeated in the Legislature. According to the Republican Party of Texas, only 18 Republicans have stated opposition to the appointment of Democratic committee chairs.

This time, Rep. Tony Tinderholt (R-Arlington) is challenging Phelan for the speakership. A recent vote by the Texas House Republican Caucus resulted in 78 Republicans backing Phelan’s reelection and only six standing in opposition. However, Tinderholt has pledged to take his candidacy to the House floor on the first day of session, when state representatives will vote to elect their leader.

“Will the priority legislation of the Republican Party of Texas receive a vote on the Texas House floor? The truth is, we have no idea with our current speaker in control. In fact, most Republicans will tell you that they fully expect many important Republicans policies to die at the hands of liberal committee chairs appointed by Speaker Phelan,” Tinderholt said when he announced his bid.

Turmoil at the Border

Illegal immigration was as serious as it has ever been in 2022. After the end of the fiscal year in September, U.S. Customs and Border Protection (CBP) reported more enforcement encounters with illegal aliens than in any previous year. There were 2.38 million encounters by border agents, including 2.21 million arrests by border police between ports of entry.

Border security was at the center of Abbott’s reelection bid, as well as the key issue in many Republican campaigns across the state. Abbott has taken assertive action to secure the border, and even cited portions of the U.S. and Texas constitutions that allow the state to respond to an invasion. Some have even called for Abbott to be more aggressive and deport illegal aliens using state personnel, which could spur a standoff between the State of Texas and the federal government.

The Texas National Guard and the state’s Department of Public Safety have been on the ground supplementing federal enforcement. Abbott’s office indicated last week that the state has arrested 333,000 illegal immigrants. Abbott also began the state’s busing program, whereby more than 14,000 noncitizens have volunteered to go to cities such as Washington, D.C. and New York City.

All year, the Biden administration has quarreled in court with Republican-led states over immigration policies implemented during the Trump administration. The politically heated issue has also become a legal football, as federal judges have made conflicting decisions and left Texas, Arizona, and other states affected by illegal immigration to contend with the fallout.

The Uvalde Massacre

On May 24, 2022, the Robb Elementary School shooting in Uvalde took the lives of 19 schoolchildren and two teachers. The 18-year-old male who committed the murders was shot to death by a tactical team of border patrol agents who stormed the classroom where the gunman had tormented children.

It took 77 minutes before the border guards confronted the shooter, and the slow and uncoordinated response by law enforcement has been roundly criticized, including by the leader of the Texas Department of Public Safety, Col. Steve McCraw. A committee assembled by Speaker Dade Phelan (R-Beaumont) condemned “egregiously poor decision- making” by police on the day of the shooting.

The unfathomable tragedy renewed a debate about the role of semiautomatic weapons, specifically AR-style rifles, in shootings at American schools. Sen. Roland Gutierrez (D-San Antonio) testified before a congressional committee in Washington, D.C. last week, calling for a prohibition on the “chosen weapon for these school shooters.”

Gutierrez has pledged to focus on the legislative response to the shooting during the upcoming session, which begins January 10. He has filed a bill to provide hundreds of millions of dollars in compensation for victims of the shooting and relatives of those murdered.

Shifting Sands of Gender Modification as Child Abuse

Child abuse investigations into gender modification procedures on minors were ordered by state officials. They were subsequently challenged in court, and remain one of the biggest battlegrounds for the Texas Legislature nearing its return to Austin.

After some prompting by Gov. Abbott in August 2021, the Texas Department of Family and Protective Services began investigating gender modification surgeries as child abuse. That practice expanded to puberty blockers in February after Attorney General Ken Paxton released a non-binding legal opinion supporting the contention that those procedures met the standard for child abuse.

Multiple lawsuits against these actions have since been filed, and a hearing was held on one last month. That outcome will determine whether the state may conduct these investigations without supplemental legislative action.

Legislation to ban these practices failed in the Texas House last session, prompting the delayed response from the executive branch. Looking ahead to the 2023 session, legislators have already filed multiple versions of a ban on these procedures. Since the landmark abortion laws passed the finish line in 2021, this issue will likely consume much more legislative oxygen.

Running it Back in 2024

Former President Donald Trump is back on the campaign trail, announcing one week after the November midterm elections that he will seek a second term for President of the United States in 2024.

Trump is the first major candidate to announce for the 2024 election, and the news was well-received by his former Texas campaign chair Dan Patrick.

Patrick issued a statement after Trump’s announcement, saying that “President Trump is the candidate the Democrats fear the most in 2024.”

While Trump has been polling as the top pick for Republicans in 2024, Florida Governor Ron DeSantis has been gaining steadily, with a poll by the Republican Party of Texas showing the Florida governor closing the gap in his second-place status.

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