

BILL ANALYSIS

C.S.H.B. 1391
By: Fallon
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that presidential electors should cast a ballot for the candidate for president or vice president who received the most votes cast in Texas during the applicable election. C.S.H.B. 1391 seeks to ensure such a result by invalidating a non-complying vote and replacing the applicable elector.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1391 amends the Election Code to require a presidential elector to cast a ballot for a candidate for president or vice president that corresponds to the candidates who received the most votes cast in Texas for those offices. The bill establishes that an attempt to cast a ballot in a manner that does not comply with such requirement is not valid and is not considered a vote cast by an elector and that such an attempt creates a vacancy in the position of the elector attempting to cast the ballot. The bill authorizes a qualifying political party's state chair or a qualifying independent candidate, as applicable, to provide a list of alternate electors for such a vacancy in a number not to exceed the number of presidential electors that federal law allocates to Texas and requires a replacement elector for such a vacancy to be from this list.

C.S.H.B. 1391 extends the applicability of statutory provisions relating to the method of becoming a presidential elector candidate, the meeting of electors, and elector expenses to alternate electors.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1391 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 192.003, Election Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Section 192.006, Election Code, is amended.	SECTION 2. Same as introduced version.
SECTION 3. Section 192.007, Election Code, is amended.	SECTION 3. Same as introduced version.
SECTION 4. Section 192.008(a), Election Code, is amended.	SECTION 4. Same as introduced version.
SECTION 5. Subchapter A, Chapter 192, Election Code, is amended by adding Section 192.009 to read as follows: <u>Sec. 192.009. REQUIRED VOTE BY ELECTOR. (a) At the meeting of electors, an elector shall vote for the candidates for president and vice-president receiving the most votes in the general election for state and county officers.</u> <u>(b) An elector who violates Subsection (a) is liable to this state for a civil penalty of \$5,000.</u>	No equivalent provision.
SECTION 6. Section 192.031, Election Code, is amended.	SECTION 5. Same as introduced version.
SECTION 7. Section 192.032, Election Code, is amended.	SECTION 6. Same as introduced version.
SECTION 8. This Act takes effect September 1, 2017.	SECTION 7. Same as introduced version.