

BILL ANALYSIS

Senate Research Center
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S.B. 394
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current Texas law, electors are chosen by congressional district caucuses at the respective state party conventions in the summer preceding the presidential election. The electors for the party whose candidates receive the most votes in the November general election gather at the state capitol to cast their official ballots for the President of the United States (US) and a separate ballot for the Vice President of the US. After selection, these electors signed an affidavit pledging to vote for the presidential candidate receiving the most votes with their party chairman. Texas law currently provides no penalty for an elector who fails to honor their pledge.

S.B. 394 addresses this issue by providing a civil penalty for faithless electors who do not vote for the winner of the state's general election. The bill also bars them from serving as an elector in future elections. Currently, 29 states and Washington D.C. have similar laws regarding faithless electors.

As proposed, S.B. 394 amends current law relating to the required vote by a presidential elector and provides a civil penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 192.002, Election Code, by adding Subsection (c), to provide that a person who violates Section 192.009(a) (relating to eligibility to serve as a presidential elector) is ineligible to serve as an elector in all subsequent elections.

SECTION 2. Amends Subchapter A, Chapter 192, Election Code, by adding Section 192.009, as follows:

Sec. 192.009. REQUIRED VOTE BY ELECTOR. (a) Requires an elector, at the meeting of electors, to vote for the candidates for president and vice president receiving the most votes in the general election for state and county officers.

(b) Provides that an elector who violates Subsection (a) is liable to this state for a civil penalty of \$5,000.

SECTION 3. Effective date: upon passage or September 1, 2017.