

BILL ANALYSIS

H.B. 1565
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Elections
Committee Report (Unamended)

BACKGROUND AND PURPOSE

A presidential and vice-presidential elector is elected by voters to represent them in the formal selection of the president and vice president. Interested parties report that there is some ambiguity surrounding the duties and responsibilities of a presidential elector. H.B. 1565 seeks to clarify the duties and responsibilities of a presidential or vice-presidential elector.

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

H.B. 1565 amends the Election Code to require each presidential elector candidate of a political party to execute a pledge stating that, if the elector candidate is selected for the position of elector, the elector would agree to serve and mark the ballots for the presidential and vice-presidential nominees for the party that nominated the elector. The bill requires each presidential elector candidate of an independent or write-in presidential candidate to execute a pledge stating that, if the elector candidate is selected for the position of elector as a nominee of an independent or write-in presidential candidate, the elector would agree to serve and mark the ballots for the independent or write-in presidential candidate and that candidate's vice-presidential running mate. The bill requires the executed pledges to accompany the submission of the corresponding names of the elector candidates to the secretary of state.

H.B. 1565 requires the governor, in submitting the certificate of ascertainment for Texas, to certify the state's electors and state in the certificate that the electors will serve as electors unless a vacancy occurs in the office of the elector before the end of the meeting at which elector votes are cast, in which case a substitute elector fills the vacancy. The bill requires such certificate to also state that if a substitute elector is appointed to fill a vacancy, the governor will submit an amended certificate stating the names of those substitute electors on the final list of the state's electors.

H.B. 1565 requires the secretary of state to immediately prepare an amended certificate of ascertainment and transmit it to the governor for the governor's signature if, after the vote of the state's electors is completed, the final list of electors differs from any list that the governor previously included on the certificate. The bill requires the governor to immediately deliver the signed amended certificate of ascertainment to the secretary of state and to deliver a signed duplicate original of the amended certificate to all individuals entitled to receive the state's certificate, indicating that the amended certificate is to be substituted for the previously submitted certificate. The bill requires the secretary of state to prepare a certificate of vote, requires the electors on the final list to sign the certificate, and requires the secretary of state to process and transmit the signed certificate with the amended certificate of ascertainment under specified federal statutes. The bill requires a replacement elector, in order to qualify as such, to execute a pledge agreeing to serve and mark the ballots for the presidential and vice-presidential

nominees consistent with the pledge of the individual to whose elector position the replacement elector succeeded.

H.B. 1565 requires the chair of electors, at the time designated for elector voting and after all vacant positions have been filled, to provide each elector with a presidential and vice-presidential ballot. The bill requires the elector to mark the elector's ballots with the elector's votes for those offices along with the elector's signature and legibly printed name. The bill requires each elector to present both completed ballots to the chair of electors, who is required to examine the ballots and to accept as cast all ballots of electors whose votes are consistent with the pledges executed under the bill's provisions. The bill prohibits the chair of electors from accepting and counting an elector's presidential or vice-presidential ballot if the elector has not marked both ballots or has marked a ballot in violation of the elector's pledge.

H.B. 1565 establishes that an elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's pledge vacates the office of elector and creates a vacant position to be filled according to the bill's provisions. The bill requires the chair of electors to distribute ballots to and collect ballots from a substitute elector and to repeat the process of examining ballots, declaring and filling vacant positions as required, and recording appropriately completed ballots from the substituted electors, until all of the state's electoral votes have been cast and recorded.

EFFECTIVE DATE

September 1, 2013.