

By: Miller of Fort Bend

H.B. No. 1565

A BILL TO BE ENTITLED

AN ACT

relating to electors for president and vice president.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 192.003, Election Code, is amended to read as follows:

Sec. 192.003. METHOD OF BECOMING ELECTOR CANDIDATE. To become a presidential elector candidate, a person must be nominated as a political party's elector candidate in accordance with party rules or named as an elector candidate by an independent or write-in candidate for president, and execute the pledge required by Section 192.0031.

SECTION 2. Title 11, Chapter 192, Subchapter A, Election Code is amended by adding Section 192.0031, Election Code, to read as follows:

Sec. 192.0031. PLEDGE. Each elector candidate of a political party shall execute the following pledge: "If selected for the position of elector, I agree to serve and to mark my ballots for President and Vice President for the nominees for those offices of the party that nominated me." Each elector candidate of an independent or write-in presidential candidate shall execute the following pledge: "If selected for the position of elector as a nominee of an independent or write-in presidential candidate, I agree to serve and to mark my ballots for that candidate and for that candidate's vice-presidential running mate." The executed

1 pledges must accompany the submission of the corresponding names to  
2 the Secretary of State.

3 SECTION 3. Title 11, Chapter 192, Subchapter A, Election  
4 Code is amended by adding Section 192.0051, Election Code, to read  
5 as follows:

6 Sec. 192.0051. CERTIFICATION OF ELECTORS. In submitting  
7 this state's certificate of ascertainment as required by 3 U.S.C.  
8 Section 6, the Governor shall certify this state's electors and  
9 state in the certificate that:

10 (1) the electors will serve as electors unless a  
11 vacancy occurs in the office of elector before the end of the  
12 meeting at which elector votes are cast, in which case a substitute  
13 elector will fill the vacancy; and

14 (2) if a substitute elector is appointed to fill a  
15 vacancy, the Governor will submit an amended certificate of  
16 ascertainment stating the names on the final list of this state's  
17 electors.

18 SECTION 4. Title 11, Chapter 192, Subchapter A, Election  
19 Code is amended by adding Section 192.0061, Election Code, to read  
20 as follows:

21 Sec. 192.0061. ELECTOR VOTING. (a) At the time designated  
22 for elector voting and after all vacant positions have been filled  
23 under Section 6, the chair of electors shall provide each elector  
24 with a presidential and a vice- presidential ballot. The elector  
25 shall mark the elector's presidential and vice-presidential  
26 ballots with the elector's votes for the offices of President and  
27 Vice President, respectively, along with the elector's signature

1 and the elector's legibly printed name.

2 (b) Each elector shall present both completed ballots to the  
3 chair of electors, who shall examine the ballots and accept as cast  
4 all ballots of electors whose votes are consistent with their  
5 pledges executed under Section 192.0031 or Section 192.007(c). The  
6 chair of electors may not accept and may not count either an  
7 elector's presidential or vice- presidential ballot if the elector  
8 has not marked both ballots or has marked a ballot in violation of  
9 the elector's pledge.

10 (c) An elector who refuses to present a ballot, presents an  
11 unmarked ballot, or presents a ballot marked in violation of the  
12 elector's pledge executed under Section 192.0031 or Section  
13 192.007(c) vacates the office of elector, creating a vacant  
14 position to be filled under Section 192.007.

15 (d) The chair of electors shall distribute ballots to and  
16 collect ballots from a substitute elector and repeat the process  
17 under this section of examining ballots, declaring and filling  
18 vacant positions as required, and recording appropriately  
19 completed ballots from the substituted electors, until all of this  
20 state's electoral votes have been cast and recorded.

21 SECTION 5. Section 192.007, Election Code, is amended to  
22 read as follows:

23 Sec. 192.007. REPLACEMENT AFTER ELECTION. (a) The electors  
24 meeting to vote for president and vice-president may appoint a  
25 replacement elector by a majority vote of the qualified electors  
26 present if:

27 (1) the vacancy occurred before presidential election

1 day and a replacement was not chosen under Section 192.004;

2 (2) on or after presidential election day, an elector  
3 is declared ineligible or dies; or

4 (3) the vacancy is declared under Section 192.006(c).

5 (b) The chair of the electors shall notify the secretary of  
6 state of the name and residence address of a replacement elector  
7 immediately on the replacement's appointment.

8 (c) To qualify as a replacement elector under subsection  
9 (a), an individual who has not executed the pledge required under  
10 Section 192.0031 shall execute the following pledge: "I agree to  
11 serve and to mark my ballots for President and Vice President  
12 consistent with the pledge of the individual to whose elector  
13 position I have succeeded."

14 SECTION 6. Title 11, Chapter 192, Subchapter A, Election  
15 Code is amended by adding Section 192.0071, Election Code, to read  
16 as follows:

17 Sec. 192.0071. ELECTOR REPLACEMENT; ASSOCIATED  
18 CERTIFICATES. (a) After the vote of this state's electors is  
19 completed, if the final list of electors differs from any list that  
20 the Governor previously included on a certificate of ascertainment  
21 prepared and transmitted under 3 U.S.C. Section 6, the Secretary of  
22 State immediately shall prepare an amended certificate of  
23 ascertainment and transmit it to the Governor for the [Governor's  
24 signature.

25 (b) The Governor immediately shall deliver the signed  
26 amended certificate of ascertainment to the Secretary of State and  
27 a signed duplicate original of the amended certificate of

1 ascertainment to all individuals entitled to receive this state's  
2 certificate of ascertainment, indicating that the amended  
3 certificate of ascertainment is to be substituted for the  
4 certificate of ascertainment previously submitted.

5 (c) The Secretary of State shall prepare a certificate of  
6 vote. The electors on the final list shall sign the certificate. The  
7 Secretary of State shall process and transmit the signed  
8 certificate with the amended certificate of ascertainment under 3  
9 U.S.C. Sections 9, 10, and 11.

10 SECTION 7. This Act takes effect September 1, 2013.