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| BILL ANALYSIS |

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

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| **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. |
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| INTRODUCED | HOUSE COMMITTEE SUBSTITUTE |
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| 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: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.(b) An elector who violates Subsection (a) is liable to this state for a civil penalty of $5,000. | 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. |

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