

By: Fallon

H.B. No. 1391

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to requiring a presidential elector to vote for the  
3 candidates for president and vice-president who won the popular  
4 vote in this state for those offices; providing a civil penalty.

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

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

8 Sec. 192.003. METHOD OF BECOMING ELECTOR CANDIDATE. To  
9 become a presidential elector candidate or alternate elector, a  
10 person must be nominated as a political party's elector candidate  
11 or alternate elector in accordance with party rules or named as an  
12 elector candidate or alternate elector by an independent or  
13 write-in candidate for president.

14 SECTION 2. Section 192.006, Election Code, is amended by  
15 amending Subsection (a) and adding Subsection (d) to read as  
16 follows:

17 (a) The electors and alternate electors shall convene at the  
18 State Capitol at 2 p.m. on the first Monday after the second  
19 Wednesday in December following their election and shall perform  
20 their duties as prescribed by federal law.

21 (d) An elector must cast a ballot for a candidate for  
22 president or vice-president that corresponds to the candidates who  
23 received the most votes cast in this state for those offices. An  
24 attempt to cast a ballot in a manner other than the manner required

1 by this subsection:

2 (1) is not valid and is not considered a vote cast by  
3 an elector; and

4 (2) creates a vacancy in the position of the elector  
5 attempting to cast the ballot.

6 SECTION 3. Section 192.007, Election Code, is amended by  
7 adding Subsection (c) to read as follows:

8 (c) A replacement elector for a vacancy created under  
9 Section 192.006(d)(2) must be from the list of alternate electors  
10 described by Section 192.031(c) or 192.032(i).

11 SECTION 4. Section 192.008(a), Election Code, is amended to  
12 read as follows:

13 (a) In performing their official duties, presidential  
14 electors and alternate electors are entitled to the same allowances  
15 for travel expenses as those granted to state employees.

16 SECTION 5. Subchapter A, Chapter 192, Election Code, is  
17 amended by adding Section 192.009 to read as follows:

18 Sec. 192.009. REQUIRED VOTE BY ELECTOR. (a) At the meeting  
19 of electors, an elector shall vote for the candidates for president  
20 and vice-president receiving the most votes in the general election  
21 for state and county officers.

22 (b) An elector who violates Subsection (a) is liable to this  
23 state for a civil penalty of \$5,000.

24 SECTION 6. Section 192.031, Election Code, is amended by  
25 adding Subsection (c) to read as follows:

26 (c) The party's state chair may provide a list of alternate  
27 electors for a vacancy created under Section 192.006(d)(2) in a

1 number not to exceed the number of electors described by Subsection  
2 (a)(2)(B).

3 SECTION 7. Section 192.032, Election Code, is amended by  
4 adding Subsection (i) to read as follows:

5 (i) An independent candidate may provide a list of alternate  
6 electors for a vacancy created under Section 192.006(d)(2) in a  
7 number not to exceed the number of electors described by Subsection  
8 (b)(2).

9 SECTION 8. This Act takes effect September 1, 2017.