

By: Reynolds

H.B. No. 48

A BILL TO BE ENTITLED

AN ACT

relating to allowing straight-party voting.

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

SECTION 1. Section 1.005, Election Code, is amended by adding Subdivision (20) to read as follows:

(20) "Straight-party vote" means a vote by a single mark, punch, or other action by the voter for all the nominees of one political party and for no other candidates.

SECTION 2. Section 31.012(a), Election Code, is amended to read as follows:

(a) The secretary of state and the voter registrar of each county that maintains a website shall provide notice of the identification requirements for voting prescribed by Chapter 63 ~~[and that straight ticket voting has been eliminated pursuant to H.B. 25, Acts of the 85th Legislature, Regular Session, 2017]~~ on each entity's respective website in each language in which voter registration ~~[and election]~~ materials are available. The secretary of state shall prescribe the wording of the notice to be included on the websites.

SECTION 3. Subchapter C, Chapter 52, Election Code, is amended by adding Section 52.071 to read as follows:

Sec. 52.071. VOTING SHAPE AND INSTRUCTION FOR STRAIGHT-PARTY VOTE. (a) On a ballot on which a party column appears, a shape larger than the shape prescribed by Section

1 52.070(a) shall be printed to the left of each political party's
2 name.

3 (b) The following instruction shall be added to the
4 instruction required by Section 52.070(b): "You may cast a
5 straight-party vote (that is, cast a vote for all the nominees of
6 one party) by placing an 'X' or filling in the shape beside the name
7 of the party of your choice. If you cast a straight-party vote for
8 all the nominees of one party and also cast a vote for an opponent of
9 one of that party's nominees, your vote for the opponent will be
10 counted as well as your vote for all the other nominees of the party
11 for which the straight-party vote was cast."

12 SECTION 4. Section 52.073, Election Code, is amended to
13 read as follows:

14 Sec. 52.073. VOTING SHAPE [~~SQUARE~~] AND INSTRUCTION FOR
15 PROPOSITIONS. (a) On a ballot on which a proposition is to appear,
16 "FOR" and, below it, "AGAINST" shall be printed to the left of the
17 proposition.

18 (b) A brace or other suitable device shall be printed to
19 indicate to which proposition each "FOR" and "AGAINST" applies.

20 (c) A shape [~~square~~] for voting shall be printed to the left
21 of each "FOR" and each "AGAINST."

22 (d) Immediately above the propositions, the following
23 instruction shall be printed: "Place an 'X' or fill in the shape
24 [~~square~~] beside the statement indicating the way you wish to vote."

25 (e) The authority responsible for prescribing the wording
26 of a proposition may substitute "YES" and "NO" on the ballot for
27 "FOR" and "AGAINST" if the authority considers those words more

1 appropriate.

2 SECTION 5. Section 62.011(c), Election Code, is amended to
3 read as follows:

4 (c) The poster must include instructions applicable to the
5 election on:

6 (1) marking and depositing the ballot;

7 (2) voting for a write-in candidate;

8 (3) casting a provisional ballot; ~~and~~

9 (4) securing an additional ballot if the voter's
10 original ballot is spoiled; and

11 (5) casting a straight-party vote.

12 SECTION 6. Subchapter A, Chapter 64, Election Code, is
13 amended by adding Section 64.004 to read as follows:

14 Sec. 64.004. MARKING BALLOT FOR STRAIGHT-PARTY VOTE. In an
15 election in which a single shape is provided on the ballot for
16 casting a straight-party vote, a straight-party vote must be
17 indicated by placing an "X" or other mark that clearly shows the
18 voter's intent or filling in the shape beside the name of the
19 appropriate political party.

20 SECTION 7. Subchapter A, Chapter 65, Election Code, is
21 amended by adding Section 65.007 to read as follows:

22 Sec. 65.007. TALLYING STRAIGHT-PARTY VOTES. (a) In an
23 election in which a single shape is provided on the ballot for
24 casting a straight-party vote, the tally lists shall contain spaces
25 for tallying those votes.

26 (b) Except as provided by Subsection (c) or (d), each
27 straight-party vote shall be tallied for the party receiving the

1 vote instead of being tallied for the individual candidates of the
2 party. The total number of straight-party votes tallied for each
3 party shall be added to the total votes received for each of the
4 party nominees individually.

5 (c) If a ballot indicates a straight-party vote and a vote
6 for an opponent of one or more of that party's nominees, a vote
7 shall be counted for the opponent and for each of the party's other
8 nominees whether or not any of those nominees have received
9 individual votes.

10 (d) If a ballot indicates straight-party votes for more than
11 one party, those votes may not be tallied and a vote shall be
12 counted for each candidate receiving an individual vote if no other
13 individual votes are received in that race. If no candidate
14 receives an individual vote, the portion of the ballot for offices
15 may not be counted.

16 SECTION 8. Section 65.011, Election Code, is amended to
17 read as follows:

18 Sec. 65.011. OVERVOTING. Except as provided by Section
19 65.007(c) or (d), if [~~If~~] a voter marks the ballot for more
20 candidates for an office than the number of persons to be elected
21 for that office, none of the votes may be counted for that office.

22 SECTION 9. Section 122.001, Election Code, is amended by
23 amending Subsection (a) and adding Subsection (b) to read as
24 follows:

25 (a) A voting system may not be used in an election unless the
26 system:

27 (1) preserves the secrecy of the ballot;

1 (2) is suitable for the purpose for which it is
2 intended;

3 (3) operates safely, efficiently, and accurately and
4 complies with the voting system standards adopted by the Election
5 Assistance Commission;

6 (4) is safe from fraudulent or unauthorized
7 manipulation;

8 (5) permits voting on all offices and measures to be
9 voted on at the election;

10 (6) prevents counting votes on offices and measures on
11 which the voter is not entitled to vote;

12 (7) prevents counting votes by the same voter for more
13 than one candidate for the same office or, in elections in which a
14 voter is entitled to vote for more than one candidate for the same
15 office, prevents counting votes for more than the number of
16 candidates for which the voter is entitled to vote;

17 (8) prevents counting a vote on the same office or
18 measure more than once;

19 (9) permits write-in voting; ~~and~~

20 (10) is capable of providing records from which the
21 operation of the voting system may be audited; and

22 (11) is capable of permitting straight-party voting.

23 (b) A voting system may not be used in an election in which
24 straight-party voting is permitted unless the system permits or
25 prevents, as applicable, counting votes in accordance with Sections
26 65.007(c) and (d).

27 SECTION 10. Subchapter A, Chapter 124, Election Code, is

1 amended by adding Section 124.001 to read as follows:

2 Sec. 124.001. STRAIGHT-PARTY ARRANGEMENT. In an election in
3 which voters are entitled to cast straight-party votes, the voting
4 system ballot shall be arranged to permit the voters to do so.

5 SECTION 11. Section 124.003, Election Code, is amended by
6 adding Subsection (d) to read as follows:

7 (d) The requirement that the ballot be arranged to permit
8 straight-party voting does not apply to candidates listed under the
9 uncontested races heading.

10 SECTION 12. Section 124.063, Election Code, is amended by
11 adding Subsection (d) to read as follows:

12 (d) The electronic system ballot for an election in which
13 straight-party voting is allowed must contain the instruction
14 prescribed by Section 52.071(b) with the language relating to
15 placing an "X" or filling in the party shape changed as appropriate
16 to accommodate the method by which the voter indicates a vote.

17 SECTION 13. Section 129.023(c), Election Code, is amended
18 to read as follows:

19 (c) The general custodian of election records shall adopt
20 procedures for testing that:

21 (1) direct the testing board to cast votes;

22 (2) verify that each contest position, as well as each
23 precinct and ballot style, on the ballot can be voted and is
24 accurately counted;

25 (3) include overvotes and undervotes for each race, if
26 applicable to the system being tested;

27 (4) include write-in votes, when applicable to the

1 election;

2 (5) include provisional votes, if applicable to the
3 system being tested;

4 (6) calculate the expected results from the test
5 ballots;

6 (7) ensure that each voting machine has any public
7 counter reset to zero and presented to the testing board for
8 verification before testing;

9 (8) require that, for each feature of the system that
10 allows disabled voters to cast a ballot, at least one vote be cast
11 and verified by a two-person testing board team using that feature;
12 ~~and~~

13 (9) require that, when all votes are cast, the general
14 custodian of election records and the testing board observe the
15 tabulation of all ballots and compare the actual results to the
16 expected results; and

17 (10) include straight-party votes and crossover
18 votes.

19 SECTION 14. Section 232.050, Election Code, is amended by
20 adding Subsection (d) to read as follows:

21 (d) The requirement that a ballot on which a party nominee
22 appears must be arranged to permit casting a straight-party vote
23 does not apply to the ballot for the new election if fewer than
24 three offices are to appear on the ballot.

25 SECTION 15. Sections 31.012(b-1) and (d), Election Code,
26 are repealed.

27 SECTION 16. This Act takes effect immediately if it

1 receives a vote of two-thirds of all the members elected to each
2 house, as provided by Section 39, Article III, Texas Constitution.
3 If this Act does not receive the vote necessary for immediate
4 effect, this Act takes effect on the 91st day after the last day of
5 the legislative session.