

By: Fierro

H.B. No. 740

Substitute the following for H.B. No. 740:

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C.S.H.B. No. 740

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to preferential voting in runoff elections for certain  
3 voters voting by mail.

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

5 SECTION 1. Section 101.056, Election Code, is amended by  
6 adding Subsection (d) to read as follows:

7 (d) In addition to any other balloting materials provided to  
8 the voter under this section, the early voting clerk shall provide  
9 the voter with:

10 (1) a runoff election ballot for each office for which  
11 the voter is eligible to vote, in accordance with Section 101.151;  
12 and

13 (2) a second carrier envelope in which the voter may  
14 return the runoff election ballot.

15 SECTION 2. Section 101.057, Election Code, is amended by  
16 adding Subsection (c) to read as follows:

17 (c) A runoff election ballot voted in accordance with  
18 Section 101.151 may only be counted if a voter returns the ballot at  
19 the same time and in the same manner as a general election ballot  
20 voted by the voter under this subchapter.

21 SECTION 3. Chapter 101, Election Code, is amended by adding  
22 Subchapter D to read as follows:

23 SUBCHAPTER D. PREFERENTIAL VOTING IN RUNOFF ELECTION

24 Sec. 101.151. PREFERENTIAL VOTING IN RUNOFF ELECTION. (a)

1 A voter eligible for early voting by mail under this chapter shall  
2 receive a runoff election ballot at the same time and in the same  
3 manner as the voter's general election ballot.

4 (b) The secretary of state shall prescribe procedures to  
5 provide for a runoff election ballot issued to a voter under this  
6 chapter to use a preferential voting system. The system must allow  
7 a voter to rank each candidate through a numerical designation from  
8 the candidate the voter favors most to the candidate the voter  
9 favors least.

10 (c) If a runoff election for any office voted by the voter  
11 occurs, the carrier envelope containing the voter's runoff election  
12 ballot shall be opened and the ballot shall be counted. The voter's  
13 vote in the election is assigned to the runoff candidate whom the  
14 voter assigned the highest favorable ranking on the runoff election  
15 ballot under Subsection (b).

16 (d) The secretary of state shall create detailed  
17 instructions on the use of a preferential voting system and provide  
18 the instructions to each county clerk. A county clerk shall:

19 (1) post the instructions on the county clerk's public  
20 Internet website, if the clerk maintains a website; and

21 (2) ensure that a copy of the instructions is mailed to  
22 each voter who receives a runoff election ballot in the same time  
23 and in the same manner as that ballot.

24 SECTION 4. This Act takes effect January 1, 2022.