By: Reynolds   H.B. No. 848

A BILL TO BE ENTITLED

1   AN ACT

2 relating to allowing straight-party voting.

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

4   SECTION 1. Section 1.005, Election Code, is amended by

5 adding Subdivision (20) to read as follows:

6   (20) "Straight-party vote" means a vote by a single

7 mark, punch, or other action by the voter for all the nominees of

8 one political party and for no other candidates.

9   SECTION 2. Section 31.012(a), Election Code, is amended to

10 read as follows:

11   (a) The secretary of state and the voter registrar of each

12 county that maintains a website shall provide notice of the

13 identification requirements for voting prescribed by Chapter 63

14 [and that straight ticket voting has been eliminated pursuant to

15 H.B. 25, Acts of the 85th Legislature, Regular Session, 2017] on

16 each entity's respective website in each language in which voter

17 registration [and election] materials are available. The secretary

18 of state shall prescribe the wording of the notice to be included on

19 the websites.

20   SECTION 3. Subchapter C, Chapter 52, Election Code, is

21 amended by adding Section 52.071 to read as follows:

22   Sec. 52.071. VOTING   SQUARE   AND   INSTRUCTION   FOR

23 STRAIGHT-PARTY VOTE. (a) On a ballot on which a party column

24 appears, a square larger than the square 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' in the square beside the name of the

7 party of your choice. If you cast a straight-party vote for all the

8 nominees of one party and also cast a vote for an opponent of one of

9 that party's nominees, your vote for the opponent will be counted as

10 well as your vote for all the other nominees of the party for which

11 the straight-party vote was cast."

12   SECTION 4. Section 62.011(c), Election Code, is amended to

13 read as follows:

14   (c) The poster must include instructions applicable to the

15 election on:

16   (1) marking and depositing the ballot;

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

18   (3) casting a provisional ballot; [and]

19   (4) securing an additional ballot if the voter's

20 original ballot is spoiled; and

21   (5) casting a straight-party vote.

22   SECTION 5. Subchapter A, Chapter 64, Election Code, is

23 amended by adding Section 64.004 to read as follows:

24   Sec. 64.004. MARKING BALLOT FOR STRAIGHT-PARTY VOTE. In an

25 election in which a single square is provided on the ballot for

26 casting a straight-party vote, a straight-party vote must be

27 indicated by placing an "X" or other mark that clearly shows the

voter's intent in the square beside the name of the appropriate political party.

SECTION 6. Subchapter A, Chapter 65, Election Code, is amended by adding Section 65.007 to read as follows:

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

(b) Except as provided by Subsection (c) or (d), each straight-party vote shall be tallied for the party receiving the vote instead of being tallied for the individual candidates of the party. The total number of straight-party votes tallied for each party shall be added to the total votes received for each of the party nominees individually.

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

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

SECTION 7. Section 65.011, Election Code, is amended to read as follows:

1   Sec. 65.011. OVERVOTING. Except as provided by Section

2 65.007(c) or (d), if [If] a voter marks the ballot for more

3 candidates for an office than the number of persons to be elected

4 for that office, none of the votes may be counted for that office.

5   SECTION 8. Section 122.001, Election Code, is amended by

6 amending Subsection (a) and adding Subsection (b) to read as

7 follows:

8   (a) A voting system may not be used in an election unless the

9 system:

10   (1) preserves the secrecy of the ballot;

11   (2) is suitable for the purpose for which it is

12 intended;

13   (3) operates safely, efficiently, and accurately and

14 complies with the voting system standards adopted by the Election

15 Assistance Commission;

16   (4) is safe from fraudulent or unauthorized

17 manipulation;

18   (5) permits voting on all offices and measures to be

19 voted on at the election;

20   (6) prevents counting votes on offices and measures on

21 which the voter is not entitled to vote;

22   (7) prevents counting votes by the same voter for more

23 than one candidate for the same office or, in elections in which a

24 voter is entitled to vote for more than one candidate for the same

25 office, prevents counting votes for more than the number of

26 candidates for which the voter is entitled to vote;

27   (8) prevents counting a vote on the same office or

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1 measure more than once;

2   (9) permits write-in voting; [and]

3   (10) is capable of providing records from which the

4 operation of the voting system may be audited; and

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

6   (b) A voting system may not be used in an election in which

7 straight-party voting is permitted unless the system permits or

8 prevents, as applicable, counting votes in accordance with Sections

9 65.007(c) and (d).

10   SECTION 9. Subchapter A, Chapter 124, Election Code, is

11 amended by adding Section 124.001 to read as follows:

12   Sec. 124.001. STRAIGHT-PARTY ARRANGEMENT. In an election in

13 which voters are entitled to cast straight-party votes, the voting

14 system ballot shall be arranged to permit the voters to do so.

15   SECTION 10. Section 124.003, Election Code, is amended by

16 adding Subsection (d) to read as follows:

17   (d) The requirement that the ballot be arranged to permit

18 straight-party voting does not apply to candidates listed under the

19 uncontested races heading.

20   SECTION 11. Section 124.063, Election Code, is amended by

21 adding Subsection (d) to read as follows:

22   (d) The electronic system ballot for an election in which

23 straight-party voting is allowed must contain the instruction

24 prescribed by Section 52.071(b) with the language relating to

25 placing an "X" in the party square changed as appropriate to

26 accommodate the method by which the voter indicates a vote.

27   SECTION 12. Section 129.023(c), Election Code, is amended

5

1 to read as follows:

2   (c) The general custodian of election records shall adopt

3 procedures for testing that:

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

5   (2) verify that each contest position, as well as each

6 precinct and ballot style, on the ballot can be voted and is

7 accurately counted;

8   (3) include overvotes and undervotes for each race, if

9 applicable to the system being tested;

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

11 election;

12   (5) include provisional votes, if applicable to the

13 system being tested;

14   (6) calculate the expected results from the test

15 ballots;

16   (7) ensure that each voting machine has any public

17 counter reset to zero and presented to the testing board for

18 verification before testing;

19   (8) require that, for each feature of the system that

20 allows disabled voters to cast a ballot, at least one vote be cast

21 and verified by a two-person testing board team using that feature;

22 [and]

23   (9) require that, when all votes are cast, the general

24 custodian of election records and the testing board observe the

25 tabulation of all ballots and compare the actual results to the

26 expected results; and

27   (10) include straight-party votes and crossover

1 votes.

2   SECTION 13. Section 232.050, Election Code, is amended by

3 adding Subsection (d) to read as follows:

4   (d) The requirement that a ballot on which a party nominee

5 appears must be arranged to permit casting a straight-party vote

6 does not apply to the ballot for the new election if fewer than

7 three offices are to appear on the ballot.

8   SECTION 14. Sections 31.012(b-1) and (d), Election Code,

9 are repealed.

10   SECTION 15. This Act takes effect immediately if it

11 receives a vote of two-thirds of all the members elected to each

12 house, as provided by Section 39, Article III, Texas Constitution.

13 If this Act does not receive the vote necessary for immediate

14 effect, this Act takes effect September 1, 2023.