

By: Barrientos

S.B. No. 135

A BILL TO BE ENTITLED

AN ACT

relating to the use of preferential voting in certain elections.

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

SECTION 1. Chapter 2, Election Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. USE OF PREFERENTIAL VOTING FOR
CERTAIN ELECTIONS

Sec. 2.101. USE OPTIONAL. (a) The governing body of a municipality or independent school district may require the use of preferential voting as provided by this subchapter for the election of an officer of the municipality or school district, as appropriate, by majority vote.

(b) The governing body of a county may require the use of preferential voting as provided by this subchapter for the primary election of a political party's nominee for an officer of the county.

Sec. 2.102. ADOPTION OF PREFERENTIAL VOTING PROCEDURES. (a) The secretary of state shall prescribe procedures to allow for an election of an office requiring a majority vote using a preferential voting system.

(b) The system must allow a voter to rank each candidate for an office through a numerical designation from the candidate the voter favors most to the candidate the voter favors least.

Sec. 2.103. DETERMINATION OF ELECTION RESULT. (a) If no

1 candidate receives a majority of the votes cast designating the
2 highest favorable ranking for an office, the votes of the candidate
3 receiving the fewest number of votes are reassigned to the
4 candidate ranking next highest in the preference of a voter.

5 (b) If after reassigning votes under Subsection (a) no
6 candidate receives a majority of the votes cast designating the
7 modified highest favorable ranking, the reassignment of a vote to a
8 voter's next most preferred candidate under Subsection (a)
9 continues until one candidate receives a majority.

10 (c) If two or more candidates tie for the least number of
11 votes before a reassignment of votes under Subsection (a) or (b),
12 the tied candidates shall cast lots to determine which candidate's
13 votes are reassigned.

14 Sec. 2.104. PRIMARY ELECTION. (a) To the extent
15 possible, a primary election of a political party for a county
16 office to which this subchapter applies shall be held as provided by
17 Chapter 172.

18 (b) The secretary of state shall adopt necessary procedures
19 to allow for the use of this subchapter at a primary election of a
20 political party for nomination to an office of a county requiring
21 the use of this subchapter.

22 Sec. 2.105. RUNOFF ELECTION NOT HELD. Notwithstanding any
23 other law, a runoff election is not held for an office to which this
24 subchapter applies.

25 Sec. 2.106. VOTER EDUCATION. (a) A political subdivision
26 requiring the use of preferential voting as provided by this
27 subchapter shall establish a program to educate voters on the use of

1 preferential voting.

2 (b) The political subdivision shall provide funds for the
3 program established under Subsection (a) in an amount equal to not
4 less than 25 percent of the average annual costs of the political
5 subdivision to hold runoff elections.

6 SECTION 2. This Act takes effect September 1, 2003.