

By: Rodriguez

H.B. No. 1790

A BILL TO BE ENTITLED

AN ACT

relating to the use of alternate forms of 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 ALTERNATE FORMS OF 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 commissioners court 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.

(c) The governing body of a municipality or independent school district may require the use of another form of voting, including cumulative voting or proportional voting, to elect an officer of the municipality or school district, as appropriate, when the constitution or laws of this state do not require a majority vote to be elected.

Sec. 2.102. ADOPTION OF PREFERENTIAL VOTING PROCEDURES.

1 (a) The secretary of state shall prescribe procedures to allow for
2 an election of an office requiring a majority vote using a
3 preferential voting system.

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

7 Sec. 2.103. DETERMINATION OF ELECTION RESULT. (a) For a
8 political subdivision adopting preferential voting, if no
9 candidate receives a majority of the votes cast designating the
10 highest favorable ranking for an office, the votes of the candidate
11 receiving the fewest number of votes are reassigned to the
12 candidate ranking next highest in the preference of a voter.

13 (b) If after reassigning votes under Subsection (a) no
14 candidate receives a majority of the votes cast designating the
15 modified highest favorable ranking, the reassignment of a vote to a
16 voter's next most preferred candidate under Subsection (a)
17 continues until one candidate receives a majority.

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

22 Sec. 2.104. PRIMARY ELECTION. (a) To the extent possible,
23 a primary election of a political party for a county office elected
24 by preferential voting shall be held as provided by Chapter 172.

25 (b) The secretary of state shall adopt necessary procedures
26 to allow for the use of preferential voting at a primary election of
27 a political party for nomination to an office of a county requiring

1 the use of preferential voting.

2 Sec. 2.105. RUNOFF ELECTION NOT HELD. Notwithstanding any
3 other law, a runoff election is not held for an office that is
4 elected by preferential voting.

5 SECTION 2. (a) Chapter 275, Election Code, is repealed.

6 (b) A city that as of the effective date of this Act holds
7 its elections in the manner prescribed by Chapter 275, Election
8 Code, as repealed by this Act, is considered to have elected to hold
9 its elections for city office in the manner provided by that chapter
10 as it existed immediately before the repeal of that chapter until
11 the city adopts another method of election for those purposes.

12 SECTION 3. This Act takes effect September 1, 2005.