

By: Rodriguez

H.B. No. 2209

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 city with a population of 500,000 or more may require the use of preferential voting as provided by this subchapter for the election of an officer of the city by majority vote.

(b) The commissioners court of a county with a population of 800,000 or more 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 city to which Subsection (a) applies may require the use of another form of voting, including cumulative voting or proportional voting, to elect an officer of the city, 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.

(a) The secretary of state shall prescribe procedures to allow for an election of an office requiring a majority vote using a

1 preferential voting system.

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

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

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

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

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

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

27 Sec. 2.105. RUNOFF ELECTION NOT HELD. Notwithstanding any

1 other law, a runoff election is not held for an office that is  
2 elected by preferential voting.

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

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

10 SECTION 3. This Act takes effect September 1, 2007.