A BILL TO BE ENTITLED

1   AN ACT

2   relating to the elimination of straight-party voting.

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

4   SECTION 1. Section 62.011(c), Election Code, is amended to

5   read as follows:

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

7   election on:

8   (1) marking and depositing the ballot;

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

10   (3) [casting a straight-party vote;

11   [(4)] casting a provisional ballot;

12   [(5) until the expiration of Section 13.122(d), voting

13   for the first time by a person who registered by mail;] and

14   (4) [(6)] securing an additional ballot if the voter's

15   original ballot is spoiled.

16   SECTION 2. Section 65.011, Election Code, is amended to

17   read as follows:

18   Sec. 65.011. OVERVOTING. If [Except as provided by Section

19   65.007(c) or (d), if] a voter marks the ballot for more candidates

20   for an office than the number of persons to be elected for that

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

22   SECTION 3. Section 105.002(c), Election Code, is amended to

23   read as follows:

24   (c) The secretary of state shall prescribe the form of the

1 ballot to allow a voter to cast a vote in each federal, state, or

2 local race in the election. The ballot must allow a voter to write

3 in the name of a candidate [~~or, if applicable, cast a straight-party~~

4 ~~vote~~].

5   SECTION 4. Section 122.001(a), Election Code, is amended to

6 read as follows:

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

8 system:

9   (1) preserves the secrecy of the ballot;

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

11 intended;

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

13 complies with the error rate standards of the voting system

14 standards adopted by the Federal Election Commission;

15   (4) is safe from fraudulent or unauthorized

16 manipulation;

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

18 voted on at the election;

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

20 which the voter is not entitled to vote;

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

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

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

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

25 candidates for which the voter is entitled to vote;

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

27 measure more than once;

2

1   (9) permits write-in voting; and

2   (10) [is capable of permitting straight-party voting;

3 and

4   [(11)] is capable of providing records from which the

5 operation of the voting system may be audited.

6   SECTION 5. Sections 1.005(20), 52.071, 64.004, 65.007,

7 122.001(b), 124.001, 124.003(d), 124.063(d), and 232.050(d),

8 Election Code, are repealed.

9   SECTION 6. This Act takes effect September 1, 2009.