

1-1 By: Wentworth, Patrick S.B. No. 317
1-2 (In the Senate - Filed November 21, 2008; February 11, 2009,
1-3 read first time and referred to Committee on State Affairs;
1-4 May 15, 2009, reported favorably by the following vote: Yeas 5,
1-5 Nays 4; May 15, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the elimination of straight-party voting.

1-9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-10 SECTION 1. Subsection (c), Section 62.011, Election Code,
1-11 is amended to read as follows:

1-12 (c) The poster must include instructions applicable to the
1-13 election on:

- 1-14 (1) marking and depositing the ballot;
- 1-15 (2) voting for a write-in candidate;
- 1-16 (3) ~~[casting a straight-party vote,~~
- 1-17 ~~[(4)]~~ casting a provisional ballot;
- 1-18 ~~[(5) until the expiration of Section 13.122(d), voting~~
- 1-19 ~~for the first time by a person who registered by mail,]~~ and
- 1-20 (4) ~~[(6)]~~ securing an additional ballot if the voter's
- 1-21 original ballot is spoiled.

1-22 SECTION 2. Section 65.011, Election Code, is amended to
1-23 read as follows:

1-24 Sec. 65.011. OVERVOTING. If ~~[Except as provided by Section~~
1-25 ~~65.007(c) or (d), if]~~ a voter marks the ballot for more candidates
1-26 for an office than the number of persons to be elected for that
1-27 office, none of the votes may be counted for that office.

1-28 SECTION 3. Subsection (c), Section 105.002, Election Code,
1-29 is amended to read as follows:

1-30 (c) The secretary of state shall prescribe the form of the
1-31 ballot to allow a voter to cast a vote in each federal, state, or
1-32 local race in the election. The ballot must allow a voter to write
1-33 in the name of a candidate ~~[or, if applicable, cast a straight-party~~
1-34 ~~vote]~~.

1-35 SECTION 4. Subsection (a), Section 122.001, Election Code,
1-36 is amended to read as follows:

1-37 (a) A voting system may not be used in an election unless the
1-38 system:

- 1-39 (1) preserves the secrecy of the ballot;
- 1-40 (2) is suitable for the purpose for which it is
1-41 intended;
- 1-42 (3) operates safely, efficiently, and accurately and
1-43 complies with the error rate standards of the voting system
1-44 standards adopted by the Federal Election Commission;
- 1-45 (4) is safe from fraudulent or unauthorized
1-46 manipulation;
- 1-47 (5) permits voting on all offices and measures to be
1-48 voted on at the election;
- 1-49 (6) prevents counting votes on offices and measures on
1-50 which the voter is not entitled to vote;
- 1-51 (7) prevents counting votes by the same voter for more
1-52 than one candidate for the same office or, in elections in which a
1-53 voter is entitled to vote for more than one candidate for the same
1-54 office, prevents counting votes for more than the number of
1-55 candidates for which the voter is entitled to vote;
- 1-56 (8) prevents counting a vote on the same office or
1-57 measure more than once;
- 1-58 (9) permits write-in voting; and
- 1-59 (10) ~~[is capable of permitting straight-party voting,~~
- 1-60 ~~and~~

1-61 ~~[(11)]~~ is capable of providing records from which the
1-62 operation of the voting system may be audited.

1-63 SECTION 5. The following provisions of the Election Code
1-64 are repealed:

- 2-1 (1) Subdivision (20), Section 1.005;
- 2-2 (2) Section 52.071;
- 2-3 (3) Section 64.004;
- 2-4 (4) Section 65.007;
- 2-5 (5) Subsection (b), Section 122.001;
- 2-6 (6) Section 124.001;
- 2-7 (7) Subsection (d), Section 124.003;
- 2-8 (8) Subsection (d), Section 124.063; and
- 2-9 (9) Subsection (d), Section 232.050.
- 2-10 SECTION 6. This Act takes effect September 1, 2009.

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