

By: Hochberg

H.B. No. 368

A BILL TO BE ENTITLED

AN ACT

relating to ballot instructions.

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

SECTION 1. Section 52.071, Election Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) An instruction under this section shall also describe:

(1) the effect of a straight-party vote if the vote would not apply to all elections on the ballot; and

(2) any circumstances under which casting a vote for an individual candidate will negate a straight-party vote or otherwise cause a vote for a nominee of the same party to not be recorded or counted.

(d) The secretary of state shall by rule prescribe the specific instructions to be included under Subsection (c). Failure to comply with Subsection (c) is not grounds for a civil action or an action or contest challenging the validity or result of an election in which the ballot instruction described by Subsection (c) was not given to one or more voters.

SECTION 2. Subchapter A, Chapter 124, Election Code, is amended by adding Section 124.007 to read as follows:

Sec. 124.007. WARNING FOR CERTAIN VOTING ACTIONS. (a) Where practicable, electronic voting systems shall provide for a clearly worded warning to appear if a voter attempts to cast a vote, make a selection, or take another related action that could cancel a

1 prior selection, change a prior selection, or cancel or change a
2 straight-party selection made by the voter.

3 (b) The secretary of state shall determine when the warning
4 described by Subsection (a) is necessary and shall by rule
5 prescribe warning language for each voting system approved for use
6 in the state.

7 (c) Failure to comply with this section is not grounds for a
8 civil action or an action or contest challenging the validity or
9 result of an election in which the warning required by this section
10 was not given to one or more voters.

11 SECTION 3. The changes in law made by this Act apply only to
12 an election held on or after January 1, 2012. An election held
13 before January 1, 2012, is governed by the law in effect when the
14 election is held, and the former law is continued in effect for that
15 purpose.

16 SECTION 4. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2011.