By: Villalba

H.B. No. 1444

A BILL TO BE ENTITLED

1   AN ACT

2   relating to the elimination in certain counties of straight-party

3   voting for certain offices.

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

5   SECTION 1. Section 52.071, Election Code, is amended by

6   amending Subsection (b) and adding Subsection (c) to read as

7   follows:

8   (b) The following instruction shall be added to the

9   instruction required by Section 52.070(b) in a county with a

10 population of one million or less: "You may cast a straight-party

11 vote (that is, cast a vote for all the nominees of one party) by

12 placing an 'X' in the square beside the name of the party of your

13 choice. If you cast a straight-party vote for all the nominees of

14 one party and also cast a vote for an opponent of one of that party's

15 nominees, your vote for the opponent will be counted as well as your

16 vote for all the other nominees of the party for which the

17 straight-party vote was cast."

18   (c) The following instruction shall be added to the

19 instruction required by Section 52.070(b) in a county with a

20 population of more than one million: "You may cast a straight-party

21 vote (that is, cast a vote for all the nominees of one party other

22 than nominees for a judicial office or local executive office) by

23 placing an 'X' in the square beside the name of the party of your

24 choice. If you cast a straight-party vote for all the nominees of

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1 one party and also cast a vote for an opponent of one of that party's

2 nominees, your vote for the opponent will be counted as well as your

3 vote for all the other nominees of the party other than nominees for

4 a judicial office or a local executive office for which the

5 straight-party vote was cast. A straight-party vote will not be

6 counted for the nominee of a party for a judicial office or a local

7 executive office."

8 SECTION 2. Section 52.092, Election Code, is amended by

9 amending Subsections (a), (c), (d), (e), (f), and (j) and adding

10 Subsections (f-1) and (f-2) to read as follows:

11 (a) For an election at which offices regularly filled at the

12 general election for state and county officers are to appear on the

13 ballot, the offices shall be listed in the following order:

14 (1) offices of the federal government;

15 (2) offices of the state government:

16 (A) statewide offices;

17 (B) district offices;

18 (3) offices of the county government:

19 (A) county offices;

20 (B) precinct offices;

21 (4) judicial offices;

22 (5) local executive offices.

23 (c) Statewide offices of the state government shall be

24 listed in the following order:

25 (1) governor;

26 (2) lieutenant governor;

27 (3) attorney general;

1   (4)   comptroller of public accounts;

2   (5)   commissioner of the General Land Office;

3   (6)   commissioner of agriculture;

4   (7)   railroad commissioner[,

5   [(8)   chief justice, supreme court;

6   [(9)   justice, supreme court;

7   [(10)   presiding judge, court of criminal appeals;

8   [(11)   judge, court of criminal appeals].

9   (d)   District offices of the state government shall be listed

10 in the following order:

11   (1)   member, State Board of Education;

12   (2)   state senator;

13   (3)   state representative[,

14 [(4)   chief justice, court of appeals;

15 [(5)   justice, court of appeals;

16 [(6)   district judge;

17 [(7)   criminal district judge;

18 [(8)   family district judge;

19 [(9)   district attorney;

20 [(10)   criminal district attorney].

21   (e)   County offices shall be listed in the following order:

22   (1)   county judge;

23   (2)   [judge, county court at law;

24 [(3)   judge, county criminal court;

25 [(4)   judge, county probate court;

26 [(5)   county attorney;

27 [(6)   district clerk;

1   [(7) ~~district and county clerk;~~

2   [(8) ~~county clerk;~~

3   [(9) ~~sheriff;~~

4   [(10) ~~sheriff and tax assessor-collector;~~

5   [(11) ~~county tax assessor-collector;~~

6   [(12) ~~county treasurer;~~

7   [(13)] county school trustee (county with population

8 of 3.3 million or more)[~~,~~

9   [(14) ~~county surveyor~~].

10   (f) Precinct offices shall be listed in the following order:

11   (1) county commissioner[~~,~~

12   [(2) ~~justice of the peace;~~

13   [(3) ~~constable~~].

14   (f-1) Judicial offices shall be listed in the following

15 order:

16   (1) chief justice, supreme court;

17   (2) justice, supreme court;

18   (3) presiding judge, court of criminal appeals;

19   (4) judge, court of criminal appeals;

20   (5) chief justice, court of appeals;

21   (6) justice, court of appeals;

22   (7) district judge;

23   (8) criminal district judge;

24   (9) family district judge;

25   (10) judge, county court at law;

26   (11) judge, county criminal court;

27   (12) judge, county probate court;

1   (13) justice of the peace.

2   (f-2) Local executive offices shall be listed in the

3 following order:

4   (1) district attorney;

5   (2) criminal district attorney;

6   (3) county attorney;

7   (4) district clerk;

8   (5) district and county clerk;

9   (6) county clerk;

10   (7) sheriff;

11   (8) sheriff and tax assessor-collector;

12   (9) county tax assessor-collector;

13   (10) county treasurer;

14   (11) county surveyor;

15   (12) constable.

16   (j) The office of judge of a multicounty statutory county

17 court created under Subchapter D, Chapter 25, Government Code, is

18 considered to be a judicial [county] office for purposes of listing

19 the office on the ballot and Section 52.0921, and to be a district

20 office for all other purposes under this code.

21   SECTION 3. Subchapter D, Chapter 52, Election Code, is

22 amended by adding Section 52.0921 to read as follows:

23   Sec. 52.0921. JUDICIAL OFFICES AND LOCAL EXECUTIVE OFFICES

24 ON BALLOT IN CERTAIN COUNTIES. (a) This section applies only in a

25 county with a population of more than one million.

26   (b) Notwithstanding any other provision of this code, a

27 straight-party vote does not count in an election for a judicial

1 office listed in Section 52.092(f-1) or a local executive office

2 listed in Section 52.092(f-2). Candidates for judicial offices and

3 local executive offices appear with their party affiliation or

4 independent status displayed next to the candidate's name in a

5 format prescribed by the secretary of state.

6   (c) The secretary of state shall prescribe procedures to

7 inform voters of a county to which this section applies that a

8 straight-party vote does not count in an election for a judicial

9 office or local executive office. The procedures shall include

10 signs posted in the polling place and notice on the ballot or

11 through the voting system on which a vote is cast.

12   SECTION 4. Sections 65.007(b) and (c), Election Code, are

13 amended to read as follows:

14   (b) Except as provided by Subsection (c) or (d), each

15 straight-party vote shall be tallied for the party receiving the

16 vote instead of being tallied for the individual candidates of the

17 party. The total number of straight-party votes tallied for each

18 party shall be added to the total votes received for each of the

19 party nominees individually, subject to Section 52.0921.

20   (c) If a ballot indicates a straight-party vote and a vote

21 for an opponent of one or more of that party's nominees, a vote

22 shall be counted for the opponent and for each of the party's other

23 nominees, subject to Section 52.0921, whether or not any of those

24 nominees have received individual votes.

25   SECTION 5. This Act takes effect September 1, 2015.