

BILL ANALYSIS

Senate Research Center

H.B. 25
By: Simmons et al. (Hancock)
Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Straight-party voting takes a voter's attention away from down-ballot candidates for certain offices that most directly affect the voter. This practice discourages a voter from researching all the candidates on the ballot. H.B. 25 addresses this issue by eliminating straight-party voting for candidates in Texas.

H.B. 25 amends the Election Code to eliminate straight-party voting.

H.B. 25 repeals the following provisions of the Election Code:

- Section 1.005(20)
- Section 52.071
- Section 64.004
- Section 65.007
- Section 122.001(b)
- Section 124.001
- Section 124.003(d)
- Section 124.063(d)
- Section 232.050(d)

H.B. 25 amends current law relating to the elimination of straight-party voting.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas secretary of state in SECTION 2 (Section 31.012, Election Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends the heading to Section 31.012, Election Code, to read as follows:

Sec. 31.012. VOTER EDUCATION.

SECTION 2. Amends Section 31.012, Election Code, by amending Subsection (a) and adding Subsections (b-1) and (d), as follows:

(a) Requires the Texas secretary of state (SOS) and the voter registrar of each county that maintains a website to provide notice of certain identification requirements for voting and that straight ticket voting has been eliminated pursuant to H.B. 25, Acts of the 85th

Legislature, Regular Session, 2017, on each entity's respective website in each language in which voter registration and election materials are available.

(b-1) Requires SOS, as soon as practicable after September 1, 2017, to distribute electronically to each county election administrator and the county chair of each political party notice that straight ticket voting has been eliminated pursuant to H.B. 25, Acts of the 85th Legislature, Regular Session, 2017.

(d) Requires SOS to adopt rules and establish procedures as necessary for the implementation of the elimination of straight-party voting to ensure that voters and county election administrators are not burdened by the implementation.

SECTION 3. Amends Section 62.011(c), Election Code, as follows:

(c) Requires that the instruction poster include instructions applicable to the election on marking and depositing the ballot; voting for a write-in candidate; casting a provisional ballot; and securing an additional ballot if the voter's original ballot is spoiled, rather than include instructions applicable to the election on marking and depositing the ballot; voting for a write-in candidate; casting a straight-party vote; casting a provisional ballot; until the expiration of Section 13.122(d), voting for the first time by a person who registered by mail; and securing an additional ballot if the voter's original ballot is spoiled. Redesignates existing Subdivisions (4) through (6) as Subdivisions (3) and (4).

SECTION 4. Amends Section 65.011, Election Code, to delete exceptions provided by Section 65.007(c) (relating to requiring certain votes to be counted if a ballot makes certain indications) or (d) (relating to prohibiting a portion of the ballot from being counted under certain circumstances).

SECTION 5. Amends Section 105.002(c), Election Code, to require that the ballot allow a voter to write in the name of a candidate, rather than allow a voter to write in the name of a candidate or, if applicable, cast a straight-party vote.

SECTION 6. Amends Section 122.001(a), Election Code, as follows:

(a) Deletes existing text prohibiting a voting system from being used in an election unless the system is capable of permitting straight-party voting. Redesignates existing Subdivision (11) as Subdivision (10). Makes a nonsubstantive change.

SECTION 7. Amends Section 129.023(c), Election Code, as follows:

(c) Deletes existing text requiring that the general custodian of election records adopt procedures for testing that include straight-party votes and crossover votes. Redesignates existing Subdivisions (5) through (10) as Subdivisions (4) through (9).

SECTION 8. Repealers: Sections 1.005(20) (relating to defining "straight-party vote"), 52.071 (Voting Square and Instruction for Straight-Party Vote), 64.004 (Marking the Ballot for Straight-Party Vote), 65.007 (Tallying Straight-Party Votes), 122.001(b) (relating to prohibiting a voting system from being used in an election in which straight-party voting is permitted unless under certain conditions), 124.001 (Straight-Party Arrangement), 124.003(d) (relating to providing that the requirement that the ballot be arranged to permit straight-party voting does not apply to certain candidates), 124.063(d) (relating to requiring that the electronic system ballot for an election in which straight-party voting is allowed contain certain instructions), and 232.050(d) (relating to providing that the requirement that a certain ballot is required to be arranged to permit casting a straight-party vote does not apply to the ballot for the new election under certain circumstances), Election Code.

SECTION 9. Effective date: September 1, 2017.