

By: Simmons, Larson, Laubenberg,
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H.B. No. 25

A BILL TO BE ENTITLED

AN ACT

relating to the elimination of straight-party voting.

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

SECTION 1. The heading to Section 31.012, Election Code, is amended to read as follows:

Sec. 31.012. VOTER [~~IDENTIFICATION~~] EDUCATION.

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

(a) The secretary of state and the voter registrar of each county that maintains a website shall provide notice of the identification requirements for voting prescribed by Chapter 63 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. The secretary of state shall prescribe the wording of the notice to be included on the websites.

(b-1) As soon as practicable after September 1, 2017, the secretary of state shall 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) The secretary of state shall adopt rules and establish

1 procedures as necessary for the implementation of the elimination
2 of straight-party voting to ensure that voters and county election
3 administrators are not burdened by the implementation.

4 SECTION 3. 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 4. 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 5. 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
25 ballot to allow a voter to cast a vote in each federal, state, or
26 local race in the election. The ballot must allow a voter to write
27 in the name of a candidate ~~[or, if applicable, cast a straight-party~~

1 ~~vote~~].

2 SECTION 6. Section 122.001(a), Election Code, is amended to
3 read as follows:

4 (a) A voting system may not be used in an election unless the
5 system:

6 (1) preserves the secrecy of the ballot;

7 (2) is suitable for the purpose for which it is
8 intended;

9 (3) operates safely, efficiently, and accurately and
10 complies with the voting system standards adopted by the Election
11 Assistance Commission;

12 (4) is safe from fraudulent or unauthorized
13 manipulation;

14 (5) permits voting on all offices and measures to be
15 voted on at the election;

16 (6) prevents counting votes on offices and measures on
17 which the voter is not entitled to vote;

18 (7) prevents counting votes by the same voter for more
19 than one candidate for the same office or, in elections in which a
20 voter is entitled to vote for more than one candidate for the same
21 office, prevents counting votes for more than the number of
22 candidates for which the voter is entitled to vote;

23 (8) prevents counting a vote on the same office or
24 measure more than once;

25 (9) permits write-in voting; and

26 (10) ~~[is capable of permitting straight-party voting,~~

27 ~~and~~

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

3 SECTION 7. Section [129.023\(c\)](#), Election Code, is amended to
4 read as follows:

5 (c) The general custodian of election records shall adopt
6 procedures for testing that:

7 (1) direct the testing board to cast votes;

8 (2) verify that each contest position, as well as each
9 precinct and ballot style, on the ballot can be voted and is
10 accurately counted;

11 (3) include overvotes and undervotes for each race, if
12 applicable to the system being tested;

13 (4) ~~[include straight-party votes and crossover~~
14 ~~votes,~~

15 ~~[(5)]~~ include write-in votes, when applicable to the
16 election;

17 (5) ~~[(6)]~~ include provisional votes, if applicable to
18 the system being tested;

19 (6) ~~[(7)]~~ calculate the expected results from the test
20 ballots;

21 (7) ~~[(8)]~~ ensure that each voting machine has any
22 public counter reset to zero and presented to the testing board for
23 verification before testing;

24 (8) ~~[(9)]~~ require that, for each feature of the system
25 that allows disabled voters to cast a ballot, at least one vote be
26 cast and verified by a two-person testing board team using that
27 feature; and

1 (9) [~~(10)~~] require that, when all votes are cast, the
2 general custodian of election records and the testing board observe
3 the tabulation of all ballots and compare the actual results to the
4 expected results.

5 SECTION 8. Sections 1.005(20), 52.071, 64.004, 65.007,
6 122.001(b), 124.001, 124.003(d), 124.063(d), and 232.050(d),
7 Election Code, are repealed.

8 SECTION 9. This Act takes effect September 1, 2017.