

1-1 By: Simmons, et al. (Senate Sponsor - Hancock) H.B. No. 25  
 1-2 (In the Senate - Received from the House May 8, 2017;  
 1-3 May 8, 2017, read first time and referred to Committee on Business  
 1-4 & Commerce; May 11, 2017, reported favorably by the following vote:  
 1-5 Yeas 7, Nays 0; May 11, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Hancock	X			
1-8 Creighton	X			
1-9 Campbell	X			
1-10 Estes	X			
1-11 Nichols	X			
1-12 Schwertner	X			
1-13 Taylor of Galveston	X			
1-14 Whitmire			X	
1-15 Zaffirini			X	

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the elimination of straight-party voting.  
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-21 SECTION 1. The heading to Section 31.012, Election Code, is  
 1-22 amended to read as follows:  
 1-23 Sec. 31.012. VOTER [~~IDENTIFICATION~~] EDUCATION.  
 1-24 SECTION 2. Section 31.012, Election Code, is amended by  
 1-25 amending Subsection (a) and adding Subsections (b-1) and (d) to  
 1-26 read as follows:  
 1-27 (a) The secretary of state and the voter registrar of each  
 1-28 county that maintains a website shall provide notice of the  
 1-29 identification requirements for voting prescribed by Chapter 63 and  
 1-30 that straight ticket voting has been eliminated pursuant to H.B.  
 1-31 25, Acts of the 85th Legislature, Regular Session, 2017 on each  
 1-32 entity's respective website in each language in which voter  
 1-33 registration and election materials are available. The secretary  
 1-34 of state shall prescribe the wording of the notice to be included on  
 1-35 the websites.  
 1-36 (b-1) As soon as practicable after September 1, 2017, the  
 1-37 secretary of state shall distribute electronically to each county  
 1-38 election administrator and the county chair of each political party  
 1-39 notice that straight ticket voting has been eliminated pursuant to  
 1-40 H.B. 25, Acts of the 85th Legislature, Regular Session, 2017.  
 1-41 (d) The secretary of state shall adopt rules and establish  
 1-42 procedures as necessary for the implementation of the elimination  
 1-43 of straight-party voting to ensure that voters and county election  
 1-44 administrators are not burdened by the implementation.  
 1-45 SECTION 3. Section 62.011(c), Election Code, is amended to  
 1-46 read as follows:  
 1-47 (c) The poster must include instructions applicable to the  
 1-48 election on:  
 1-49 (1) marking and depositing the ballot;  
 1-50 (2) voting for a write-in candidate;  
 1-51 (3) ~~casting a straight-party vote,~~  
 1-52 ~~[(4)] casting a provisional ballot;~~  
 1-53 ~~[(5) until the expiration of Section 13.122(d), voting~~  
 1-54 ~~for the first time by a person who registered by mail,] and~~  
 1-55 (4) ~~[(6)]~~ securing an additional ballot if the voter's  
 1-56 original ballot is spoiled.  
 1-57 SECTION 4. Section 65.011, Election Code, is amended to  
 1-58 read as follows:  
 1-59 Sec. 65.011. OVERVOTING. If ~~[Except as provided by Section~~  
 1-60 ~~65.007(c) or (d), if]~~ a voter marks the ballot for more candidates  
 1-61 for an office than the number of persons to be elected for that  
 1-62 office, none of the votes may be counted for that office.

2-1 SECTION 5. Section 105.002(c), Election Code, is amended to  
2-2 read as follows:

2-3 (c) The secretary of state shall prescribe the form of the  
2-4 ballot to allow a voter to cast a vote in each federal, state, or  
2-5 local race in the election. The ballot must allow a voter to write  
2-6 in the name of a candidate [~~or, if applicable, cast a straight-party~~  
2-7 ~~vote~~].

2-8 SECTION 6. Section 122.001(a), Election Code, is amended to  
2-9 read as follows:

2-10 (a) A voting system may not be used in an election unless the  
2-11 system:

2-12 (1) preserves the secrecy of the ballot;  
2-13 (2) is suitable for the purpose for which it is  
2-14 intended;

2-15 (3) operates safely, efficiently, and accurately and  
2-16 complies with the voting system standards adopted by the Election  
2-17 Assistance Commission;

2-18 (4) is safe from fraudulent or unauthorized  
2-19 manipulation;

2-20 (5) permits voting on all offices and measures to be  
2-21 voted on at the election;

2-22 (6) prevents counting votes on offices and measures on  
2-23 which the voter is not entitled to vote;

2-24 (7) prevents counting votes by the same voter for more  
2-25 than one candidate for the same office or, in elections in which a  
2-26 voter is entitled to vote for more than one candidate for the same  
2-27 office, prevents counting votes for more than the number of  
2-28 candidates for which the voter is entitled to vote;

2-29 (8) prevents counting a vote on the same office or  
2-30 measure more than once;

2-31 (9) permits write-in voting; and

2-32 (10) [~~is capable of permitting straight-party voting;~~  
2-33 ~~and~~

2-34 [~~(11)~~] is capable of providing records from which the  
2-35 operation of the voting system may be audited.

2-36 SECTION 7. Section 129.023(c), Election Code, is amended to  
2-37 read as follows:

2-38 (c) The general custodian of election records shall adopt  
2-39 procedures for testing that:

2-40 (1) direct the testing board to cast votes;

2-41 (2) verify that each contest position, as well as each  
2-42 precinct and ballot style, on the ballot can be voted and is  
2-43 accurately counted;

2-44 (3) include overvotes and undervotes for each race, if  
2-45 applicable to the system being tested;

2-46 (4) [~~include straight-party votes and crossover~~  
2-47 ~~votes;~~

2-48 [~~(5)~~] include write-in votes, when applicable to the  
2-49 election;

2-50 (5) [~~(6)~~] include provisional votes, if applicable to  
2-51 the system being tested;

2-52 (6) [~~(7)~~] calculate the expected results from the test  
2-53 ballots;

2-54 (7) [~~(8)~~] ensure that each voting machine has any  
2-55 public counter reset to zero and presented to the testing board for  
2-56 verification before testing;

2-57 (8) [~~(9)~~] require that, for each feature of the system  
2-58 that allows disabled voters to cast a ballot, at least one vote be  
2-59 cast and verified by a two-person testing board team using that  
2-60 feature; and

2-61 (9) [~~(10)~~] require that, when all votes are cast, the  
2-62 general custodian of election records and the testing board observe  
2-63 the tabulation of all ballots and compare the actual results to the  
2-64 expected results.

2-65 SECTION 8. Sections 1.005(20), 52.071, 64.004, 65.007,  
2-66 122.001(b), 124.001, 124.003(d), 124.063(d), and 232.050(d),  
2-67 Election Code, are repealed.

2-68 SECTION 9. This Act takes effect September 1, 2017.