By: Miles   S.B. No. 359

A BILL TO BE ENTITLED

1   AN ACT

2 relating to straight-party voting.

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

4   SECTION 1. Section 1.005, Election Code, as effective

5 September 1, 2020, is amended by adding Subdivision (20) to read as

6 follows:

7   (20) "Straight-party vote" means a vote by a single

8 mark, punch, or other action by the voter for all the nominees of

9 one political party and for no other candidates.

10   SECTION 2. Section 31.012(a), Election Code, as effective

11 September 1, 2020, is amended to read as follows:

12   (a) The secretary of state and the voter registrar of each

13 county that maintains a website shall provide notice of the

14 identification requirements for voting prescribed by Chapter 63

15 [and that straight ticket voting has been eliminated pursuant to

16 H.B. 25, Acts of the 85th Legislature, Regular Session, 2017] on

17 each entity's respective website in each language in which voter

18 registration [and election] materials are available. The secretary

19 of state shall prescribe the wording of the notice to be included on

20 the websites.

21   SECTION 3. Subchapter C, Chapter 52, Election Code, as

22 effective September 1, 2020, is amended by adding Section 52.071 to

23 read as follows:

24   Sec. 52.071. VOTING   SQUARE   AND   INSTRUCTION   FOR

1   STRAIGHT-PARTY VOTE.   (a)   On a ballot on which a party column

2   appears, a square larger than the square prescribed by Section

3   52.070(a) shall be printed to the left of each political party's

4   name.

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

6   instruction required by Section 52.070(b):   "You may cast a

7   straight-party vote (that is, cast a vote for all the nominees of

8   one party) by placing an 'X' in the square beside the name of the

9   party of your choice. If you cast a straight-party vote for all the

10 nominees of one party and also cast a vote for an opponent of one of

11 that party's nominees, your vote for the opponent will be counted as

12 well as your vote for all the other nominees of the party for which

13 the straight-party vote was cast."

14   SECTION 4.   Section 62.011(c), Election Code, as effective

15 September 1, 2020, is amended to read as follows:

16   (c)   The poster must include instructions applicable to the

17 election on:

18   (1)   marking and depositing the ballot;

19   (2)   voting for a write-in candidate;

20   (3)   casting a provisional ballot; [and]

21   (4)   securing an additional ballot if the voter's

22 original ballot is spoiled; and

23   (5)   casting a straight-party vote.

24   SECTION 5.   Subchapter A, Chapter 64, Election Code, as

25 effective September 1, 2020, is amended by adding Section 64.004 to

26 read as follows:

27   Sec. 64.004.   MARKING THE BALLOT FOR STRAIGHT-PARTY VOTE.

1 In an election in which a single square is provided on the ballot

2 for casting a straight-party vote, a straight-party vote must be

3 indicated by placing an "X" or other mark that clearly shows the

4 voter's intent in the square beside the name of the appropriate

5 political party.

6 SECTION 6. Subchapter A, Chapter 65, Election Code, as

7 effective September 1, 2020, is amended by adding Section 65.007 to

8 read as follows:

9 Sec. 65.007. TALLYING STRAIGHT-PARTY VOTES. (a) In an

10 election in which a single square is provided on the ballot for

11 casting a straight-party vote, the tally lists shall contain spaces

12 for tallying those votes.

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

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

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

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

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

18 party nominees individually.

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

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

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

22 nominees whether or not any of those nominees have received

23 individual votes.

24 (d) If a ballot indicates straight-party votes for more than

25 one party, those votes may not be tallied and a vote shall be

26 counted for each candidate receiving an individual vote if no other

27 individual votes are received in that race. If no candidate

1 receives an individual vote, the portion of the ballot for offices

2 may not be counted.

3   SECTION 7. Section 65.011, Election Code, as effective

4 September 1, 2020, is amended to read as follows:

5   Sec. 65.011. OVERVOTING. Except as provided by Section

6 65.007(c) or (d), if [If] a voter marks the ballot for more

7 candidates for an office than the number of persons to be elected

8 for that office, none of the votes may be counted for that office.

9   SECTION 8.   Section 105.002(c), Election Code, as effective

10 September 1, 2020, is amended to read as follows:

11   (c) The secretary of state shall prescribe the form of the

12 ballot to allow a voter to cast a vote in each federal, state, or

13 local race in the election. The ballot must allow a voter to write

14 in the name of a candidate or, if applicable, cast a straight-party

15 vote.

16   SECTION 9. Section 122.001, Election Code, as effective

17 September 1, 2020, is amended by amending Subsection (a) and adding

18 Subsection (b) to read as follows:

19   (a) A voting system may not be used in an election unless the

20 system:

21   (1) preserves the secrecy of the ballot;

22   (2) is suitable for the purpose for which it is

23 intended;

24   (3) operates safely, efficiently, and accurately and

25 complies with the voting system standards adopted by the Election

26 Assistance Commission;

27   (4) is safe from fraudulent or unauthorized

1   manipulation;

2   (5) permits voting on all offices and measures to be

3   voted on at the election;

4   (6) prevents counting votes on offices and measures on

5   which the voter is not entitled to vote;

6   (7) prevents counting votes by the same voter for more

7   than one candidate for the same office or, in elections in which a

8   voter is entitled to vote for more than one candidate for the same

9   office, prevents counting votes for more than the number of

10 candidates for which the voter is entitled to vote;

11   (8) prevents counting a vote on the same office or

12 measure more than once;

13   (9) permits write-in voting; [and]

14   (10) is capable of providing records from which the

15 operation of the voting system may be audited; and

16   (11) is capable of permitting straight-party voting.

17   (b) A voting system may not be used in an election in which

18 straight-party voting is permitted unless the system permits or

19 prevents, as applicable, counting votes in accordance with Sections

20 65.007(c) and (d).

21   SECTION 10. Subchapter A, Chapter 124, Election Code, as

22 effective September 1, 2020, is amended by adding Section 124.001

23 to read as follows:

24   Sec. 124.001. STRAIGHT-PARTY ARRANGEMENT. In an election

25 in which voters are entitled to cast straight-party votes, the

26 voting system ballot shall be arranged to permit the voters to do

27 so.

1   SECTION 11.   Section 124.003, Election Code, as effective

2 September 1, 2020, is amended by adding Subsection (d) to read as

3 follows:

4   (d) The requirement that the ballot be arranged to permit

5 straight-party voting does not apply to candidates listed under the

6 uncontested races heading.

7   SECTION 12.   Section 124.063, Election Code, as effective

8 September 1, 2020, is amended by adding Subsection (d) to read as

9 follows:

10   (d) The electronic system ballot for an election in which

11 straight-party voting is allowed must contain the instruction

12 prescribed by Section 52.071(b) with the language relating to

13 placing an "X" in the party square changed as appropriate to

14 accommodate the method by which the voter indicates a vote.

15   SECTION 13.   Section 129.023(c), Election Code, as effective

16 September 1, 2020, is amended to read as follows:

17   (c) The general custodian of election records shall adopt

18 procedures for testing that:

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

20   (2) verify that each contest position, as well as each

21 precinct and ballot style, on the ballot can be voted and is

22 accurately counted;

23   (3) include overvotes and undervotes for each race, if

24 applicable to the system being tested;

25   (4) include write-in votes, when applicable to the

26 election;

27   (5) include provisional votes, if applicable to the

1 system being tested;

2 (6) calculate the expected results from the test

3 ballots;

4 (7) ensure that each voting machine has any public

5 counter reset to zero and presented to the testing board for

6 verification before testing;

7 (8) require that, for each feature of the system that

8 allows disabled voters to cast a ballot, at least one vote be cast

9 and verified by a two-person testing board team using that feature;

10 [and]

11 (9) require that, when all votes are cast, the general

12 custodian of election records and the testing board observe the

13 tabulation of all ballots and compare the actual results to the

14 expected results; and

15 (10) include straight-party votes and crossover

16 votes.

17 SECTION 14. Section 232.050, Election Code, as effective

18 September 1, 2020, is amended by adding Subsection (d) to read as

19 follows:

20 (d) The requirement that a ballot on which a party nominee

21 appears must be arranged to permit casting a straight-party vote

22 does not apply to the ballot for the new election if fewer than

23 three offices are to appear on the ballot.

24 SECTION 15. Sections 31.012(b-1) and (d), Election Code, as

25 effective September 1, 2020, are repealed.

26 SECTION 16. This Act takes effect immediately if it

27 receives a vote of two-thirds of all the members elected to each

1 house, as provided by Section 39, Article III, Texas Constitution.
2 If this Act does not receive the vote necessary for immediate
3 effect, this Act takes effect September 1, 2019.