By: Crockett   H.B. No. 193

A BILL TO BE ENTITLED

1   AN ACT

2   relating to allowing straight-party voting.

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

4   SECTION 1. Section 1.005, Election Code, is amended by

5   adding Subdivision (20) to read as follows:

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

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

8   one political party and for no other candidates.

9   SECTION 2. Section 31.012(a), Election Code, is amended to

10   read as follows:

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

12   county that maintains a website shall provide notice of the

13   identification requirements for voting prescribed by Chapter 63

14   [and that straight-ticket voting has been eliminated pursuant to

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

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

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

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

19   the websites.

20   SECTION 3. Subchapter C, Chapter 52, Election Code, is

21   amended by adding Section 52.071 to read as follows:

22   Sec. 52.071. VOTING   SQUARE   AND   INSTRUCTION   FOR

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

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

1 52.070(a) shall be printed to the left of each political party's

2 name.

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

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

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

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

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

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

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

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

11 the straight-party vote was cast."

12 SECTION 4. Section 62.011(c), Election Code, is amended to

13 read as follows:

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

15 election on:

16 (1) marking and depositing the ballot;

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

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

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

20 original ballot is spoiled; and

21 (5) casting a straight-party vote.

22 SECTION 5. Subchapter A, Chapter 64, Election Code, is

23 amended by adding Section 64.004 to read as follows:

24 Sec. 64.004. MARKING BALLOT FOR STRAIGHT-PARTY VOTE. In an

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

26 casting a straight-party vote, a straight-party vote must be

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

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

2 political party.

3 SECTION 6. Subchapter A, Chapter 65, Election Code, is

4 amended by adding Section 65.007 to read as follows:

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

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

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

8 for tallying those votes.

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

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

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

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

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

14 party nominees individually.

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

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

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

18 nominees whether or not any of those nominees have received

19 individual votes.

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

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

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

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

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

25 may not be counted.

26 SECTION 7. Section 65.011, Election Code, is amended to

27 read as follows:

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

2   65.007(c) or (d), if [If] a voter marks the ballot for more

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

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

5   SECTION 8. Section 105.002(c), Election Code, is amended to

6   read as follows:

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

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

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

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

11   vote.

12   SECTION 9. Section 122.001, Election Code, is amended by

13   amending Subsection (a) and adding Subsection (b) to read as

14   follows:

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

16   system:

17   (1) preserves the secrecy of the ballot;

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

19   intended;

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

21   complies with the voting system standards adopted by the Election

22   Assistance Commission;

23   (4) is safe from fraudulent or unauthorized

24   manipulation;

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

26   voted on at the election;

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

1 which the voter is not entitled to vote;

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

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

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

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

6 candidates for which the voter is entitled to vote;

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

8 measure more than once;

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

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

11 operation of the voting system may be audited; and

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

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

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

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

16 65.007(c) and (d).

17   SECTION 10. Subchapter A, Chapter 124, Election Code, is

18 amended by adding Section 124.001 to read as follows:

19   Sec. 124.001. STRAIGHT-PARTY ARRANGEMENT. In an election in

20 which voters are entitled to cast straight-party votes, the voting

21 system ballot shall be arranged to permit the voters to do so.

22   SECTION 11. Section 124.003, Election Code, is amended by

23 adding Subsection (d) to read as follows:

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

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

26 uncontested races heading.

27   SECTION 12. Section 124.063, Election Code, is amended by

1 adding Subsection (d) to read as follows:

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

3 straight-party voting is allowed must contain the instruction

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

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

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

7   SECTION 13. Section 129.023(c), Election Code, is amended

8 to read as follows:

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

10 procedures for testing that:

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

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

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

14 accurately counted;

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

16 applicable to the system being tested;

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

18 election;

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

20 system being tested;

21   (6) calculate the expected results from the test

22 ballots;

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

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

25 verification before testing;

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

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

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

2 [and]

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

4 custodian of election records and the testing board observe the

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

6 expected results; and

7 (10) include straight-party votes and crossover

8 votes.

9 SECTION 14. Section 232.050, Election Code, is amended by

10 adding Subsection (d) to read as follows:

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

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

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

14 three offices are to appear on the ballot.

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

16 are repealed.

17 SECTION 16. This Act takes effect immediately if it

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

19 house, as provided by Section 39, Article III, Texas Constitution.

20 If this Act does not receive the vote necessary for immediate

21 effect, this Act takes effect September 1, 2021.