

By: Eckhardt

S.B. No. 359

A BILL TO BE ENTITLED

AN ACT

relating to the use of preferential voting in certain elections.

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

SECTION 1. Chapter 2, Election Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. PREFERENTIAL VOTING

Sec. 2.101. USE OPTIONAL. The governing body of a municipality or independent school district may authorize the use of preferential voting as provided by this subchapter for a nonpartisan election of an officer of the municipality or school district, as appropriate, by majority vote.

Sec. 2.102. ADOPTION OF PREFERENTIAL VOTING PROCEDURES.

(a) The secretary of state shall prescribe procedures to allow for an election of an office requiring a majority vote using a preferential voting system.

(b) The system must allow a voter to rank each candidate for an office through a numerical designation from the candidate the voter favors most to the candidate the voter favors least.

Sec. 2.103. DETERMINATION OF ELECTION RESULT. (a) If no candidate receives a majority of the votes cast designating the highest favorable ranking for an office, the votes of the candidate receiving the fewest number of votes are reassigned to the candidate ranking next highest in the preference of a voter.

(b) If after reassigning votes under Subsection (a) no

1 candidate receives a majority of the votes cast designating the  
2 modified highest favorable ranking, the reassignment of a vote to a  
3 voter's next most preferred candidate under Subsection (a)  
4 continues until one candidate receives a majority.

5 Sec. 2.104. PRIMARY NOT HELD; FILING PERIOD. (a) A primary  
6 election is not held for an office to which this subchapter applies.

7 (b) The secretary of state shall prescribe the filing  
8 deadline for an application for a place on the ballot for an office  
9 to which this subchapter applies that is filled at the general  
10 election for state and county officers.

11 Sec. 2.105. RUNOFF ELECTION NOT HELD. Notwithstanding any  
12 other law, a runoff election is not held for an office to which this  
13 subchapter applies.

14 SECTION 2. This Act takes effect September 1, 2023.