By: Cortez H.B. No. 1178

A BILL TO BE ENTITLED

AN ACT

relating to preferential voting in runoff elections for federal postcard applicants.

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

SECTION 1. Section 101.056, Election Code, is amended by adding Subsection (d) to read as follows:

(d) In addition to any other balloting materials provided to the voter under this subchapter, the early voting clerk shall provide the voter with:

(1) a runoff election ballot for each office for which the voter is eligible to vote, in accordance with Section 101.151; and

(2) a second carrier envelope in which the voter may return the runoff election ballot.

SECTION 2. Section 101.057, Election Code, is amended by adding Subsection (c) to read as follows:

(c) A runoff election ballot voted in accordance with Section 101.151 may only be counted if a voter returns the ballot at the same time and in the same manner as a general election ballot voted by the voter under this subchapter.

SECTION 3. Chapter 101, Election Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. PREFERENTIAL VOTING IN RUNOFF ELECTION

Sec. 101.151. PREFERENTIAL VOTING IN RUNOFF ELECTION. (a)

A voter eligible for early voting by mail under this chapter shall receive a runoff election ballot at the same time and in the same manner as the voter's general election ballot.

(b) The secretary of state shall prescribe procedures to provide for a runoff election ballot issued to a voter under this chapter to use a preferential voting system. The system must allow a voter to rank each candidate through a numerical designation from the candidate the voter favors most to the candidate the voter favors least.

(c) If a runoff election for any office voted by the voter occurs, the carrier envelope containing the voter's runoff election ballot shall be opened and the ballot shall be counted. The voter's vote in the election is assigned to the runoff candidate whom the voter assigned the highest favorable ranking on the runoff election ballot under Subsection (b).

(d) The secretary of state shall create detailed instructions on the use of a preferential voting system and provide the instructions to each county clerk. A county clerk shall:

(1) post the instructions on the county clerk's public Internet website, if the clerk maintains a website; and

(2) ensure that a copy of the instructions is mailed to each voter who receives a runoff election ballot at the same time and in the same manner as that ballot.

SECTION 4. This Act takes effect January 1, 2028.