

Chapter 404

H.B. No. 25

AN ACT

relating to the elimination of straight-party voting.

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

SECTION 1. The heading to Section 31.012, Election Code, is amended to read as follows:

Sec. 31.012. VOTER [~~IDENTIFICATION~~] EDUCATION.

SECTION 2. Section 31.012, Election Code, is amended by amending Subsection (a) and adding Subsections (b-1) and (d) to read as follows:

(a) The secretary of state and the voter registrar of each county that maintains a website shall provide notice of the identification requirements for voting prescribed by Chapter 63 and that straight ticket voting has been eliminated pursuant to H.B. 25, Acts of the 85th Legislature, Regular Session, 2017 on each entity's respective website in each language in which voter registration and election materials are available. The secretary of state shall prescribe the wording of the notice to be included on the websites.

(b-1) As soon as practicable after September 1, 2020, the secretary of state shall distribute electronically to each county election administrator and the county chair of each political party notice that straight ticket voting has been eliminated pursuant to H.B. 25, Acts of the 85th Legislature, Regular Session, 2017.

(d) The secretary of state shall adopt rules and establish

1 procedures as necessary for the implementation of the elimination
2 of straight-party voting to ensure that voters and county election
3 administrators are not burdened by the implementation.

4 SECTION 3. Section 62.011(c), Election Code, is amended to
5 read as follows:

6 (c) The poster must include instructions applicable to the
7 election on:

- 8 (1) marking and depositing the ballot;
- 9 (2) voting for a write-in candidate;
- 10 (3) [~~casting a straight-party vote,~~
- 11 [~~4~~] casting a provisional ballot;
- 12 [~~5~~ ~~until the expiration of Section 13.122(d), voting~~
- 13 ~~for the first time by a person who registered by mail,~~] and
- 14 (4) [~~6~~] securing an additional ballot if the voter's
- 15 original ballot is spoiled.

16 SECTION 4. Section 65.011, Election Code, is amended to
17 read as follows:

18 Sec. 65.011. OVERVOTING. If [~~Except as provided by Section~~
19 ~~65.007(c) or (d), if~~] a voter marks the ballot for more candidates
20 for an office than the number of persons to be elected for that
21 office, none of the votes may be counted for that office.

22 SECTION 5. Section 105.002(c), Election Code, is amended to
23 read as follows:

24 (c) The secretary of state shall prescribe the form of the
25 ballot to allow a voter to cast a vote in each federal, state, or
26 local race in the election. The ballot must allow a voter to write
27 in the name of a candidate [~~or, if applicable, cast a straight-party~~

1 ~~vote~~].

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

4 (a) A voting system may not be used in an election unless the
5 system:

6 (1) preserves the secrecy of the ballot;

7 (2) is suitable for the purpose for which it is
8 intended;

9 (3) operates safely, efficiently, and accurately and
10 complies with the voting system standards adopted by the Election
11 Assistance Commission;

12 (4) is safe from fraudulent or unauthorized
13 manipulation;

14 (5) permits voting on all offices and measures to be
15 voted on at the election;

16 (6) prevents counting votes on offices and measures on
17 which the voter is not entitled to vote;

18 (7) prevents counting votes by the same voter for more
19 than one candidate for the same office or, in elections in which a
20 voter is entitled to vote for more than one candidate for the same
21 office, prevents counting votes for more than the number of
22 candidates for which the voter is entitled to vote;

23 (8) prevents counting a vote on the same office or
24 measure more than once;

25 (9) permits write-in voting; and

26 (10) ~~[is capable of permitting straight-party voting,~~

27 ~~and~~

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

3 SECTION 7. Section 129.023(c), Election Code, is amended to
4 read as follows:

5 (c) The general custodian of election records shall adopt
6 procedures for testing that:

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

8 (2) verify that each contest position, as well as each
9 precinct and ballot style, on the ballot can be voted and is
10 accurately counted;

11 (3) include overvotes and undervotes for each race, if
12 applicable to the system being tested;

13 (4) ~~include straight-party votes and crossover~~
14 ~~votes;~~

15 ~~[(5)]~~ include write-in votes, when applicable to the
16 election;

17 (5) ~~[(6)]~~ include provisional votes, if applicable to
18 the system being tested;

19 (6) ~~[(7)]~~ calculate the expected results from the test
20 ballots;

21 (7) ~~[(8)]~~ ensure that each voting machine has any
22 public counter reset to zero and presented to the testing board for
23 verification before testing;

24 (8) ~~[(9)]~~ require that, for each feature of the system
25 that allows disabled voters to cast a ballot, at least one vote be
26 cast and verified by a two-person testing board team using that
27 feature; and

1 (9) [~~(10)~~] require that, when all votes are cast, the
2 general custodian of election records and the testing board observe
3 the tabulation of all ballots and compare the actual results to the
4 expected results.

5 SECTION 8. Sections 1.005(20), 52.071, 64.004, 65.007,
6 122.001(b), 124.001, 124.003(d), 124.063(d), and 232.050(d),
7 Election Code, are repealed.

8 SECTION 9. This Act takes effect September 1, 2020.



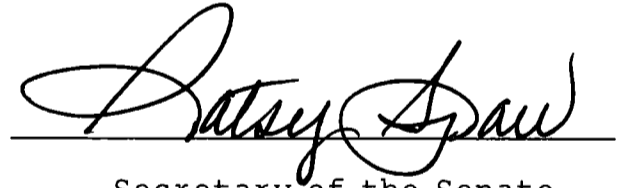

President of the Senate Speaker of the House

I certify that H.B. No. 25 was passed by the House on May 6, 2017, by the following vote: Yeas 88, Nays 57, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 25 on May 20, 2017, by the following vote: Yeas 89, Nays 45, 2 present, not voting.



Chief Clerk of the House

I certify that H.B. No. 25 was passed by the Senate, with amendments, on May 18, 2017, by the following vote: Yeas 19, Nays 11.




Secretary of the Senate

APPROVED: 5-31-2017

Date



Governor

FILED IN THE OFFICE OF THE
 SECRETARY OF STATE
2 PM O'CLOCK
 JUN 01 2017

 Secretary of State

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 19, 2017

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB25 by Simmons (Relating to the elimination of straight-party voting.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code relating to the elimination of straight-party voting.

The Secretary of State assumes any additional work associated with implementing the provisions of the bill could be absorbed using existing resources.

The bill would take effect September 1, 2020.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: UP, CL, NV, ASa, SLE, BM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 9, 2017

TO: Honorable Kelly Hancock, Chair, Senate Committee on Business & Commerce

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB25 by Simmons (Relating to the elimination of straight-party voting.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code relating to the elimination of straight-party voting.

The Secretary of State assumes any additional work associated with implementing the provisions of the bill could be absorbed using existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: UP, CL, NV, ASa, SLE, BM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

March 10, 2017

TO: Honorable Jodie Laubenberg, Chair, House Committee on Elections

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB25 by Simmons (Relating to the elimination of straight-party voting.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Election Code relating to the elimination of straight-party voting.

The Secretary of State assumes any additional work associated with implementing the provisions of the bill could be absorbed using existing resources.

The bill would take effect September 1, 2017.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 307 Secretary of State

LBB Staff: UP, SLE, NV, ASa, BM