

By: Branch

H.B. No. 638

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the elimination of straight-party voting.

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

4 SECTION 1. 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 2. 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 3. 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

1 ballot to allow a voter to cast a vote in each federal, state, or  
2 local race in the election. The ballot must allow a voter to write  
3 in the name of a candidate [~~or, if applicable, cast a straight-party~~  
4 ~~vote~~].

5 SECTION 4. Section 122.001(a), Election Code, is amended to  
6 read as follows:

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

9 (1) preserves the secrecy of the ballot;

10 (2) is suitable for the purpose for which it is  
11 intended;

12 (3) operates safely, efficiently, and accurately and  
13 complies with the error rate standards of the voting system  
14 standards adopted by the Federal Election Commission;

15 (4) is safe from fraudulent or unauthorized  
16 manipulation;

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

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

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

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

1           (9) permits write-in voting; and  
2           (10) [~~is capable of permitting straight-party voting,~~  
3 ~~and~~  
4           ~~[(11)]~~ is capable of providing records from which the  
5 operation of the voting system may be audited.

6           SECTION 5. Section 129.023(c), Election Code, is amended to  
7 read as follows:

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

- 10           (1) direct the testing board to cast votes;
- 11           (2) verify that each contest position on the ballot  
12 can be voted and is accurately counted for each precinct and ballot  
13 style;
- 14           (3) include overvotes and undervotes for each race, if  
15 applicable to the system being tested;
- 16           (4) [~~include straight-party votes and crossover~~  
17 ~~votes,~~
- 18           ~~[(5)]~~ include write-in votes, when applicable to the  
19 election;
- 20           (5) ~~[(6)]~~ include provisional votes, if applicable to  
21 the system being tested;
- 22           (6) ~~[(7)]~~ calculate the expected results from the test  
23 ballots;
- 24           (7) ~~[(8)]~~ ensure that each voting machine has any  
25 public counter reset to zero and presented to the testing board for  
26 verification before testing;
- 27           (8) ~~[(9)]~~ require that, for each feature of the system

1 that allows disabled voters to cast a ballot, at least one vote be  
2 cast and verified by a two-person testing board team using that  
3 feature; and

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

8 SECTION 6. Sections 1.005(20), 52.071, 64.004, 65.007,  
9 122.001(b), 124.001, 124.003(d), 124.063(d), and 232.050(d),  
10 Election Code, are repealed.

11 SECTION 7. This Act takes effect September 1, 2011.