SENATE AMENDMENTS

2nd Printing

By: Simmons, Larson, Laubenberg,   H.B. No. 25
     Davis of Harris, Fallon, et al.

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. The heading to Section 31.012, Election Code, is

5   amended to read as follows:

6   Sec. 31.012. VOTER [IDENTIFICATION] EDUCATION.

7   SECTION 2. Section 31.012, Election Code, is amended by

8   amending Subsection (a) and adding Subsections (b-1) and (d) to

9   read as follows:

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

11   county that maintains a website shall provide notice of the

12   identification requirements for voting prescribed by Chapter 63 and

13   that straight ticket voting has been eliminated pursuant to H.B.

14   25, Acts of the 85th Legislature, Regular Session, 2017 on each

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

16   registration and election materials are available. The secretary

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

18   the websites.

19   (b-1) As soon as practicable after September 1, 2017, the

20   secretary of state shall distribute electronically to each county

21   election administrator and the county chair of each political party

22   notice that straight ticket voting has been eliminated pursuant to

23   H.B. 25, Acts of the 85th Legislature, Regular Session, 2017.

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

1

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; <u>and</u>

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

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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, 2017.

FLOOR AMENDMENT NO. 1   BY: *[signature]*

1   Amend H.B. No. 25 (senate committee printing) as follows:

2   (1) In SECTION 2 of the bill, in added Section 31.012(b-1),

3 Election Code, (page 1, line 36), strike "September 1, 2017" and

4 substitute "September 1, 2020".

5   (2) In SECTION 9 of the bill, (page 2, line 68), strike

6 "2017" and substitute "2020".

85R30494 GRM-D   1

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