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

A BILL TO BE ENTITLED
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, 2017, 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
procedures as necessary for the implementation of the elimination
of straight-party voting to ensure that voters and county election
administrators are not burdened by the implementation.
        SECTION 3. Section 62.011(c), Election Code, is amended to
read as follows:
        (c) The poster must include instructions applicable to the
election on:
                (1) marking and depositing the ballot;
                (2) voting for a write-in candidate;
                (3) [casting a straight party vote;
                [(4)] casting a provisional ballot;
                [(5) — — until the expiration of Section 13.122(d), voting
for the first time by a person who registered by mail;] and
                (4) [(6)] securing an additional ballot if the voter's
original ballot is spoiled.
        SECTION 4. Section 65.011, Election Code, is amended to
read as follows:
        Sec. 65.011. OVERVOTING. If [Except as provided by Section
65.007(c) or (d), if] a voter marks the ballot for more candidates
for an office than the number of persons to be elected for that
office, none of the votes may be counted for that office.
        SECTION 5. Section 105.002(c), Election Code, is amended to
read as follows:
        (c) The secretary of state shall prescribe the form of the
ballot to allow a voter to cast a vote in each federal, state, or
local race in the election. The ballot must allow a voter to write
in the name of a candidate [or, if applicable, cast a straight party
vote].
        SECTION 6. Section 122.001(a), Election Code, is amended to
read as follows:
        (a) A voting system may not be used in an election unless the
system:
                (1) preserves the secrecy of the ballot;

(2)   is suitable for the purpose for which it is
intended;
        (3)   operates safely, efficiently, and accurately and
complies with the voting system standards adopted by the Election
Assistance Commission;
        (4)   is safe from fraudulent or unauthorized
manipulation;
        (5)   permits voting on all offices and measures to be
voted on at the election;
        (6)   prevents counting votes on offices and measures on
which the voter is not entitled to vote;
        (7)   prevents counting votes by the same voter for more
than one candidate for the same office or, in elections in which a
voter is entitled to vote for more than one candidate for the same
office, prevents counting votes for more than the number of
candidates for which the voter is entitled to vote;
        (8)   prevents counting a vote on the same office or
measure more than once;
        (9)   permits write-in voting; and
        (10)   [is capable of permitting straight-party voting;
and

        [(11)]   is capable of providing records from which the
operation of the voting system may be audited.
      SECTION 7.   Section 129.023(c), Election Code, is amended to
read as follows:
      (c)   The general custodian of election records shall adopt
procedures for testing that:
        (1)   direct the testing board to cast votes;
        (2)   verify that each contest position, as well as each
precinct and ballot style, on the ballot can be voted and is
accurately counted;
        (3)   include overvotes and undervotes for each race, if
applicable to the system being tested;
        (4)   [include straight-party votes and crossover
votes;

        [(5)]   include write-in votes, when applicable to the
election;
        (5) [(6)]   include provisional votes, if applicable to
the system being tested;
        (6) [(7)]   calculate the expected results from the test
ballots;
        (7) [(8)]   ensure that each voting machine has any
public counter reset to zero and presented to the testing board for
verification before testing;
        (8) [(9)]   require that, for each feature of the system
that allows disabled voters to cast a ballot, at least one vote be
cast and verified by a two-person testing board team using that
feature; and
        (9) [(10)]   require that, when all votes are cast, the
general custodian of election records and the testing board observe
the tabulation of all ballots and compare the actual results to the
expected results.
      SECTION 8.   Sections 1.005(20), 52.071, 64.004, 65.007,
122.001(b), 124.001, 124.003(d), 124.063(d), and 232.050(d),
Election Code, are repealed.
      SECTION 9.   This Act takes effect September 1, 2017.