

BILL ANALYSIS

Senate Research Center
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S.B. 135
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DIGEST AND PURPOSE

Current law governing municipal and school district elections requires election by majority vote, with runoff elections when necessary. Voter turnout for local runoff elections is typically low, and some contend that runoffs are an unnecessary expense. According to a secretary of state opinion, a home-rule city with a population over 200,000 cannot conduct elections using an “instant runoff” or “preferential voting” system, absent a statutory change. As proposed, S.B. 135 provides for optional local use of preferential voting.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2, Election Code, by adding Subchapter D, as follows:

SUBCHAPTER D. USE OF PREFERENTIAL VOTING FOR CERTAIN ELECTIONS

Sec. 2.101. USE OPTIONAL. (a) Authorizes the governing body of a municipality or independent school district to require the use of preferential voting as provided by this subchapter for the election of an officer of the municipality or school district, as appropriate, by majority vote.

(b) Authorizes the governing body of a county to require the use of preferential voting as provided by this subchapter for the primary election of a political party’s nominee for an officer of the county.

Sec. 2.102. ADOPTION OF PREFERENTIAL VOTING PROCEDURES. (a) Requires the secretary of state to prescribe procedures to allow for an election of an office requiring a majority vote using a preferential voting system.

(b) Requires the system to allow a voter to rank each candidate for an office through a numerical designation from the candidate the voter favors most to the candidate the voter favors least.

Sec. 2.103. DETERMINATION OF ELECTION RESULT. (a) Provides that if no candidate receives a majority of the votes cast designating the highest favorable ranking for an office, the votes of the candidate receiving the fewest number of votes are reassigned to the candidate ranking next highest in the preference of a voter.

(b) Provides that if after reassigning votes under Subsection (a) no candidate receives a majority of the votes cast designating the modified highest favorable ranking, the reassignment of a vote to a voter’s next most preferred candidate under Subsection (a)

continues until one candidate receives a majority.

(c) Requires the tied candidates, if two or more candidates tie for the least number of votes before a reassignment of votes under Subsection (a) or (b), to cast lots to determine which candidate's votes are reassigned.

Sec. 2.104. PRIMARY ELECTION. (a) Requires, to the extent possible, a primary election of a political party for a county office to which this subchapter applies to be held as provided by Chapter 172 (relating to primary elections).

(b) Requires the secretary of state to adopt necessary procedures to allow for the use of this subchapter at a primary election of a political party for nomination to an office of a county requiring the use of this subchapter.

Sec. 2.105. RUNOFF ELECTION NOT HELD. Provides that a runoff election, notwithstanding any other law, is not held for an office to which this subchapter applies.

Sec. 2.106. VOTER EDUCATION. (a) Requires a political subdivision requiring the use of preferential voting as provided by this subchapter to establish a program to educate voters on the use of preferential voting.

(b) Requires the political subdivision to provide funds for the program established under Subsection (a) in an amount equal to not less than 25 percent of the average annual costs of the political subdivision to hold runoff elections.

SECTION 2. Effective date: September 1, 2003.