

## **BILL ANALYSIS**

Senate Research Center  
81R1608 ATP-D

S.B. 317  
By: Wentworth  
State Affairs  
2/20/2009  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law requires voting instruction posters at polling places to include instructions on casting a party-line vote. Current law prohibits the use of a voting system that is not capable of permitting straight-party voting. The law does not require voters to view the name of each candidate before casting a party-line vote.

As proposed, S.B. 317 requires voters to read and select the names of each candidate individually before voting in a general election and modifies or repeals provisions relating to straight-party votes.

### **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 Section 62.011(c), Election Code, to delete existing text requiring the instruction poster posted in a polling place to include instructions applicable to the election on casting a straight-party vote and voting for the first time by a person who registered by mail until the expiration of Section 13.122(d). Makes nonsubstantive changes.

SECTION 2. Amends Section 65.011, Election Code, to provide that none of the votes are authorized to be counted if a voter marks the ballot for more candidates for an office than the number of persons to be elected for that office. Deletes existing text providing an exception as provided by Section 65.007(c) (relating to tallying straight-party votes if a ballot indicates a straight-party vote and a vote for an opponent of one or more of that party's nominees) or (d) (relating to tallying straight-party votes if a ballot indicates straight-party votes for more than one party).

SECTION 3. Amends Section 105.002(c), Election Code, to delete existing text allowing a voter to cast a straight-party vote if applicable.

SECTION 4. Amends Section 122.001(a), Election Code, to delete existing text prohibiting a voting system from being used in an election unless the system is capable of permitting straight-party voting. Makes a nonsubstantive change.

SECTION 5. Repealer: Section 1.005(20) (relating to the definition of "straight-party vote"), Election Code.

Repealer: Section 52.071 (Voting Square and Instruction for Straight-Party Vote), Election Code.

Repealer: Section 64.004 (Marking the Ballot for Straight-Party Vote), Election Code.

Repealer: Section 65.007 (Tallying Straight-Party Votes), Election Code.

Repealer: Section 122.001(b) (relating to prohibiting a voting system from being used in an election in which straight-party voting is permitted unless the system meets certain specifications), Election Code.

Repealer: Sections 124.001 (Straight-Party Arrangement), 124.003(d) (relating to straight-party voting not applying to candidates listed under the uncontested races heading), and 124.063(d) (relating to the electronic system ballot for an election in which straight-party voting is allowed), Election Code.

Repealer: Section 232.050(d) (relating to a ballot for an election for fewer than three offices), Election Code.

SECTION 6. Effective date: September 1, 2009.