

## BILL ANALYSIS

Senate Research Center  
79R2699 DRH-F

S.B. 197  
By: Barrientos  
State Affairs  
3/17/2005  
As Filed

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

Current law, as interpreted by the Texas secretary of state, provides that a home-rule city of more than 200,000 in population cannot conduct local elections using "preferential" (instant runoff) voting. Preferential voting enables voters to rank candidates by order of preference. In the event that no one candidate receives more than a majority of the "first place" votes, the first place votes of the candidate receiving the fewest such votes are thrown out, and the second place votes on those ballots are reassigned as first place votes to the appropriate candidates. This procedure continues until one candidate receives a majority.

The City of Austin spent \$483,456 on a June 7, 2003, runoff election between two city council candidates. Only ten percent of registered voters cast votes in that election. Preferential voting would relieve local jurisdictions already struggling with budgetary issues of the expense of runoff elections, in which participation is traditionally very low. As proposed, S.B. 197 provides explicitly by statute that the governing body of a municipality or school district may conduct elections for officers of those bodies using 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 the reassignment of a vote to a voter's next most preferred candidate under Subsection (a) will continue until one candidate receives a majority.

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

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 be held as provided by Chapter 172 pertaining 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, notwithstanding any other law, a runoff election 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 no less than 25 percent of their average annual costs to hold runoff elections.

SECTION 2. Effective date: September 1, 2005.