

SUBJECT: Establishing preferential voting system for military, abroad runoff ballots

COMMITTEE: Elections — committee substitute recommended

VOTE: 8 ayes — Cain, J. González, Beckley, Bucy, Clardy, Fierro, Jetton, Swanson

1 nay — Schofield

WITNESSES: For — Cinde Weatherby, League of Women Voters of Texas; Joanne Richards, Ranked Choice Voting for Texas; (*Registered, but did not testify*: Cindy Ji, Children's Defense Fund Texas; Anthony Gutierrez, Common Cause Texas; Gerald Welty, Convention of States; Cyrus Reed, Lone Star Chapter Sierra Club; Sandra Weinstein and David Billings, Stand Up Republic Texas; Glen Maxey, Texas Democratic Party; and 12 individuals)

Against — (*Registered, but did not testify*: Alan Vera, Harris County Republican Party Ballot Security Committee; Robert L. Green, Travis County Republican Party Election Integrity Committee; and 11 individuals)

On — (*Registered, but did not testify*: Christina Adkins, Texas Secretary of State)

BACKGROUND: Election Code sec. 101.001 makes certain persons qualified to vote in Texas, including those who would be qualified if registered, eligible to vote early by mail. Such persons include:

- members of the U.S. armed forces and members of the U.S. merchant marine, or the spouse or dependent of such members; and
- persons domiciled in Texas but temporarily living outside the territorial limits of the United States and the District of Columbia.

Concerns have been raised that the process by which members of the military and eligible voters abroad cast their ballots is inefficient and

results in low turnout rates among these individuals.

DIGEST:

CSHB 740 would require the secretary of state to prescribe procedures to provide for a runoff election ballot issued to an eligible voter under Election Code ch. 101 to use a preferential voting system. The system would have to allow a voter to rank each candidate through a numerical designation from the candidate the voter favored most to the candidate the voter favored least. These voters would receive a runoff election ballot at the same time and in the same manner as the general election ballot.

If a runoff election for any office voted by the voter occurred, the carrier envelope containing the voter's runoff election ballot would be opened and the ballot counted. The voter's vote in the election would be assigned to the runoff candidate whom the voter assigned the highest favorable ranking. A runoff ballot only could be counted if the voter returned the ballot at the same time and in the same manner as a general election ballot voted by the voter.

In addition to any other balloting materials provided to the voter, the early voting clerk would have to provide the voter with a runoff election ballot for each office for which the voter was eligible to vote and a second carrier envelope in which the voter could return the runoff ballot.

The secretary of state would have to create detailed instructions on the use of a preferential voting system and provide the instructions to each county clerk. County clerks would have to:

- post the instructions on the county clerk's public internet website, if the clerk maintained a website; and
- ensure that a copy of the instructions was mailed to each voter who received a runoff election ballot in the same time and in the same manner as that ballot.

The bill would take effect January 1, 2022.