

By: Swanson

H.B. No. 496

A BILL TO BE ENTITLED

AN ACT

relating to a ballot option to not vote for any candidate.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 52, Election Code, is amended by adding Section 52.0685 to read as follows:

Sec. 52.0685. OPTION TO AFFIRMATIVELY CHOOSE NOT TO VOTE.

(a) Voters shall be given the opportunity to select "None of the Above" instead of voting for:

(1) the candidates appearing on the ballot;

(2) the list of write-in candidates for each race; or

(3) a measure on the ballot.

(b) A vote under this section does not count for the purpose of determining which candidate received a majority of votes.

(c) The secretary of state shall prescribe the form and manner of placing the option "None of the Above" on the ballot.

SECTION 2. Sections 52.070(a) and (b), Election Code, are amended to read as follows:

(a) A shape for voting shall be printed to the left of:

(1) each candidate's name on a ballot; and

(2) the option "None of the Above" for each office to be voted on in the election.

(b) Immediately below "OFFICIAL BALLOT," the following instruction shall be printed: "Vote for the candidate of your choice in each race by placing an 'X' or filling in the shape beside

1 the candidate's name or beside "None of the Above"."

2 SECTION 3. Sections 52.073(a), (b), and (c), Election Code,
3 are amended to read as follows:

4 (a) On a ballot on which a proposition is to appear, "FOR"
5 and, below it, "AGAINST" and, below it, "None of the Above" shall be
6 printed to the left of the proposition.

7 (b) A brace or other suitable device shall be printed to
8 indicate to which proposition each "FOR," ~~and~~ "AGAINST," and
9 "None of the Above" applies.

10 (c) A square for voting shall be printed to the left of each
11 "FOR," ~~and each~~ "AGAINST," and "None of the Above."

12 SECTION 4. This Act takes effect September 1, 2025.