

## **BILL ANALYSIS**

C.S.H.B. 153  
By: Swanson  
Elections  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been raised about the ability of corrupt election officials, ballot harvesters, or other malicious actors to take advantage of contests left blank on an individual's mail-in ballot. In fact, this phenomenon was witnessed first-hand by Representative Swanson during her service as a volunteer observer for the recount effort in Madison, Dane County, Wisconsin. Rep. Swanson saw numerous paper ballots with some contests left blank, many of which had only a vote for president. In other cases, a person voted down the ballot but left the option for president blank.

Currently, if Texas voters do not want to vote in a particular contest, they are expected to leave that specific option blank. On an in-person voting machine, the machine registers the voter's choice to abstain; however, on a mail-in ballot, there is no method to discern whether a voter chooses not to vote in a contest. As a result, bad actors could obtain a voter's mail-in ballot and discreetly fill in one of the options themselves. To even a trained eye, it would be nearly impossible to discern whether a vote was cast legitimately or fraudulently. C.S.H.B. 153 seeks to address this issue by creating a ballot option for a voter to affirmatively abstain from voting in a contest on a ballot.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 153 amends the Election Code to require that voters be given the opportunity to select "I choose not to vote in this race" instead of voting for the candidates appearing on the ballot or the list of write-in candidates for each race. The bill establishes that such a selection does not count for the purpose of determining which candidate received a majority of votes. The bill requires the secretary of state to prescribe the form and manner of placing that option on the ballot and requires instruction for selecting the option to be included in the instruction for voting printed on the ballot.

### **EFFECTIVE DATE**

September 1, 2023.

## **COMPARISON OF INTRODUCED AND SUBSTITUTE**

While C.S.H.B. 153 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision not in the introduced establishing that a selection by a voter of the option "I choose not to vote in this race" does not count for the purpose of determining which candidate received a majority of votes.