

BILL ANALYSIS

C.S.H.B. 496
By: Swanson
Elections
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current election law provides for a voter to mark their ballots only for the names of candidates in an election or to mark their ballots only for or against a measure. The author of the bill notes that, because there is no option for a voter to abstain from casting a vote for a specific candidate or measure, it is possible for anyone with malicious, fraudulent intent to mark one of the selections to be counted after the ballot leaves the voter's control. C.S.H.B. 496 seeks to address this issue by creating a ballot option for a voter to affirmatively choose not to vote for any candidate or not to vote for or against a measure.

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. 496 amends the Election Code to require that voters be given the opportunity to select the following on an election ballot:

- "None of the above" instead of voting for a candidate appearing on the ballot or the list of write-in candidates for each race; or
- "ABSTAIN FROM VOTE" instead of voting for or against a measure.

The bill establishes that such a selection does not count for the purpose of determining which candidate received a majority of votes or whether a measure may be enacted. The bill requires the secretary of state to prescribe the form and manner of placing the options required by the bill on the ballot and revises requirements relating to the voting square and instruction for voting for candidates and propositions printed on the ballot to reflect the inclusion of the options.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 496 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 replaces the introduced version's requirement for voters to be given the opportunity to select "None of the Above" instead of voting for a measure on the ballot with a requirement for voters to be given the opportunity to select "ABSTAIN FROM VOTE" instead of voting for or against a measure on the ballot. Whereas, the introduced and the substitute both establish that such a vote does not count for the purpose of determining which candidate received a majority of votes, the substitute includes a provision absent from the introduced establishing that such a vote also does not count for the purpose of determining whether a measure may be enacted.

The introduced and the substitute both require the secretary of state to prescribe the form and manner of placing the "None of the Above" option on a ballot or list of write-in candidates for each race, whereas the substitute includes a provision absent from the introduced requiring the secretary of state to prescribe the form and manner of placing the "ABSTAIN FROM VOTE" option on a ballot on which a measure appears.