

SUBJECT: Adding a ballot option to affirmatively abstain from voting in a race

COMMITTEE: Elections — committee substitute recommended

VOTE: 6 ayes — Smith, Burrows, Capriglione, DeAyala, Manuel, Swanson
2 nays — Bucy, E. Morales
1 absent — Vo

WITNESSES: For — Alan Vera, Harris County Republican Party Ballot Security Committee; Valerie DeBill; Ed Johnson; Bill Sargent (*Registered, but did not testify*; Devvie Duke, Republican Party of Texas; Robert L. Green, Travis County Republican Party Election Integrity Committee for Legislation; and six individuals)

Against — Trudy Hancock, Texas Association of Elections Administrators (*Registered, but did not testify*; Cary Roberts, County and District Clerks Association of Texas; Palwasha Sharwani, Emgage TX; Roxy Williamson, Galveston Island Voter Education Resource and Services, Texas Grassroots Alliance, and New Endeavor Texas; Beth Biesel, Cindi Castilla, Texas Eagle Forum; and nine individuals)

On — Kevin Hale, Libertarian Party of Texas; Christina Adkins, Texas Secretary of State; Jocelyn Pantke (*Registered, but did not testify*; Lori Gallagher, Texas First; Sergio Carranza; Liz Case Pickens; Karen Darby; Chris Drewry; Elizabeth Geretz)

BACKGROUND: Some have suggested that an option for a voter to affirmatively abstain from casting a vote in certain races could prevent bad actors from taking advantage of contests left blank on mail-in ballots.

DIGEST: CSHB 153 establishes that voters would 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. A vote with this selection would not count for the purpose of determining

which candidate received a majority of votes.

The secretary of state would be required to prescribe the form and manner of placing the option "I choose not to vote in this race" on the ballot. The bill also would make conforming changes to include this option among other ballot requirements.

The bill would take effect September 1, 2023.