

SUBJECT: Making the overseas military email ballot program permanent

COMMITTEE: Elections — favorable, without amendment

VOTE: 4 ayes — Laubenberg, Israel, R. Anderson, Swanson

1 nay — Fallon

2 absent — Larson, Reynolds

SENATE VOTE: On final passage, April 19 — 31-0, on Local and Uncontested Calendar

WITNESSES: *On House companion bill, HB 1414:*

For — Jacquelyn Callanen, Bexar County; Morgan Little, Texas Coalition of Veterans Organizations; Glen Maxey, Texas Democratic Party; Bill Fairbrother, TRCCA; (*Registered, but did not testify*: Melissa Shannon, County of Bexar Commissioners Court; Charles Reed, Dallas County Commissioners Court; Ed Johnson, Harris County Clerk's Office; Cinde Weatherby, League of Women Voters of Texas; Juan Antonio Flores, San Antonio Chamber of Commerce; Mark Mendez, Tarrant County; Chris Davis and John Oldham, Texas Association of Elections Administrators; Donald Lee, Texas Conference of Urban Counties; Nikole Sturm, Travis County Green Party; Jacob Aronowitz, Young Active Labor Leaders; Elizabeth Garcia; Sacha Jacobson; Dyana Limon-Mercado)

Against — None

On — Alan Vera, Harris County Republican Party Ballot Security Committee; (*Registered, but did not testify*: Keith Ingram, Texas Secretary of State-Elections Division)

BACKGROUND: In 2013, the 83rd Legislature enacted HB 1129 by White, which established a pilot program allowing voting by email for active-duty members of the military serving abroad and eligible for hostile-fire pay. Election Code, sec. 105.004 provides that under the program, voters are required to print an election ballot, print and sign a voter signature form,

and scan the documents before emailing them. The secretary of state is required to select a number of counties to participate in the program that desire to participate and meet appropriate technological capabilities. In 2015, the program was extended until September 1, 2017.

**DIGEST:** SB 752 would repeal the requirement that the secretary of state operate the email ballot program as a pilot program and would make the program permanent. The secretary of state also would be required to select any county to participate in the program if the county desired to participate and had the appropriate technological capabilities.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2017.

**SUPPORTERS SAY:** SB 752 would help ensure that Texas active-duty service members deployed in combat zones could exercise their right to vote by making the email ballot pilot program permanent. For overseas military members, voting can be very difficult. Those who do not have access to the email ballot program must request a ballot by mail, wait for its arrival, and return the marked ballot by mail. This process is very time-consuming, and some service members who are eligible for hostile-fire pay may not receive their ballots in time to vote.

The email ballot pilot program allowed Bexar County's elections department to email a blank ballot to overseas military members. Members in a hostile fire zone could print the ballot, fill it out, and email it back to an email address that is used only once for a specific election. Members not in hostile fire zones could print the ballot, fill it out, and mail it back. Bexar County has successfully operated this pilot program for several elections with no evidence of fraud or any other problems. This bill appropriately would make the program permanent and expand it to include more Texans serving overseas.

**OPPONENTS SAY:** SB 752 unnecessarily would expand this program to encompass any county in the state wishing to participate. This could create unneeded

expenses for counties without large military bases or overseas active duty military members. Texas counties and military members would be better served by this program if the proposed expansion was limited to counties with military bases or a high percentage of military members.

NOTES:

A companion bill, HB 1414 by Cortez, was approved by the House on May 3.