

- SUBJECT:** Allowing certain military members to cast a ballot electronically
- COMMITTEE:** Elections — favorable, without amendment
- VOTE:** 7 ayes — Laubenberg, Goldman, Fallon, Israel, Phelan, Reynolds, Schofield
- 0 nays
- SENATE VOTE:** On final passage, April 30 — 31-0, on local and uncontested calendar
- WITNESSES:** (*On House companion bill, HB 1646*)
- For — Jacquelyn Callanen, Bexar County; Morgan Little, Texas Coalition of Veterans Organizations; (*Registered, but did not testify*: Erin Anderson, True the Vote; Yannis Banks, Texas NAACP; Dana DeBeauvoir, Legislative Committee of County and District Clerks Association of Texas; Deece Eckstein, Travis County Commissioners Court; Bill Fairbrother and Kathy Haigler, Texas Republican County Chairmen's Association; Nancy Goettman, Christian Coalition of Bexar County; Glen Maxey, Texas Democratic Party; Mark Mendez, Tarrant County Commissioners Court; Seth Mitchell, Bexar County Commissioners Court; Celina Moreno, Mexican American Legal Defense and Educational Fund; John Oldham, Texas Association of Elections Administrators; Charles Reed, Dallas County Commissioners Court; Jesse Romero, Common Cause Texas; Bill Sargent, Galveston County Clerk; Jan Soifer, Travis County Democratic Party; Cinde Weatherby, League of Women Voters of Texas; Mike Conwell; Rosemary Edwards)
- Against — Alan Vera, Harris County Republican Party Ballot Security Committee; (*Registered, but did not testify*: Brad Parsons)
- On — Keith Ingram, Texas Secretary of State, Elections Division; Ed Johnson, Harris County Clerk's Office; (*Registered, but did not testify*: Ashley Fischer; Secretary of State)
- BACKGROUND:** The enactment in 2013 of HB 1129 by White created the e-mail ballot

program for certain military voters stationed overseas. Election Code, sec. 105.004 requires the secretary of state to implement a pilot program allowing early voting by e-mail for active-duty members of the military who are serving abroad and are eligible for hostile fire pay.

Under the program, voters print an election ballot, print and sign a voter signature form, and scan the documents before e-mailing them. The program requires the secure processing of ballots, which would include the use of the voter's military e-mail address and common access card or other measures deemed appropriate by the Texas secretary of state.

The pilot program, which is set to expire on September 1, 2015, currently allows the secretary of state to select one county for participation. Bexar County was selected following the enactment of HB 1129, and the program was used during the March 4, 2014, primary election; the May 27, 2014, runoff primary election; and the November 4, 2014, general election, as documented in the secretary's report to the 84th Legislature.

DIGEST: SB 1115 would amend Election Code, sec. 105.004 to allow a number of counties as determined by the secretary of state, rather than only one county, to participate in the pilot program for certain military members to vote early by e-mail. The bill also would extend the expiration date of the program from September 1, 2015, to September 1, 2017, and would require the secretary of state to file a report on the program with the Legislature by January 1, 2017.

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, 2015.

SUPPORTERS SAY: SB 1115 would streamline the process of voting for a greater number of active-duty military service members in combat zones and would guarantee their right to participate in an election. It is currently difficult for military members stationed overseas to participate in the voting process due to slow and unreliable mail service or a lack of knowledge of how the absentee ballot process works. According to the secretary of

state's report to the Legislature following the Bexar County pilot, many voters have difficulty printing, assembling, and returning a carrier envelope in time, as required under the normal process of returning a ballot by mail. SB 1115 could expand the number of eligible overseas voters by making the process of submitting a ballot simple and electronic.

SB 1115 would not put absentee voters at risk because the online process is safe and secure. The system involves using a government e-mail address, encrypted channels, and government ID with an encrypted code to guarantee that the correct person is in fact casting the ballot. Military e-mail works on a secure platform, and the bill would ensure the state employed other means to prevent fraud and protect ballots used in the program. It also would require participating counties to have the proper technology in place. According to the secretary's report to the Legislature, there were no security issues with the return of ballots during the Bexar County elections in 2014.

**OPPONENTS
SAY:**

Although the state should make certain that every Texan serving overseas in the military is able to vote, SB 1115 would put at risk that very important right. The Internet does not provide the kind of security necessary to ensure the accuracy of a person's vote by e-mail. Such votes could be susceptible to hacking and are unauditible.

NOTES:

The House companion bill, HB 1646 by J. White, was considered in a public hearing of the Elections Committee on May 4 and left pending.