

- SUBJECT:** Allowing email ballot-casting for certain military service-members
- COMMITTEE:** Defense and Veterans' Affairs — committee substitute recommended
- VOTE:** 9 ayes — Menéndez, R. Sheffield, Collier, Farias, Frank, Miller, Moody, Schaefer, Zedler
0 nays
- WITNESSES:** For — Rosemary Edwards, Travis County Republican Party; Elissa Fuchs; Ed Johnson, Harris County Clerk; Morgan Little, Texas Coalition of Veterans Organizations; Seth Mitchell, Bexar County Commissioners Court; B R “Skipper” Wallace, Republican County Chairs Association; Michael Winn, Travis County; (*Registered, but did not testify*: Jim Grace)
Against — None
On — Keith Ingram, Texas Secretary of State-Elections Division; Michael Vasquez, Texas Conference of Urban Counties; (*Registered, but did not testify*: Jeff Williford, Texas Veterans Commission)
- DIGEST:** CSHB 1129 would add Election Code, sec. 105.004 to require the secretary of state to implement a pilot program that would allow voting by e-mail for active-duty members of the military serving abroad and eligible for hostile-fire pay.
Under the program, voters would be required to print an election ballot, print and sign a voter signature form, and scan the documents before emailing them.
The program would have to require 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.
A county could participate in the program if it were determined by the secretary of state to have the appropriate technological capabilities and showed a desire to take part.

CSHB 1129 would require the secretary of state to file by January 1, 2015 a report with the Legislature that included recommendations about the future use of e-mail ballots by members of the U.S. military and suggestions for making such a program permanent in statute.

The program would run through September 1, 2015.

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, 2013..

**SUPPORTERS
SAY:**

CSHB 1129 would streamline the process of voting for active-duty military service members in combat zones and would guarantee their right to participate in an election.

Allowing balloting by email from these service members would reduce the challenges of voting under difficult conditions and solve problems in using mail to cast a vote. In 2012, the state's election officials counted about 32,000 of the 54,000 ballots that were requested by members of the military serving abroad. Although voter participation of these service-members is improving, Texas can do better and would benefit from using the efficiency of a secure e-mail service in its elections process. The state already allows voting by fax from such members of the military, so privacy concerns have already been addressed for distance voting.

The election process for service members needs improving. There have been accounts of service member ballots arriving late even though they were mailed from foreign locations weeks in advance of the election. 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. The state would monitor the program and determine its usefulness, which would help lawmakers decide whether to expand it permanently.

**OPPONENTS
SAY:**

Although the state should make certain that every Texan serving overseas in the military is able to vote, CSHB 1129 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 might cause a losing candidate to question the validity of a close election.