

**Senate Committee on State Affairs
Interim Committee Hearing
October 9, 2012**

**Written Testimony of
Keith Ingram, Director of Elections
Office of the Secretary of State**

SB 100 was an important step in the evolution of the election calendar in order to protect the rights of citizens in the military and overseas to vote. Elongating the deadlines prior to elections and between the primary and runoff elections makes achieving the 45 day deadline for sending out ballots much more likely.

The 2012 election year was the first year with the “new” election calendar in effect. However, the court battles over redistricting resulted in the courts redrawing the primary and runoff calendar; but having the statutory calendar elongated meant that the court mirrored those lengths of time in putting together the new calendar.

The counties were largely successful in meeting the 45 day deadline for the primary, runoff, and general elections. Most counties who did not make the Saturday deadline were able to send the ballots out the following Monday.

We do not yet know the statewide numbers for participation by military and overseas voters. The Office of the Secretary of State is currently gathering that information for the Federal Election Assistance Commission and the Federal Voting Assistance Program. Statewide numbers should be available by February. However, the Office has asked a few counties to let us know informally what their numbers look like and should be able to make a report to this Committee and the House committees regarding those preliminary numbers soon.

Email transmission of blank ballots to these voters is and will most likely continue to be a popular option. I have attached to this testimony the Office’s 2012 Advisory to the counties regarding emailing blank ballots. I have also attached our instructions to the voter registrar. Finally, I have attached our instructions to the voter, which we ask county election officials to cut and paste into the body of the email as well as the attachments (minus the ballot) that are sent to the voter.

The email transmission of blank ballots is designed to approximate what the voter would receive if the ballots were physically mailed. The overarching goal of both processes is to insure both that the voter’s vote confidentiality is preserved and that the voter who requested the ballot is the same one casting the ballot. Streamlining and simplifying both the email process and paperwork are desirable goals, but it is critical to maintain ballot security and integrity at the same time.

Anecdotally, we heard from a few military voters who were unable to open the email attachments sent to them by their county of residence. It was unclear if the military email system

was blocking the attachments as spam or if the computers used lacked the necessary software. These voters, while relatively few in number, were quite frustrated, but eventually succeeded in opening the ballots.

A more serious concern with email ballots is the necessity to duplicate the ballots into a scannable form when they are received by the counties. This results in a great deal of work for the counties in a compressed time frame with an opportunity for mistakes to be made in accurately recording the voter's intent. There are several possible solutions to this issue, but we believe that they generally require legislative action to implement. This story from the *San Antonio Express News* talks about this issue:

Many of the ballots sent out by the Elections Department are via email, but they must be sent back in hard copy form. The problem is that sometimes the emails are going to voters who do not have access to standard printers. Often the printers that military personnel are using in a foreign country cannot handle what we consider a standard size sheet of paper in the United States.

That frequently means the ballots are chopped off at the top or on the bottom and the voter then must write in the candidate information by hand.

When these ballots get sent back to the election department to be counted, the information on those ballots must be taken and re-entered on a standard ballot form. That process by law requires at least two people to ensure the integrity of the ballot.

Ensuring that military personnel get the opportunity to vote is an important process, but there has to be an easier way of doing things.

Bexar County elections officials plan to meet with their counterparts from across the state and with federal voting officials to discuss the problem and try to come up with some workable solutions.

Read more: <http://www.mysanantonio.com/opinion/editorials/article/Military-vote-system-needs-streamlining-4061814.php#ixzz2EIsJiDbp>

The Office looks forward to working with the counties as well as you and your staffs as we investigate possible solutions.

Another issue that arose was the number of military and overseas voters who believed that they had properly submitted their request for ballots through a Federal Post Card Application (FPCA) when they had not. It is unclear what the disconnect was between the Federal Voter Assistance Program (FVAP) process and the voters. However, the Office is looking into increasing communications between our Office and military bases in Texas to insure that the voting assistance officers and other administrative personnel on those bases have as much information as they can possibly need to usefully assist the soldiers with whom they work.

I conclude by quoting again the article mentioned above from the *San Antonio Express News*:

The Military and Overseas Voter Empowerment Act, or MOVE Act, passed in 2009 has gone a long way toward ensuring that those serving in the military receive their ballots in a timely manner.

The early deadlines for those ballots are stringent, but Texas elections officials showed they are up to the task despite the many headaches they incurred due to redistricting and delayed elections earlier in the year.

Finding a way to minimize the time needed to handle those ballots once they are returned should be a priority before the next election.

Read more: <http://www.mysanantonio.com/opinion/editorials/article/Military-vote-system-needs-streamlining-4061814.php#ixzz2EItuC28s>