

The State of Texas

Elections Division
P.O. Box 12060
Austin, Texas 78711-2060
www.sos.state.tx.us



Phone: 512-463-5650
Fax: 512-475-2811
Dial 7-1-1 For Relay Services
(800) 252-VOTE (8683)

Hope Andrade
Secretary of State

MEMORANDUM

TO: County Clerks, Voter Registrars and Elections Administrators
FROM: Ann McGeehan, Director of Elections
DATE: March 17, 2010
RE: Impact of the Military and Overseas Voter Empowerment Act on Texas

Thank you all for a successful and remarkably smooth primary election. Although work continues for the upcoming runoff elections and the May 8th elections, we wanted to alert you to a new federal law that will be effective for the November 2, 2010 general election. Last October, Congress passed the federal Military Overseas Voters Empowerment ("MOVE") Act. MOVE requires changes to the way military and overseas voters may register and vote in federal elections, and facilitates the entire process for this population of voters who face unusual obstacles in voting. Listed below are highlights of the MOVE Act and a short statement of how Texas law and procedure is impacted.

States must provide military and overseas voters an electronic means to request voter registration applications and requests for mail ballots.

- The Secretary of State and many counties currently provide downloadable voter registration applications, applications for ballot by mail, and the Federal Postcard application on the web so the state is in compliance with this requirement.

States must provide for electronic transmission of blank ballots at the request of the military and/or overseas voter.

- State law does not permit electronic transmission of a blank ballot.
- The Office of the Secretary of State will need to adopt administrative rules to authorize blank ballots to be emailed to military and overseas voters.
- MOVE does not authorize a voted ballot to be returned electronically.

States must transmit ballots no later than 45 days before an election for federal office.

- State law currently requires that ballots must be mailed 45 days before the November general election.
- For primary runoff elections and other federal special elections the state will not be able to comply with the 45 day transmittal time.
- The state may seek a hardship exemption from the 45 day requirement by filing a request with the US Department of Defense and the US Department of Justice demonstrating that the state has a comprehensive plan for military and overseas voters to receive and cast ballots with less than a full 45 day transmittal time.

MEMORANDUM

Impact of the Military and Overseas Voter Empowerment Act on Texas

Page 2

The Department of Defense must develop a program to collect and deliver voted ballots back to the appropriate election office.

States must develop a free tracking system that overseas and/or military voters can access to determine if their voted ballot has been received back by the appropriate election authority.

- Further analysis is needed on what would constitute a sufficient tracking system.
- Due to the short time frame, the state will probably need to implement a Phase 1 approach to be in compliance for the November 2010 election, and a Phase 2 approach that may be more comprehensive and long term.

The Department of Defense must provide an automated, electronic application which would generate a voter's specific Federal Write In Ballot listing the appropriate offices and candidates by December 2011.

The Department of Defense is required to designate military installations as voter registration agencies, and must offer the opportunity to register to all military personnel.

The MOVE Act repeals the requirement that a Federal Postcard Application be effective for a period of two federal elections.

- Current state law requires that the FPCA be effective for two federal elections.
- The 2011 Legislature may wish to revisit this requirement since it is no longer required pursuant to federal law.

The Department of Defense is charged with implementing a pilot project concerning sending and returning a voted ballot via the Internet.

FVAP and the Election Assistance Commission will collect data from the states concerning statistics on numbers of ballots requested, mailed, rejected and accepted.

The Office of the Secretary of State plans to adopt administrative rules concerning sending blank ballots to this population of voters and we welcome feedback from all election officials. Concerning development of a tracking system for voters to check if their voted ballot has been returned, we again want to partner with our county election officials. Secretary Andrade will be convening a group of county election officials to help us define our state strategy and ensure that we will be in compliance for the November 2010 general election. We hope you find this summary helpful and you can be sure that there will be more details to come.

AM/AM