

# The State of Texas



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## MEMORANDUM

**TO:** ALL COUNTIES PARTICIPATING IN PILOT PROGRAM

**FROM:** ANN MCGEEHAN, DIRECTOR OF ELECTIONS

**DATE:** OCTOBER 13, 2008

**RE:** SB 90 PILOT PROGRAM

First of all, thank you for choosing to participate in the email pilot program for the November 2008 General Election. This program will provide valuable insight into the efficacy of using email to provide balloting materials to voters. We thank you for your initiative and participation.

As the election approaches, we wish to provide you with the information that you will need to effectively administer the program on a local level. We have spoken with several of you individually regarding specific questions, and welcome other individual questions.

We recognize that you are already receiving many questions from your military voters about mail ballots, which will lead to discussion of this pilot program. Some of you have participated in media events in promotion of this program on local military bases with the Secretary of State. We appreciate your participation in these events, as they have generated positive local media coverage in each of your communities.

If you have not done so already, we suggest that you consider adding information about the email program to your county website. You may wish to include information about who is eligible to participate in the program, FPCA deadlines, how to request a ballot via email, and an overview of the program procedures. Our office will be adding information on this program to our website shortly, and will also be providing information about the program to both the Federal Voting Assistance Program (FVAP) and the Overseas Vote Foundation (OVF). Of course, our shared goal is to inform eligible voters about the program so that they are able to participate.

We have attached the following documents to this email for your use:

1. Memo, dated July 1, 2008, from the Elections Division, with program details and Q&A.
2. TAC 81.39: Administrative rules which detail program administration.
3. Signature sheet, in English and Spanish. This signature sheet must be provided to each voter who receives balloting materials via email.

We have also provided the answers to some of the questions we have received, and some which we anticipate:

**Question: If we email a voter their ballot, they have to mail it back, right?**

**Answer:** Yes. Under no circumstances may a voter return their ballot by email. All voters must mail back their marked ballots using regular mail – with the exception of voters eligible to fax their ballots. The only voters eligible to fax their ballots back are those in hostile fire/imminent danger pay zones and/or combat zones. Our office will be sending a memo with a list of hostile fire/combat zones shortly.

**Question: What if a voter emails me from a hotmail address or another email that is not “.mil” and asks me to email them their ballot?**

**Answer:** Respond to that email and ask them to email you with the request for their ballot from their “.mil” email address. The program rules are specific; only voters with “.mil” email addresses may request ballots, and ballots may only be sent to a “.mil” address. Therefore, the easiest way to confirm both the security of the request and the identity of the requesting voter is to ask them to email their request from that “.mil” account.

**Question: We mailed our ballots right before the deadline of September 20<sup>th</sup>. As early as the 21<sup>st</sup>, we were already receiving emails requesting ballots via email. The mailed ballots are on their way. Can we tell the voters to wait?**

**Answer:** No. If you receive an email request from a valid FPCA voter in your county after September 21<sup>st</sup>, you must email them the appropriate balloting materials. While we agree that, in some circumstances, the official ballot may reach the voter with plenty of time to be returned by election day, we also realize that the circumstances for sending and receiving mail vary greatly among our military members. To that end, as a participant in the pilot program, you must honor each valid request.

**Question: What is the list of materials that we must send to each voter?**

**Answer:** The following materials must be emailed to each voter:

- Ballot;
- Ballot instructions;
- Signature sheet;
- Security envelope template (information about how to print this envelope from the Federal Voting Assistance Program (FVAP) website);
- Mailing envelope template (information about how to print this envelope from the Federal Voting Assistance Program (FVAP) website);
- List of certified write-in candidates; and
- Any other materials you send to regular by mail voters.

**Question: The links on the previous memo to the envelope forms are not working. Where can we find this information?**

**Answer:** We apologize for any confusion this has caused. Following our distribution of that memo and information on the pilot program, FVAP extensively redesigned their website in advance of this election. To that end, the location of the links for envelopes has changed. Both the postage-paid and security envelopes may be downloaded from this link: <http://www.fvap.gov/for-voting-assistance-officers/index.html>.

**Question: We can email balloting materials only to members of the military, right? Spouses and dependents are not eligible?**

**Answer:** Correct. The program applies only to members of the armed forces; it does not extend to spouses and dependents.

**Question: How late can a voter request that their ballot be emailed to them?**

**Answer:** The deadline to request balloting materials via email is October 28, 2008 by 5 p.m. This is the legal deadline to submit applications for ballots by mail, as well. We note that for voters casting their ballots from outside of the United States, the ballots must be submitted by election day and received no later than the fifth day after election day. For the November 4, 2008 election, this means that ballots must be received no later than Monday, November 10<sup>th</sup>, because the fifth day after the election is a Sunday. It is in the voter's discretion to decide whether they have the means to return the ballot by mail in a timely manner.

**Question: How do we process these ballots?**

**Answer:** The administrative rule, Section 81.39, which has been adopted in the Texas Administrative Code, discusses the procedures for processing these ballots in detail. If you have additional questions after reviewing this rule, please contact our office.

Enclosures