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Testimony from:
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In OPPOSITION to SB 7, “AN ACT relating to elections, including election integrity and security.”

March 22, 2021

Senate Committee on State Affairs

Chair Hughes, Vice Chair Birdwell and Members of the Committee:

Thank you for considering my testimony. My name is Matthew Germer, and I conduct research on election reform for the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including election reform. This is why SB 7 is of special interest to us.

R Street ardently believes state legislatures should be focused on expanding opportunities to vote for all eligible voters without compromising election integrity. The election this past November provided a fantastic opportunity to see which states’ election systems could grapple with a pandemic, record turnout and concerns around unscrupulous election interference. What we learned from our “laboratories of democracy” across the country is that states that made robust investments in vote-by-mail and early voting prior to 2020 were able to distribute, collect and count ballots with minimal disruption. These states showed that vote-by-mail is an effective system for making voting easier without sacrificing election security.

Unfortunately, Senate Bill 7 takes a different approach. While we support the provisions promoting transparency by empowering election watchers and creating of an online ballot-tracking tool, we are concerned that the bill takes an unfriendly approach to vote-by-mail and local control of election administration.

First, the bill makes it harder for voters to sign up to receive absentee ballots by increasing the burden of proof required to show disability and by placing a “gag order” on election clerks that prohibits them from letting voters know about their options. These changes move Texas in the wrong direction. The Legislature should look to make absentee voting easier, not harder.

According to the National Conference of State Legislatures, Texas is now one of only 16 states that requires an excuse to receive an absentee ballot. While Texas is famous for charting its own course, it is also famous for promoting individual liberty and empowering its citizens to live their lives as they see fit.



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No-excuse absentee voting promotes individual liberty by providing voters more options for how to select their leaders. The committee should consider amending this bill to allow for no-excuse absentee voting, or at the very least should remove the provisions from this bill that make it harder for voters to file for absentee ballots.

Second, the bill prohibits drive-through voting and places statewide limits on the hours of operation for polling places. Statewide preemption can help create a stable business climate and protect constitutional rights; however, the state should hesitate to preempt local control absent such compelling reasons. In fact, encouraging local control is one of the reasons Texas is a nationwide leader in innovation and a shining example of limited government. Unfortunately, the statewide preemption in this bill serves the opposite function and instead centralizes election administration without a compelling reason. The committee should remove these preemptions.

Texans are well-known for their love of freedom and their strong free-market orientation. The state should take this approach with elections as well. We should not be focused on limiting pathways to voting or restricting local control. Instead, we should do the opposite, which is why it is critical that the Legislature amend or oppose SB 7.

Thank you for your time,

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