



1212 New York Ave. NW
Suite 900
Washington, D.C. 20005
202-525-5717

Free Markets. Real Solutions.
www.rstreet.org

Testimony from:
Matthew Germer, Elections Fellow, R Street Institute

In OPPOSITION to CSSB 7, “AN ACT relating to elections, including election integrity and security.”

April 1, 2021

Texas State Senate

Members of the Texas State Senate:

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 and its committee substitute are 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.¹ These states showed that vote-by-mail is an effective system for making voting easier without sacrificing election security.

Unfortunately, Senate Bill 7 and its committee substitute take a different approach. While we support the provisions promoting transparency by empowering election watchers and creating a secure online ballot-tracking tool, and while we are encouraged by many of the improvements made in the committee substitute including expansion of polling place hours of operation, we remain concerned that the bill takes an unfriendly approach to vote-by-mail.

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.



1212 New York Ave. NW
Suite 900
Washington, D.C. 20005
202-525-5717

Free Markets. Real Solutions.
www.rstreet.org

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.² 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. No-excuse absentee voting promotes individual liberty by providing voters more options for how to select their leaders. The Senate 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 committee substitute adds new limitations on ballot handling that may result in the elimination of ballot drop boxes. The new Section 2.07 works to reduce ballot harvesting, a worthwhile goal that promotes election integrity. Unfortunately, this new language also restricts the use of ballot drop boxes, which are safe, secure and supported by both Republican and Democratic Secretaries of State across the country.³ The Senate should consider adding clarifying language to Section 2.07 to prohibit ballot harvesting while also allowing for continued, or even expanded, use of ballot drop boxes.

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. Instead, we should do the opposite, which is why it is critical that the legislature amend or oppose SB 7 and its committee substitute.

Thank you for your time,

Matthew Germer
Elections Fellow
R Street Institute
(714) 609-6288
mgermer@rstreet.org

¹ See, e.g., Matt Vasilogambros et al., “After Historic Early Voting Surge, Fewer Hiccups on Election Day,” Pew Charitable Trusts, Nov. 4, 2020. <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/11/04/after-historic-early-voting-surge-fewer-hiccups-on-election-day>.

² “VOPP: Table 1: States with No-Excuse Absentee Voting,” National Conference of State Legislatures, May 1, 2020. <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-1-states-with-no-excuse-absentee-voting.aspx>.

³ See, e.g., Kim Wyman, “Opinion: I’m the Republican Secretary of State in Washington – and I Believe Voting by Mail Works,” *MarketWatch*, Sept. 30, 2020. <https://www.marketwatch.com/story/im-the-republican-secretary-of-state-in-washington-and-i-believe-voting-by-mail-works-2020-09-22>; Andrew Sullivan and Jarrett Renshaw, “Ballot



1212 New York Ave. NW
Suite 900
Washington, D.C. 20005
202-525-5717

Free Markets. Real Solutions.
www.rstreet.org

Drop Boxes Are Latest Battleground in U.S. Election Fight," *Reuters*, Aug. 20, 2020.
<https://www.reuters.com/article/us-usa-election-dropboxes-idUSKBN25G14>.