As my efforts continued this past week to minimize the impact of Texas' revenue shortfall on the citizens of my district, there was also significant movement of important legislation strongly supported by many Texans.

**Illegal Immigration Legislation**

I was deeply honored to be joined by Rick and Sue Salter and George and Laura Wilkerson who provided testimony as I presented my omnibus illegal immigration bill, HB 623, to the House State Affairs Committee on Wednesday. Both families have been impacted by tragedies inflicted upon their lives by criminals who were residing in the State of Texas illegally. Mr. Salter bravely protected Texas citizens as a Houston police officer and was shot in the face by an illegal immigrant during a drug raid in 2009. This drug dealer and gang member had been arrested at least five times prior to the incident and our federal government failed to prevent this tragic situation from forever changing the lives of the Salter family.

The Wilkerson's must endure the unimaginable heartbreak of the loss of their son, Josh, who agreed to give an acquaintance a ride home from school and whose body was later found beaten, strangled, and burned. His murderer was an illegal immigrant from Belize who had been previously arrested yet never deported by U.S. Immigration and Customs Enforcement. This senseless tragedy also could have been avoided had existing federal laws been enforced.

The Salter's and Wilkerson's not only testified on my HB 623, but also on HB 12, another piece of legislation that I am supporting this session that will do away with sanctuary cities in the State of Texas. Their powerful and compelling stories provided undeniable evidence to the committee that this problem exists and that it directly impacts the innocent law-abiding citizens in our communities. The Legislature must take strong action this session to stop the harboring of illegal aliens in our communities.

To learn more about HB 623, please refer to my previous newsletter at: INSERT LINK

To view the testimony offered by the Salter and Wilkerson families, click: INSERT LINK (Salter testimony is at the 1:10 marker and Wilkerson testimony is at the 2:16:50 marker.)
Voter Identification Legislation
As the Chair of the Select Committee on Voter Identification and Voter Fraud, I conducted a hearing this past Tuesday on legislation that would require a photo identification to cast a ballot in the State of Texas. My committee is working to strengthen the Voter ID bill, SB 14, that was passed by the Senate and contained exceptions that substantially weaken the effectiveness of the bill. I will soon have my committee vote on this legislation to send it to the full House of Representative for final passage.

Pro-Life Legislation
As I continue my pro-life efforts to protect the innocent life of an unborn child, I supported HB 15 on Thursday as it was passed by the House of Representatives. This legislation requires a physician performing an abortion to also perform a sonogram on the expectant woman at least twenty-four hours before the procedure. This bill will empower women to make an informed decision regarding the life of their child while also preventing abortions in the State of Texas.
03-24-11 Thursday News Summary

AISD - District declares financial emergency, which will allow them to eliminate teacher positions. Board members also discuss amounts district spends on subs, utilities, legal counsel. Bludau questions $4,000 cost of program taking at-risk kids on summer trips but board then approved it.

CBISD - Trustees decide not to declare a financial exigency, decide to wait and see what state does. Incentive plan for retirees working well and district will cut travel, etc. instead of cutting teachers.

STATE - House committee passes slim budget with $8 billion in cuts for public schools and $4 billion in Medicaid.

ANGLETON - Police dept recognized by Texas Police Chiefs Association, one of 45 in state to have received this award.

SWEENY - Little League group will celebrate 50th anniversary at opening day ceremonies Saturday.

HOUSTON CHRONICLE

VOTER ID - House poised to okay Voter ID bill. Republicans rejecting Democrat amendments.

PEOPLE - Dallas mayor Dwaine Caraway fails in attempt to block release of recorded police interview discussing fight he had with wife, State Rep Barbara Caraway, where he barricaded himself in a game room and she slid a knife through a crack in the door. He says he and wife argue often and attributes it to her stature as a state legislator, saying some people just can't handle power and also accuses her of having a chemical imbalance.

LAND - Landowners vow to fight Texas National Guard attempt to purchase 22,000 acres of private land in McMullen County for a new training center. Land is in Eagle Ford Shale, one of nation's richest oil and gas fields.

CONOCOPHILLIPS - Company will sell about $10 billion in additional assets to steer more money into capital projects and stock buybacks.
THE FACTS
AUSTIN - Voter ID bill passes House. Bonnen, who chaired Select Committee on
Voter ID, says bill should make it through conference committee and will soon
make it to governor. Bonnen worked to remove grandfather clause that would
have exempted those 70 and older, saying the highest level of voter fraud
comes from people pretending to be someone who is elderly or deceased. Voters
without ID can cast provisional ballots but would have to show ID within six
days to have votes counted. He also worked to add clause which would allow
portion of the legislation to remain in effect if another section of the bill
is challenged in court. Rep. Pickett broke party line to join Republicans in
supporting the bill, saying he saw no undue burden for voters and he was
keeping party politics out of it.

ANGLETON - City halfway through cleaning all drainage ditches

PAUL - Large enthusiastic crowd greets Ron Paul at Univ of New Hampshire as he
mulls running for president again. Much applause for his call to abolish
Federal Reserve and his criticism of U.S. military action in Libya

OPINION - Rhodenbaugh has short letter - "My pops always said Don't judge a
man until you have walked a mile in his shoes."

HOUSTON CHRONICLE
WORLD - NATO split over goals in Libya

TEXAS - Artifacts found near Salado show humans in area 15,500 years ago -
oldest known site in North America

UT - After strong criticism by Texas Exes, Board of Regents will do away with
special advisor position that had been given to analyst for conservative
Austin think tank

HOUSE - Rep. Pitts expects 271,746 job losses in private and public sector in
2012 and over 300,000 in 2011. Says he has been trying to tell people how bad
economy was for a year and people finally listening as reality setting in.
Ogden at Senate Finance disagrees, saying job losses will not be that high and
would be worse if taxes were raised.
Voter ID bill passed by the House

Yesterday, I helped lead the effort to pass the Voter ID Act in the House of Representatives with an overwhelming vote of 101-48. Senate Bill 14, which I co-sponsored, restores the basic principle of "one person, one vote" within our electoral system by requiring a photo ID to cast a ballot.

As Chair of the Select Committee on Voter Identification and Voter Fraud, I ensured that my committee sent a strong and effective bill to the House floor that removed several of the Senate exemptions that weakened the bill. During House floor debate, I authored amendments that removed additional exceptions within the bill, while also protecting our accomplishments if SB 14 is challenged in the courts.

Despite some of the vocal and misleading rhetoric opposing the Voter ID Act, this bill is based on the simple and non-intrusive premise that Texans should provide a photo ID to vote just as they present identification to open a bank account, board a plane, obtain a fishing license, rent a car, or pick up a prescription at the pharmacy. Not only is the Texas House version of the Voter ID Act the strictest and most effective legislation in the nation, it complies with the Supreme Court decision by providing access to free photo identification cards to remove any financial burden for a voter to obtain an ID.

I feel strongly that the Voter ID Act passed by the House of Representatives restores integrity to the elections process by ensuring that every vote counts. SB 14 will now go to conference committee to address differences between the House and Senate versions.

During the week ahead, the House of Representatives will be taking up our greatest priority this session -- the state appropriations bill. House Bills 1, 4, and 275 have been scheduled on the House floor for consideration next Thursday, Friday, and Saturday. I have received a tremendous volume of correspondence from Brazoria County citizens on this issue, which has provided me with valuable feedback and suggestions that I will be referencing on the House floor during this challenging and lengthy debate.
THE FACTS
BC - Senate budget bill would provide $4.5 million for Brazosport College, about $1 million less than college had budgeted for. Bonnen says he is pleased to see it but still working to put funding in House bill to ensure school will receive state funding. Valek says Senate bill treats BC equitably with other community colleges.

LJ - Firefighters called to several homes after CenterPoint adds odorant to gas system, alarms homeowners who thought they had gas leaks.

FREEPORT - City seeking $25,000 H-GAC grant to transform railroad trestle into gateway to downtown

CRIME - Reward up to $5,000 for info on who was making threats to Bay City schools.

HOUSTON CHRONICLE
ECONOMY - Three major carmakers staging big comebacks

ENVIRONMENT - TCEQ director recommends approval of air permit for proposed Las Brisas power plant in Corpus Christi even though two state administrative law judges conclude that permit should be denied because developer failed to properly account for some emissions, etc.

VOTER ID- Democrats say Senate's Voter ID bill will suppress minority turnout and may be in violation of Voting Rights Act. In lengthy testimony, Senator Tommy Williams said someone cast a ballot for his grandfather for 62 years after his death. Van de Putte says Texas has history of voter intimidation and discrimination against minority voters. When she complains of 10 nuns being denied voting rights in 2008 in Indiana, state's election officer tells Senate the incident was a set-up media event.

CHINA TODAY
APPLE - Chinese environmental groups say Apple is not properly overseeing Chinese suppliers, leading to poor environmental and work conditions.

ECONOMY - McDonald's now has 1300 stores in China, expects to double number in next two years

EDUCATION - NYU will open American campus in Shanghai, first international university for China
THE FACTS
FREEPORT - TCEQ, TPW environmental crimes unit investigators use search warrant at Freeport plant on unauthorized discharges of pollutants, tampering with government records, failure to notify TCEQ, etc. Business at plant continuing as usual says spokesman.

ANGLETON - Council does not choose to take SFA statue, gift shop. Bathrooms in gift shop don't meet disability standards, entrance to site not user-friendly, maintenance would cost $31,000 a year. Santos says taking park would be like buying a horse he could not ride for three years. Councilman Rhyne suggests city could do more to help group with maintenance, such as assigning probationers to work on grounds. Dorothy Wilbeck says no money left in their organization to complete the site. Council will readdress issue later.

DEATHS - Jeep Mitchell, who taught government 38 years at Angleton

LETTERS - Lawmakers need to put a big article in paper explaining where they spent $20 billion from lottery since it obviously did not go to schools. $3 a gallon gas right around corner yet more oil in western U.S. than in Middle East. 17 million unemployed and 20 million immigrants taking jobs picking oranges, doing construction. Americans did these jobs for years before it became fashionable to hire immigrants that don't have government protection. Large unemployed dependent class and strong minority base provide politicians with two large voting blocks.

ANGLETON - Mikey Svoboda, Rocky Thomas open Shady's Porch Pub at site of old train depot restaurant in Angleton.

BRAZOSPORT CHAMBER - Patty Sayes of BC will be new chamber chairman of board. Chamber dinner Feb. 9 will feature founder of Honor Flight and chamber will be honoring Dow for its work with Honor Flight.

BRAZORIA COUNTY NEWS
CBISD - Officials worried about funding, no idea on amount of cuts. Klement said scenario to drain fund balances would punish those fiscally responsible. Champagne says time for districts to stand up against unfunded mandates and Bertholf says districts have been asked to compile information on them to see if some could be eliminated. Galloway says raising 22-1 ratio could eliminate six teaching positions but would require more busing. District will offer incentives to first 50 retiring or leaving district. Champagne says some programs may need cut such as district's new drug testing policy. Nothing to do but wait, says Klement, who says he does not see how 10 percent cuts in education can help when education 50% of state budget.

TAXES - sales tax rebates to cities up very slightly in county. Sweeny gets $25,000 compared to $57,000 for West Columbia and $63,000 for Brazoria. Pearland gets more than a million dollars.

HOUSTON CHRONICLE
LEGISLATURE - Voter ID passes in Senate.

TXDOT - Two top executives stepping down less than month after scathing report released calling for
leadership changes.

OPINION - Editorial takes Perry to task for focusing on partisan issues when state facing huge problems with budget cuts. Emergency issues may be dear to loyal conservative base but mean little to most people. Shame on him and legislators who are abetting him by pushing his cynical priorities.
02-14-11 Monday News Summary.txt

From: Linda Winder [Linda Winder]
Sent: Monday, February 14, 2011 7:25 AM
To: Dennis Bonnen; Linda Winder; Lauryn Radice; Bill Ghant; Tyler Johnson; Lauren Sutterfield; Shera Eichler; Steve Schar
Subject: 02-14-11 Monday News Summary

02-14-11 Monday News Summary

THE FACTS

BRAZOSPORT COLLEGE - BC ahead of curve on Perry request to do a BA degree for $10,000. Students can get BA in applied technology at BC for $9,168. Does not include books as colleges do not have any say on their cost. Valek will testify before House Appropriations Sub committee on Education on Friday after strong outpouring of support for college. Story in Sunday Chronicle has info from community colleges across state saying they can offer degrees cheaper since they pay less in salaries, don't have football teams and they are seeing more students who do not want the "full college experience" but just want to get a degree as fast as possible. Community college want to offer these degrees and let universities continue what they are doing.

LEGISLATURE - Story giving info on committees for local legislators. Bonnen, appointed to head Select Committee on Voter ID, says he is very confident House will pass strong bill. (Story notes Bonnen work on Sunset but lists him as a member, not chair)

CALVARY - At Saturday event Mayor Sipple has tears in his eyes telling about grandson being honored by Calvary. BONNEN says group's mission is phenomenal - that many companies have wonderful statements but Calvary is one that exceeds theirs. "Words are one thing, but actions another," he said, bragging on the group making the county great.

SURFSIDE - Council strongly against project to deepen and widen channel for Port Freeport. Environmental Impact Statement says three to four miles on either side of project will be "minimally impacted" and they fear it will cause more erosion at Surfside. "$350 million for the project and they could not find a dime for structures to prevent an impact? That is criminal to have so little regard for us," says mayor.

QUINTANA - 45-foot yacht ends up on top of Quintana jetty. Photo already on Facebook. Owner crashes yacht then drives to his home in Austin before calling police to tell them he was headed for Surfside marina when his radar malfunctioned.

PEOPLE - Valentine Day story on Robert Owens (former Angleton building inspector) finding his high school sweetheart on Facebook and marrying her. Both lost spouses several years ago. You never forget your first love Owens says.

DEATHS - Brazoria firefighter Arthur Clark Jr, due to illness. Photos of funeral, being honored by firefighters.

BRAZORIA - Council decides not to visit housing project in Houston and stand by their original denial of rental housing development. Borders says residents don't want it and Council wants to go by what they want.

SWEENEY - ConocoPhillips closing building that houses West Brazos Cares Food Pantry and non-profit group that served more than 2,000 area families last year has nowhere to go. Project began by Phillips employees in 1988 and ConocoPhillips was only charging them $1 a room.

SCHOOLS - Sixth grader from OLQP wins southern county spelling bee.
HOUSTON CHRONICLE

BANKS - ABC Domes, company that helps banks recover from disasters setting up a Texas home at Sealy. Inside will be stored generators, trucks, communications equipment ready to go in case of hurricane, tornado, etc.

TAXES - Obama will ask Congress today to repeal lots of tax incentives for oil and gas industry

ERCOT - Editorial asks who profited after blackouts during ice storm. Price of electricity soars during emergencies and wholesale prices went from $70 for megawatt to more than $3,000. State will continue to be at risk of rolling blackouts until Legislature closes loophole on reserve power that was eliminated in complex deregulation scheme.

ABORTION - Senator Patrick has op-ed piece saying his sonogram bill will "empower women" by giving them all facts before making a life-changing decision and says no undue pressure on a woman. 81,000 abortion in Texas each year. Letter to editor in Saturday paper notes irony of state cutting health care and education and services for poor children.

PEARLAND JOURNAL

HEB - Officials listening to proposal to put HEB store and gas station at corner of Broadway and Pearland Parkway. HEB not asking city for any rebates or tax deferments.

PISD - Trustees publish letter they sent to state legislators. They want Legislature to cap target revenue at $5,340 and equalize districts across the state; avoid making across board cuts; ease unfunded mandates. They note that because of funding inequities PISD gets $480 less per pupil than Alvin or $10,560 less per classroom.

BONNEN - Bonnen files bill prohibiting synthetic marijuana (press release)
Bonnen announces hearing on Voter ID

As Chairman of the House Select Committee on Voter Identification and Voter Fraud, State Representative Dennis Bonnen (R-Angleton) announced today that he will hold a public hearing on March 1, 2011, to consider Senate Bill 14, the Voter ID legislation passed by the Senate. In accordance with Governor Rick Perry's designation of Voter ID as an emergency item, this legislation is the select committee's first priority this session. House Speaker Joe Straus has selected fellow committee member, State Representative Patricia Harless (R-Spring), to serve as the lead House sponsor on SB 14. Testimony from both sides of this critical issue will be given full consideration during this hearing.
February 28, 2011

Dear Members of the House Select Committee on Voter Identification and Voter Fraud:

In preparation for our scheduled hearing on Tuesday, March 1st, I would like to share with you the following procedures which are intended to ensure an efficient and productive hearing that respects the time and effort of those wishing to testify.

Tuesday's hearing will begin at 8 a.m. in Room 140 of the John H. Reagan Building. Invited testimony will take place at the beginning, followed by public testimony.

Invited witnesses will be allowed to provide an opening presentation of up to 10 minutes, and then stand before the committee to answer questions.

Citizens wishing to testify in the public portion of the hearing will be limited to 3 minutes of testimony, with additional time for members of the committee to question witnesses.

If you have any question or concerns regarding any of these procedures, please contact my staff at (512) 463-0564.

Sincerely,

Dennis Bonnen
FOR IMMEDIATE RELEASE
WEDNESDAY, FEBRUARY 09, 2011

SPEAKER STRAUS ANNOUNCES HOUSE COMMITTEE ASSIGNMENTS

AUSTIN— Today, Speaker Joe Straus (R-San Antonio) announced the Texas House of Representatives committees for the 82nd Legislature, and issued the following statement:

“ONE of the most important roles of the Speaker of the House is making committee assignments. I have tried to apply the interests and expertise of individual Members to our State’s challenges, and to make sure the geographic and demographic diversity of Texas is fairly represented. Under the rules of the House, a number of committee assignments are based on Members’ seniority, and we also have a near-record 38 new freshmen representatives this year.

“I am eager for the committees to begin work on important legislation and for you to collaborate on the issues that matter most to our state. Today, I am referring hundreds of bills to the committees, so the House can immediately begin working on these critical issues. In my second term as Speaker, I am committed to continuing to lead the House with respect for the Members and the people who sent them here, allowing members to govern in a way that represents their constituents.”

Key Facts on Committees:

- Stats and Figures
  - 27 Republican Chairs (71.05%) and 11 Democratic Chairs (28.95%)
  - 33 Male Chairs; 5 Female Chairs
  - Ethnic Composition of Chairs: 27 Caucasian; 6 Hispanic; 5 African American
  - Geographic Composition of Chairs: 23 Urban; 15 Rural
- Speaker Pro Tempore: Representative Beverly Woolley (R-Houston)
- Officially designated Dean of the House: Representative Tom Craddick (R-Midland)
- Fast track Select Committee on Voter Identification and Voter Fraud; and
- Select Committee on State Sovereignty.

List of Committee Chairs:

1. Agriculture & Livestock: Representative Rick Hardcastle (R-Vernon)
2. Appropriations: Representative Jim Pitts (R-Waxahachie)
3. Border & Intergovernmental Affairs: Representative Veronica Gonzales (D-McAllen)
4. Business & Industry: Representative Joe Deshotel (D-Beaumont)
5. Calendars: Representative Todd Hunter (R-Corpus Christi)
6. Corrections: Representative Jerry Madden (R-Richardson)
7. County Affairs: Representative Garnet Coleman (D-Houston)
8. Criminal Jurisprudence: Pete Gallego (D-Alpine)
9. Culture, Recreation & Tourism: Representative Ryan Guillen (D-Rio Grande City)
10. Defense & Veterans' Affairs: Representative Joe Pickett (D-El Paso)
11. Economic & Small Business Development: Representative John Davis (R-Houston)
12. Elections: Representative Larry Taylor (R-Friendswood)
13. Energy Resources: Representative Jim Keffer (R-Eastland)
14. Environmental Regulation: Representative Wayne Smith (R-Baytown)
15. General Investigating & Ethics: Representative Chuck Hopson (R-Jacksonville)
17. Higher Education: Representative Dan Branch (R-Dallas)
18. Homeland Security & Public Safety: Representative Sid Miller (R-Stephenville)
19. House Administration: Representative Charlie Geren (R-Fort Worth)
20. Human Services: Representative Richard Peña Raymond (D-Laredo)
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35. Urban Affairs: Representative Harold Dutton Jr. (D-Houston)
36. Ways & Means: Representative Harvey Hilderbran (R-Kerrville)
37. Select Committee on State Sovereignty: Representative Brandon Creighton (R-Conroe)
38. Select Committee on Voter Identification and Voter Fraud: Representative Dennis Bonnen (R-Angleton)
   - Election Contest, Select (Previously announced): Representative Todd Hunter (R-Corpus Christi)
   - Joint Committee on Oversight and HHS Eligibility System: Representative Fred Brown (R-College Station)

Follow Speaker Straus online at http://twitter.com/SpeakerStraus

CONTACT:
TRACY YOUNG
ENRIQUE MARQUEZ
(512) 463-0223
FOR IMMEDIATE RELEASE

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Follow Speaker Straus online at http://twitter.com/SpeakerStraus

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P.O. Box 2910  •  Austin, Texas 78768-2910  •  (512) 463-1000  •  Fax (512) 463-0675
Introduction

Thirty states require all voters to show ID before voting at the polls. In 14 of these, the ID must include a photo of the voter; in the remaining 16, non-photo forms of ID are acceptable. Voter ID laws can be broken down into the three following categories:

- **Strict Photo ID (7 states):** Voters must show a photo ID in order to vote. Voters who are unable to show photo ID at the polls are permitted to vote a provisional ballot, which is counted only if the voter returns to election officials within several days after the election to show a photo ID. At the beginning of 2011, there were just two states--Georgia and Indiana--with strict photo ID laws. Two states--Kansas and Wisconsin--passed new strict photo ID laws this year, and three states with non-photo ID laws--South Carolina, Tennessee and Texas--amended them to make them strict photo ID laws. None of these new laws is in effect yet, although they likely will be before the 2012 elections. See the notes below Table 1 for more information regarding effective dates for new legislation.

- **Photo ID (7 states):** Voters are asked to show a photo ID in order to vote. Voters who are unable to show photo ID are still allowed to vote if they can meet certain other criteria. In some states, a voter with ID can vouch for a voter without. Other states ask a voter without ID to provide personal information such as a birth date, or sign an affidavit swearing to his or her identity. Voters without ID are not required to return to election officials after the election and show a photo ID in order to have their ballots counted in the manner that voters without ID in the strict photo ID states are. The seven states with photo ID laws are Alabama, Florida, Hawaii, Idaho, Louisiana, Michigan and South Dakota.

- **Non-Photo ID (16 states):** All voters must show ID at the polls. The list of acceptable IDs is varied and includes options that do not have a photo, such as a utility bill or bank statement with the voter's name and address.

For specifics on what forms of identification are acceptable and the options available to voters who cannot present identification, see Table 2.
State Requirements for Voter ID

Table 1: State Requirements for Voter Identification

<table>
<thead>
<tr>
<th>States that Request or Require Photo ID</th>
<th>States that Require ID (Photo Not Required)</th>
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<tbody>
<tr>
<td>Georgia</td>
<td>Alaska</td>
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<td>Indiana</td>
<td>Arizona</td>
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<td>Kansas (1)</td>
<td>Arkansas</td>
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<td>South Carolina (2)</td>
<td>Colorado</td>
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<td>Tennessee (3)</td>
<td>Connecticut</td>
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<td>Washington</td>
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(2) In Alabama, South Carolina and Texas, current non-photo voter ID laws stay in effect for the time being. The new photo voter ID requirements will take effect after receiving preclearance from the U.S. Department of Justice under Section 5 of the Voting Rights Act.
(3) Tennessee's new photo ID requirement takes effect January 1, 2012. Until then, the existing non-photo ID requirement remains in effect.
(4) Poll workers in Wisconsin will begin asking voters to present ID immediately, but voters will not be required to present ID until the February 2012 spring primary election.
(5) There are some who prefer to call Oklahoma a photo voter ID state, because most voters will show a photo ID before voting. However, Oklahoma law also permits a voter registration card issued by the appropriate county elections board to serve as proof of identity in lieu of photo ID.
(7) Alabama's new photo ID requirement takes effect with the 2014 statewide primary election. The new law also requires preclearance from the U.S. Department of Justice. The delayed implementation date was intended to ensure that the timing of preclearance did not occur between the primary and general elections of 2012, thus creating voter confusion.

2011 Legislative Action

Voter ID has been the hottest topic of legislation in the field of elections this year. There are just three states--Oregon, Vermont and Wyoming--that don't have a voter ID law and didn't consider voter ID legislation this year. The voter ID legislation under consideration this year can be broken down into two types: proposals for new voter ID laws in states that don't presently require voter ID at the polls, and proposals to strengthen existing voter ID requirements in order to require photo ID at the polls.

New Voter ID Proposals

These 20 states did not have laws requiring voter ID at the polls at the beginning of 2011, but saw legislation proposing it this year. So far, two states have enacted new voter ID requirements--Kansas and Wisconsin. There are also bills awaiting gubernatorial action in New Hampshire and North Carolina. The Minnesota legislature passed a new voter ID requirement this year, but it was vetoed by the governor. Supporters have vowed to pass a new bill in next year's session that would bypass the governor and go to the voters for approval instead. This strategy is similar to what the Oklahoma legislature in 2009 and 2010.

- California--AB 663 and 945: failed
- Illinois--HB 3058 and SB 2035: adjourned; carried over to 2012 session
- Iowa--HF 95: adjourned; carried over to 2012 session
- Kansas--HB 2067: enacted
- Maine--LD 199: adjourned; carried over to 2012 session
- Maryland--HB 288 and 701: failed


Defendant's Exhibit # 042
Massachusetts--multiple bills: all pending in joint committee
Minnesota--SB 509: vetoed
Mississippi--multiple bills: all failed
Nebraska--LB 239 and 605: adjourned; carried over to 2012 session
Nevada--SB 373 failed
New Hampshire--SB 129: vetoed
New Jersey--A 1725: pending in assembly
New Mexico--HB 308, HB 577, SB 363: failed
New York--multiple bills: carried over to 2012 session
North Carolina--HB 351: vetoed
Pennsylvania--HB 934: passed house; pending in senate
Rhode Island--SB 400/HB 5680: enacted
West Virginia--HB 3219: failed
Wisconsin--AB 7: enacted

Strengthening Existing Voter ID Laws

At the beginning of 2011, 27 states had non-photo voter ID laws. Fourteen of these 27 considered legislation this year to require photo ID at the polls. So far, four states--Alabama, South Carolina, Tennessee and Texas--have enacted strict photo ID requirements. The new laws in South Carolina and Texas can't take effect until they receive pre-clearance from the U.S. Department of Justice.

Alabama--HB 19: enacted
Alaska--HB 162: adjourned; carried over to 2012
Arkansas--HB 1797: failed
Colorado--HB 1003: failed
Connecticut--HB 5231, SB 604 and 647: failed
Delaware--HB 199 and HB 200; adjourned; carried over to 2012
Hawaii--HB 1359: failed
Missouri--SB 3: vetoed and SJR 2: approved (must be approved by voters in November 2012 before it takes effect)
Montana--HB 152: vetoed
Ohio--HB 159: passed house; pending in senate
South Carolina--HB 3003: enacted
Tennessee--SB 16: enacted
Texas--SB 14: enacted
Virginia--multiple bills: failed

Recent Legislative Action

Voter ID has been a hot topic in state legislatures over the past decade. Since 2001, nearly 1,000 bills have been introduced in a total of 46 states. Eighteen states have passed major legislation during this period, and those bills are summarized in the timeline below.

2003: New voter ID laws were passed in Alabama, Colorado, Montana, North Dakota and South Dakota
2005: New voter ID laws were passed in Indiana, New Mexico and Washington; Georgia tightened an existing voter ID law to require photo ID
2006: New voter ID law passed in Ohio; Georgia passed a law providing for the issuance of voter ID cards at no cost to registered voters who do not have a driver's license or state-issued ID card; Missouri tightened an existing voter ID law to require photo ID
2008: New Mexico relaxed an existing voter ID law, and now allows a voter to satisfy the ID requirement by stating his/her name, address as registered, and year of birth
2009: New voter ID law passed in Utah
2010: New voter ID law passed in Idaho; Oklahoma voters approved a voter ID proposal placed on the ballot by the Legislature

Recent Litigation

Arizona: On October 21, 2016, the U.S. Supreme Court vacated an October 6, 2016, 9th Circuit Court of Appeals decision that suspended Arizona’s implementation pending further briefing. The ID law was in effect for Arizona’s 2016 election, and remained in effect in 2018.

Georgia: On October 21, 2016, the 11th Circuit Court of Appeals upheld an injunction barring Georgia from enforcing its photo ID law. The injunction was issued a week earlier by a U.S. District Court judge. Georgia’s voter ID requirement was reinstated by a federal judge in mid-2017.

Indiana: Photo ID law was upheld by 7th Circuit Court of Appeals on January 4, 2007. The U.S. Supreme Court upheld the ruling on appeal in April 2008.

Michigan: The Michigan Supreme Court ruled July 18, 2007 that a voter ID law originally passed in 1996 but never implemented due to a ruling by the state’s Attorney General is constitutional and enforceable.

Missouri: On October 16, 2016, the Missouri State Supreme Court struck down the state’s photo ID requirement. ID is still required to vote, but the list of acceptable forms of ID has changed and includes some forms without a photo.

Ohio: On November 1, 2016, the Secretary of State issued an order suspending the requirement that voters present photo ID at the polls for the November 2016 election. The order did not apply to future elections, and voter ID requirements were in effect in 2008.

Details of Voter Identification Requirements

<table>
<thead>
<tr>
<th>State</th>
<th>Requirement</th>
<th>Acceptable Forms of ID</th>
<th>Voters Without ID</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td><strong>Existing Law:</strong> Each elector shall provide identification to an appropriate election official prior to voting.</td>
<td><strong>Existing Law:</strong> Government-issued photo ID, Employee ID card with photo, Alabama college/university ID with photo, Utility bill, Bank statement, Government check, Paycheck, ID card issued by any state or the U.S. government, U.S. passport, Alabama hunting license, Alabama fishing license, Alabama gun permit, FAA-issued pilot’s license, U.S. military ID, Birth certificate (certified copy), Social security card, Naturalization document, Court record of adoption, Court record of name change, Medicaid or Medicare card, Electronic benefits transfer card, Government documents showing name and address of voter.</td>
<td><strong>Existing Law:</strong> Vote a challenged or provisional ballot or vote, if s/he is identified by two poll workers as an eligible voter on the poll list, and both poll workers sign the voting sign-in register by the voter’s name. New Law: Vote a provisional ballot or vote a regular ballot if s/he is identified by two election officials as an eligible voter on the poll list, and both election workers sign a sworn affidavit so stating.</td>
</tr>
</tbody>
</table>


7/20/2011

Defendant's Exhibit #

DE-000237
<table>
<thead>
<tr>
<th>State</th>
<th>Section</th>
<th>Requirement</th>
<th>Identification Provided by</th>
<th>Identification Requirement Waived</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska</td>
<td>§15.15.225</td>
<td>Before being allowed to vote, each voter shall exhibit to an election official one form of identification.</td>
<td>Official voter registration card, Driver's license, Birth certificate, Passport, Hunting or fishing license, Current utility bill, bank statement, paycheck, government check or other government document with the voter's name and address</td>
<td>An election official may waive the identification requirement if the election official knows the identity of the voter. A voter who cannot exhibit a required form of identification shall be allowed to vote a questioned ballot.</td>
</tr>
<tr>
<td>Arizona</td>
<td>§16-579A</td>
<td>Every qualified elector shall present one form of identification that bears the name, address and photograph of the elector or two different forms of identification that bear the name and address of the elector.</td>
<td>Valid Arizona driver's license, Valid Arizona non-driver identification, Tribal enrollment card or other form of tribal identification, Valid U.S. federal, state or local government issued identification, Utility bill dated within 90 days of the election, Bank or credit union statement dated within 90 days of the election, Valid Arizona vehicle registration, Indian census card, Property tax statement, Vehicle insurance card, Recorder's Certificate</td>
<td>An elector who does not provide the required identification shall receive a provisional ballot. Provisional ballots are counted only if the elector provides identification to the county recorder by 5pm on the fifth business day after a general election that includes an election for federal office, or by 5pm on the third business day after any other election.</td>
</tr>
<tr>
<td>Arkansas</td>
<td>§7-5-305(a)(8)</td>
<td>Election officials shall request the voter to provide identification</td>
<td>Driver's license, Government-issued photo ID, Voter card, Social security card, Birth certificate</td>
<td>If a voter is unable to provide this identification, the election official shall indicate on the precinct voter registration list that the voter did not provide identification.</td>
</tr>
</tbody>
</table>

Valid photo voter ID card or other valid ID card issued by any state or the federal government, as long as it contains a photo.
Valid U.S. passport
Valid government employee ID card with a photo
Valid student or employee ID card issued by a college or university in the state, provided it includes a photo
Valid U.S. military ID card containing a photo
Valid tribal ID card containing a photo

<table>
<thead>
<tr>
<th>State</th>
<th>Requirement</th>
<th>Identification Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colorado</td>
<td>Any eligible elector desiring to vote shall show his or her identification</td>
<td>Colorado driver's license, CO Dept. of Revenue ID card, U.S. passport, Employee ID card</td>
</tr>
<tr>
<td></td>
<td>as defined in section 1-1-104 (19.5).</td>
<td>with photo issued by the U.S. government, CO state government, or political subdivision of</td>
</tr>
<tr>
<td></td>
<td></td>
<td>CO</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Pilot's license, U.S. military ID with photo, A copy of a current utility bill, bank</td>
</tr>
<tr>
<td></td>
<td></td>
<td>statement, government check, paycheck, or other government document that shows the name</td>
</tr>
<tr>
<td></td>
<td></td>
<td>and address of the elector, Medicare or Medicaid card, Certified copy of birth certificate,</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Certified documentation of naturalization</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Each elector shall present identification</td>
<td>Social Security card, Other preprinted form of identification which shows the elector's</td>
</tr>
<tr>
<td></td>
<td></td>
<td>name and either the elector's address, signature or photograph</td>
</tr>
<tr>
<td>Delaware</td>
<td>A voter, upon entering the room where an election is being held, shall</td>
<td>Photo ID, Utility bill, Paycheck, Any government document with voter's name and address</td>
</tr>
<tr>
<td></td>
<td>announce his or her name and address and provide proof of identity</td>
<td></td>
</tr>
<tr>
<td>Florida</td>
<td>The clerk or inspector shall require each elector, upon entering the</td>
<td>Florida driver's license, Florida ID card issued by the Dept. of Highway Safety and</td>
</tr>
<tr>
<td></td>
<td>polling place, to present a current and valid picture identification as</td>
<td>Motor Vehicles</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

An eligible elector who is unable to produce identification may cast a provisional ballot.

Elector must mail a photocopy of identification to county clerk in order to have provisional ballot counted. (This paragraph added following a Feb. 2006 conversation with an election official; NCSL staff unable to verify this in CO statutes or rules)

Elector shall, on a form prescribed by the Secretary of the State, write the elector's residential address and date of birth, print the elector's name and sign a statement under penalty of false statement that the elector is the elector whose name appears on the official checklist.

In the event the voter does not have proof of identity with them, he or she shall sign an affidavit of affirmation that he or she is the person listed on the election district record.

If the elector fails to furnish the required identification, the elector shall be allowed to vote a provisional ballot.

The canvassing board shall

<table>
<thead>
<tr>
<th>Location</th>
<th>Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>§11-136 Every person shall provide identification if so requested by a precinct official.</td>
</tr>
<tr>
<td>Idaho</td>
<td>§34-1113, 34-1114 Each elector shall show a valid photo identification or personal identification affidavit.</td>
</tr>
<tr>
<td>Indiana</td>
<td>§3-5-2-40.5, 3-10-1-7.2 and 3-11-8-25 A voter who desires to vote at an election shall provide proof of identification.</td>
</tr>
<tr>
<td>Georgia</td>
<td>§21-2-417 Each elector shall present proper identification to a poll worker at or prior to completion of a voter's certificate at any polling place and prior to such person's admission to the enclosed space at such polling place.</td>
</tr>
</tbody>
</table>

Each person desiring to vote shall provide a valid form of identification. The following are exempted from the ID requirement:
- persons with a permanent physical disability that makes it impossible for them to travel to obtain voting identification and who have permanent advance voting status;
- members of the merchant marine and uniformed service members who are on active duty and absent from the county on election day, as well as their spouses and dependents;
- any voter whose religious beliefs prohibit photographic identification.

The following forms of identification are valid if they contain the name and photograph of the voter and have not expired. Expired documents are valid if the bearer is aged 65 or older.
- Driver's license issued by Kansas or another state
- State identification card
- Government-issued concealed carry handgun or weapon license
- U.S. passport
- Employee badge or identification document issued by a government office or agency
- Military ID
- Student ID issued by an accredited postsecondary institution in Kansas
- Government-issued public assistance ID card

Each applicant shall identify himself, in the presence and view of the bystanders, and present identification to the commissioners.
- Louisiana driver's license
- Louisiana special ID card
- Other generally recognized picture identification

Is counted only if (1) the voter returns to the election board by noon on the Monday after the election and: (A) produces proof of identification; or (B) executes an affidavit stating that the voter cannot obtain proof of identification, because the voter: (i) is indigent; or (ii) has a religious objection to being photographed; and (2) the voter has not been challenged or required to vote a provisional ballot for any other reason.

A voter who is unable or refuses to provide current and valid identification may vote a provisional ballot.

In order to have his or her ballot counted, the voter must provide a valid form of identification to the county election officer in person or provide a copy by mail or electronic means before the meeting of the county board of canvassers.

When the officers of an election disagree as to the qualifications of a voter or if his right to vote is disputed by a challenger, the voter shall sign a written oath as to his qualifications before he is permitted to vote.

If the applicant does not have identification, s/he shall sign an affidavit to that effect before the commissioners, and the applicant shall provide further identification by presenting his current registration certificate, giving his date of birth or providing other information stated in the precinct register that is requested by the
### Michigan

**§168.523**

Each voter must show a photo ID or sign an affidavit attesting that he or she is not in possession of photo identification.

- Michigan driver's license
- Michigan personal identification card

A voter who does not possess either of the above may show any of the following, as long as they are current:
- Driver's license or personal identification card issued by another state
- Federal or state government-issued photo ID
- U.S. passport
- Military ID with photo
- Student ID with photo from a high school or accredited institution of higher education
- Tribal ID with photo

### Missouri

**§115-427**

Before receiving a ballot, voters shall establish their identity and eligibility to vote at the polling place by presenting a form of personal identification.

- Identification issued by the federal government, state of Missouri, an agency of the state, or a local election authority;
- Identification issued by Missouri institution of higher education, including a university, college, vocational and technical school;
- A copy of a current utility bill, bank statement, paycheck, government check or other government document that contains the name and address of the voter;
- Driver's license or state identification card issued by another state.

If an individual does not possess any of these forms of identification, s/he may still cast a ballot if two supervising election judges, one from each major political party, attest they know the person.

### Montana

**§13-13-114**

Before an elector is permitted to receive a ballot or vote, the elector shall present to an election judge a current photo identification showing the elector's name. If the elector does not present photo identification

- Driver's license
- School district or postsecondary education photo identification
- Tribal photo identification
- Current utility bill, bank statement, paycheck, notice of confirmation of

If the identification presented is insufficient to verify the elector's identity and eligibility to vote or if the elector's name does not appear in the precinct register, the elector may sign the precinct register and cast
<table>
<thead>
<tr>
<th>State</th>
<th>Section Number</th>
<th>Requirement</th>
<th>Proof of Identity</th>
</tr>
</thead>
<tbody>
<tr>
<td>North Dakota</td>
<td>§16.1-05-07</td>
<td>The elector shall present one of several specified documents showing the elector's name and current address.</td>
<td>An official form of identification issued by the state, An official form of identification issued by a tribal government, A form of identification prescribed by the secretary of state.</td>
</tr>
<tr>
<td>Ohio</td>
<td>3503.16(B)(1) (a) and 3505.18(A)(1)</td>
<td>All voters must provide to election officials at the polling place on the day of an election proof of the voter's identity. Also applies to voters requesting and voting an absentee ballot.</td>
<td>Current and valid photo identification, defined as a document that shows the individual's name and current address, includes a photograph, includes an expiration date that has not passed, and was issued by the U.S. government or the state of Ohio. Current utility bill, Current bank statement, Current government check, paycheck or other government document.</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>26 0.S. 2001, 97-114</td>
<td>Each person appearing to vote shall provide proof of identity.</td>
<td>&quot;Proof of identity&quot; shall mean a document that satisfies the following: Shows a name that substantially conforms to the name in the precinct registry, Shows a photograph, Includes an expiration date that is after the date of the election, Was issued by the United States, state of Oklahoma, or a federally recognized Indian tribe or nation.</td>
</tr>
</tbody>
</table>

If an individual offering to vote does not have or refuses to show an appropriate form of identification, the individual may be allowed to vote without being challenged if the individual provides to the election board the individual's date of birth and if a member of the election board or a clerk knows the individual and can personally vouch that the individual is a qualified elector of the precinct. Otherwise, the individual may vote as a challenged voter by executing an affidavit that the challenged individual is a legally qualified elector of the precinct.

A voter who has but declines to provide identification may cast a provisional ballot upon providing a social security number or the last four digits of a social security number. A voter who has neither identification nor a social security number may execute an affidavit to that effect and vote a provisional ballot. A voter who declines to sign the affidavit may still vote a provisional ballot.

A person who declines or is unable to produce proof of identity may sign a statement under oath swearing or affirming that the person is the person identified on the precinct registry and cast a provisional ballot.
### Rhode Island

§17-19-24.2


<table>
<thead>
<tr>
<th>Effective January 1, 2012:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any person claiming to be a registered and eligible voter who desires to vote at a primary, special or general election shall provide proof of identity.</td>
</tr>
</tbody>
</table>

### South Carolina

§7-13-710

NOTE: SC's new photo ID law takes effect after preclearance by the USDOJ.

<table>
<thead>
<tr>
<th>Existing law:</th>
</tr>
</thead>
<tbody>
<tr>
<td>When any person presents himself to vote, he shall produce his valid South Carolina driver's license or other form of identification containing a photograph issued by the Department of Motor Vehicles, if he is not licensed to drive, or the written notification of registration. New law: When a person presents himself to vote, he shall produce a valid and current ID.</td>
</tr>
</tbody>
</table>

### Effectiveness

#### Rhode Island

- Effective January 1, 2012: A voter registration card issued by the appropriate county elections board may serve as proof of identity without meeting all of the above requirements.

#### South Carolina

- Effective January 1, 2012: A valid and current document showing a photo of the person to whom it was issued, including:
  - RI driver's license
  - RI voter identification card
  - U.S. passport
  - Identification card issued by a U.S. educational institution
  - U.S. military identification card
  - Identification card issued by the U.S. government or state of RI
  - Government-issued medical card

The following forms of ID will be acceptable until January 1, 2014, when only the photo IDs listed above will be accepted for voting.

- A valid and current document without a photograph, including:
  - Birth certificate
  - Social security card
  - Government-issued medical card

#### Summary of section 17-19-24.3:

The local board shall examine each provisional ballot application to determine if the signature matches the signature on the voter's registration. If the signatures match, the provisional ballot shall count. If the signatures do not match, the ballot shall not count and shall be rejected as illegal.

### New Law:

- If the elector cannot produce identification, he may cast a provisional ballot that is counted only if the elector brings a valid and current photograph identification to the county board of registration and elections.
<table>
<thead>
<tr>
<th>State</th>
<th>Existing Law</th>
<th>New Law</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Dakota</td>
<td>When a voter is requesting a ballot, the voter shall present a valid form of personal identification.</td>
<td>• South Dakota voter registration card with a photo&lt;br&gt;• South Dakota driver's license or non-driver identification card&lt;br&gt;• U.S. passport&lt;br&gt;• Photo ID issued by an agency of the U.S. government&lt;br&gt;• Tribal ID card, including a photo&lt;br&gt;• Student ID card, including a photo, issued by an accredited South Dakota school</td>
<td>If a voter is not able to present a form of personal identification as required, the voter may complete an affidavit in lieu of the personal identification. The affidavit shall require the voter to provide his or her name and address. The voter shall sign the affidavit under penalty of perjury.</td>
</tr>
<tr>
<td>Tennessee</td>
<td>A voter must sign an application for a ballot. The voter's signature and information on the signature list is compared with other evidence of identification supplied by the voter.</td>
<td>• Voter registration certificate&lt;br&gt;• Tennessee driver's license&lt;br&gt;• Social Security card&lt;br&gt;• Credit card bearing voter's signature&lt;br&gt;• Other document bearing voter's signature</td>
<td>If a voter is unable to present any evidence of identification, the voter shall be required to execute an affidavit of identity on a form provided by the county election commission. New law: If a voter is unable to present the proper evidence of identification, then the voter will be entitled to vote by provisional ballot in the manner detailed in the bill. The provisional ballot will only be counted if the voter provides the proper evidence of identification to the administrator of elections or the administrator's designee by the close of business on the second business day after the election.</td>
</tr>
<tr>
<td>Texas</td>
<td>On offering to vote, a voter must present the voter's voter registration certificate to an election officer at the polling place.</td>
<td>• Voter registration certificate&lt;br&gt;• Driver's license&lt;br&gt;• Department of Public Safety ID card&lt;br&gt;• A form of ID containing the person's photo that establishes the person's identity&lt;br&gt;• A birth certificate or other document confirming birth that is admissible in a court of law and establishes the person's identity&lt;br&gt;• U.S. citizenship papers&lt;br&gt;• A U.S. passport&lt;br&gt;• Official mail addressed to before certification of the election by the county board of canvassers.</td>
<td>If a voter is unable to present the voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter registration certificate in the voter's possession and the voter presents other proof of identification. A voter who does not present a voter registration certificate and cannot present other...</td>
</tr>
</tbody>
</table>


7/20/2011

Defendant's Exhibit #042
Voter ID: State Requirements

Utah
§20A-1-102(76), 20A-3-104

A voter shall present valid voter identification to one of the poll workers.

- Current valid UT driver's license
- Current valid identification card issued by the state or federal government
- UT concealed weapon permit
- U.S. passport
- Current valid U.S. military ID card
- Bureau of Indian Affairs card
- Tribal treaty card
- Tribal ID card

OR

- Two forms of ID that bear the name of the voter and provide evidence that the voter resides in the precinct

The voter may cast a provisional ballot as provided by §20A-3-105.5

Virginia
§24.2-643(B)

The officer shall ask the voter to present any one of the following forms of identification:

- Virginia voter registration card
- Current valid driver's license
- Identification card issued by the state or federal government
- U.S. passport
- Current valid military ID card
- Employment ID card
- ID issued by the Virginia Department of Transportation that shows address
- ID issued by the Virginia Department of Motor Vehicles that shows address
- Voter ID that shows address
- Current valid ID card issued by the Department of Public Safety
- Driver's license of another state
- Current valid concealed weapon permit issued by the Virginia Department of Motor Vehicles
- Current valid concealed weapon permit issued by the Virginia Department of Public Safety
- U.S. military ID card
- U.S. military vessel ID card
- U.S. passport
- U.S. military ID card issued by the Department of Veteran Affairs
- Bureau of Indian Affairs card
- Tribal ID card

If a voter is entitled to vote except that he is unable to present any one of the above forms of identification, the voter may cast a provisional ballot as provided by §20A-3-105.5.

Identification may vote a provisional ballot. A voter who does not present a voter registration certificate and whose name is not on the list of registered voters may vote a provisional ballot.

New law:

- Driver's license
- Election identification certificate
- Dept. of Public Safety personal ID card
- U.S. military ID
- U.S. citizenship certificate
- U.S. passport
- License to carry a concealed handgun issued by the Dept. of Public Safety

All of the above must include a photo of the voter. With the exception of the certificate of citizenship, these forms of ID cannot be expired, or cannot have expired more than 60 days before the election.

A voter who fails to present the required identification may cast a provisional ballot. The voter must present, not later than the sixth day after the date of the election, the required form of identification to the voter registrar for examination. The voter may execute, in the presence of the voter registrar, an affidavit under penalty of perjury stating that the voter has a religious objection to being photographed or that the voter does not have identification as a result of a natural disaster declared by the president or the governor which occurred not earlier than 45 days before the date the ballot was cast.

The voter may cast a provisional ballot as provided by §20A-3-105.5.
<table>
<thead>
<tr>
<th>State</th>
<th>Voter ID Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Washington</strong></td>
<td>§29A.44.205&lt;br&gt;Any person desiring to vote at any primary or election is required to provide identification to the election officer before signing the poll book. Any individual who desires to vote in person but cannot provide identification as required by this section shall be issued a provisional ballot.</td>
</tr>
<tr>
<td><strong>Wisconsin</strong></td>
<td>§6.79(2)(a)&lt;br&gt;NOTE: While poll workers will begin asking for ID immediately, voters are not required to show it until the February 2012 spring primary election. Each elector shall be required to present identification. An elector who appears to vote at a polling place and does not have statutory ID shall be offered the opportunity to vote a provisional ballot. An elector who votes a provisional ballot may furnish statutory ID to the election inspectors before the polls close or to the municipal clerk no later than 4 pm on the Friday following Election Day.</td>
</tr>
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**For More Information**
For more information on the issue of voter identification, contact NCSL's elections staff.

Denver Office<br>Tel: 303-364-7700 | Fax: 303-364-7800 | 7700<br>Washington Office<br>Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol Street,


7/20/2011
Interim Report
To the
82nd Texas Legislature

House Committee on
Elections
January 2011
HOUSE COMMITTEE ON ELECTIONS
TEXAS HOUSE OF REPRESENTATIVES
INTERIM REPORT 2010

A REPORT TO THE
HOUSE OF REPRESENTATIVES
82ND TEXAS LEGISLATURE

TODD SMITH
CHAIRMAN

COMMITTEE CLERK
STEVEN SCHAR

Defendant's Exhibit #
042
Committee On
Elections

January 10, 2011

Todd Smith
Chairman

The Honorable Joe Straus
Speaker, Texas House of Representatives
Members of the Texas House of Representatives
Texas State Capitol, Rm. 2W.13
Austin, Texas 78701

Dear Mr. Speaker and Fellow Members:

The Committee on Elections of the Eighty-first Legislature hereby submits its interim report including recommendations and drafted legislation for consideration by the Eighty-second Legislature.

Respectfully submitted,

Todd Smith

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Austin, Texas 78768-2910

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INTRODUCTION

At the beginning of the 81st Legislature, the Honorable Joe Straus, Speaker of the Texas House of Representatives, appointed 9 members to the House Committee on Elections: Todd Smith, Chair; Aaron Peña, Vice-Chair; Dr. Alma Allen; Rafael Anchia; Dwayne Bohac; Dennis Bonnen; Betty Brown; Linda Harper-Brown; and Joe Heflin.

The House Rules adopted by the 81st Legislature as House Resolution 2 on January 28, 2009, give the House Committee on Elections its jurisdiction. Rule 4 Section 8 reads as followed:

ELECTIONS — The committee shall have nine members, with jurisdiction over all matters pertaining to:

(1) the right of suffrage in Texas;
(2) primary, special, and general elections;
(3) revision, modification, amendment, or change of the Election Code;
(4) the secretary of state in relation to elections;
(5) campaign finance;
(6) the duties and conduct of candidates for public office and of persons with an interest in influencing public policy; and
(7) the following state agencies: the Office of the Secretary of State and the Texas Ethics Commission.

During the interim, the Speaker assigned charges to the committee. The House Committee on Elections has completed its hearings and investigations, and has adopted the following report.
HOUSE COMMITTEE ON ELECTIONS

INTERIM STUDY CHARGES AND SUBCOMMITTEE ASSIGNMENTS

CHARGE 1 Study ways the state can enhance military and overseas voters' ability to obtain and return balloting materials and reduce burdens on those voters' exercise of their right to vote. Joint Interim Charge with House Committee on Defense and Veterans' Affairs
Subcommittee Members: Peña, Chair; Brown, Betty and Bohac.

CHARGE 2 Examine the use of central polling places and compare voter turnout and the number of rejected provisional ballots in counties that use central polling places with similar counties that do not.

CHARGE 3 Examine the prevalence of fraud in Texas elections. Study new laws in other states regarding voter identification and recommend statutory changes necessary to ensure that only eligible voters can vote in Texas elections.

CHARGE 4 Review the Texas campaign finance law in judicial races in light of the recent United States Supreme Court decision Caperton v. Massey. Joint Interim Charge with House Committee on Judiciary and Civil Jurisprudence

CHARGE 5 Monitor the agencies and programs under the committee's jurisdiction.
Interim Charge #1

Study ways the state can enhance military and overseas voters' ability to obtain and return balloting materials and reduce burdens on those voters' exercise of their right to vote. *Joint Interim Charge with House Committee on Defense and Veterans' Affairs*
BACKGROUND

Texas is home to the nation's largest population of military service members serving overseas. Texans understand that soldiers and their families make great sacrifices to defend our democracy, and therefore, take very seriously a soldier's right and ability to participate in that democracy by casting ballots in all elections.

Soldiers from Texas, as well as from across the country have not been able to fully participate in the election process. Federal and state election laws and procedures have not protected the right of members of the military, their families and others living overseas to vote in local, state and federal elections.

A basic problem is that people living overseas cannot be certain that their absentee ballots will be tallied because of outmoded state laws, rules and deadlines. In 1952, President Harry Truman asked the United States Congress to reform the election and voting systems to ensure that the members of the military who were serving overseas in the post-World War II reconstruction efforts could fully participate in the electoral process and have their votes counted. Nearly six decades later, unfortunately, voters living overseas cannot be certain that their votes are counted.

The most comprehensive report on this issue was released in January 2009 by the Pew Center on the States in its No Time to Vote: Challenges Facing America's Overseas Military Voters. This research showed that the laws and procedures in 25 states, including Texas and the District of Columbia, do not provide overseas military enough time to vote because the states mail absentee ballots too late for military voters to receive, mark and return the ballots in time to meet all of the required state deadlines.

The report from the Pew Center states that election data from 2006 shows that 86 percent of absentee ballots requested by the general population were cast, while only 27 percent of absentee ballots for overseas military voters were cast. According to information provided to the Department of Defense (DoD) Federal Voting Assistance Program (FVAP), among members of the military who did not vote in 2004, 30 percent said they were unable to vote because their ballots arrived too late or never arrived at all. Additionally, 28 percent reported that they were unable to register, did not know how to go about requesting an absentee ballot or found the process too complicated.

A significant contribution to the problems faced by military and overseas voters is the complexity of the American electoral system. There is tremendous variation in how the 50 states and the District of Columbia administer the election process for overseas military personnel to vote. Each unique state has its own requirements, deadlines and methods of overseas military voting. One telling fact is that the DoD's instruction manual for overseas military voters is 460 pages long. The manual contains 5 to 10 pages of instructions detailing each individual state's requirements and procedures. The Pew Center's report states:

S(s)ome states send ballots out and allow voters to return them via e-mail or fax, while others rely entirely on postal mail to transmit blank and receive completed ballots. Some states require military and overseas voters to register first, before they can receive a ballot, while others do not—and some give voters an opportunity to register and ask for a ballot simultaneously. Some states require voters to get their ballots notarized or witnessed before returning them. Many states require absentee ballots from Uniformed and Overseas Citizen Absentee Voting Act voters to be returned by Election Day, while
others count them even if they come in afterward.4

As a result, overseas military voters face the often overwhelming challenge of deciphering and navigating 51 separate voting systems. But as the Pew Center report states, it is the laws and practices of the 50 states and the District of Columbia that determine how and when these voters participate—and, most importantly, whether they can successfully cast a ballot.5

Although solving this problem will be a long and complicated effort, voting advocates have identified three major reasons why the laws of states like Texas do not currently give overseas military members enough time to vote:

1. **Reliance on Mail Delivery of Ballots** - When a state’s absentee vote system relies on postal delivery, the lapse in the time between when the ballot leaves the mainland and when the ballot reaches the voter may leave the voter without a sufficient amount of time to comply with the state’s deadline to cast that ballot;

2. **Waiting Too Long to Distribute Ballots** - States often wait too long to distribute ballots to overseas military personnel; and

3. **Early Deadlines for Ballot Return** - States set deadlines for return of ballots that are too early. The Pew Center’s report found:

   Of the 19 jurisdictions that allow the absentee ballot to come in after Election Day, Georgia, New York, Texas and four other states do not provide their military voters enough time to vote. These states would need to extend their receipt deadlines anywhere from three days (Texas) to 21 days (Massachusetts) to provide sufficient time.6

Advocates for less complicated overseas and military procedures conclude that states, like Texas, can dramatically increase the opportunity for military voters to participate in elections by: 1) distributing blank ballots to overseas military voters via fax and/or e-mail; 2) distributing blank ballots to overseas military voters as early as possible; and 3) providing more time for completed ballots from overseas military voters to return to local election offices. Supporters also recommend a minimum of 45 days for “ballot transit time” — this is, the amount of time between the date a state sends a blank ballot to a voter and the deadline by which the voter must return the completed ballot.7 State law currently requires that ballots must be mailed 45 days before the November general election but does not provide the same courtesy in primaries, runoffs, special elections.8

Although these propositions appear relatively simple to implement, enacting them can be somewhat difficult. As legislators know, the election process is a complex one that consists of a series of several steps. Whether a state’s election system allows enough time for military members to vote, therefore, depends on how well the series of steps work together. In states, like Texas, where election laws and practices have been developed and meshed together session after session, it is often necessary to step back and inspect the system as a whole. Such an inspection would help diagnose problems, and necessary reforms to ensure that the rights and unique circumstances of absentee military voters are addressed and legally protected.
The 1986 Federal UOCAVA Act and the 2009 Federal MOVE Act

A series of previous federal actions forced Texas to reform certain overseas voting procedures. In 1986, Congress enacted the federal Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), which gave an estimated six million uniformed service members, their spouses and dependents, and overseas civilians the right to vote in any federal election. The law covered primary, runoff, special, presidential, and general elections. United States citizens covered by UOCAVA include members of the United States Uniformed Services and merchant marine and their family members, and United States citizens residing outside the United States.

Among its key provisions, UOCAVA provides for an application called the Federal Post Card Application (FPCA) that qualified service members and overseas citizens can use to register to vote and request an absentee ballot simultaneously. The law also allows for the use of a "back-up" ballot for federal offices, called the Federal Write-In Absentee Ballot (FWAB). This ballot may be cast by voters, covered by the Act, who have made timely application for, but have not received, their regular ballot from their state or territory, subject to certain conditions.

The UOCAVA could not, and did not, singlehandedly reform election systems across the nation. As discussed above, states' laws and practices determine how and when eligible voters cast absentee ballots, and how likely their ballots are to be counted. The U.S. Congress recognized that further reforms were necessary to ensure legitimate military and overseas votes were counted so, in 2009, Congress passed the Military and Overseas Voter Empowerment Act ("MOVE Act").

The MOVE Act amended the UOCAVA to establish new voter registration and absentee ballot procedures that states must follow in all federal elections. Most of these new procedures were to have been implemented by the November 2010 general elections, unless a state was granted a waiver by the federal government. As amended by the MOVE Act, UOCAVA now requires state officials to:

1. Provide these covered, eligible overseas voters with an option to request and receive voter registration and absentee ballot applications by electronic transmissions and establish electronic transmission options for delivery of blank absentee ballots to UOCAVA voters;

2. Transmit validly-requested absentee ballots to UOCAVA voters no later than 45 days before an election for a federal office, when the request has been received by that date, except where an undue hardship waiver is approved by the DoD for that election;

3. Take steps to ensure that electronic transmission procedures protect the security of the balloting process and the privacy of the identity and personal data of UOCAVA voters using the procedures;
4. Expand the acceptance of the Federal Write-In Absentee Ballot to all elections for federal office beginning December 31, 2010;

5. Accept otherwise valid voter registration applications, absentee ballot applications, voted ballots, or Federal Write-In Absentee Ballots without regard to state notarization requirements, or restrictions on paper type, or envelope type; and

6. Allow UOCAVA voters to track the receipt of their absentee ballots through a free access system.

In layman’s terms, overseas military voters are now entitled to receive their ballots for all federal elections earlier (45 days before the election) and faster (using technology such as e-mail). If the ballot still fails to arrive in time, there is also a back-up plan – the Federal Write-In Absentee Ballot (FWAB), which can be accessed online, printed as a blank form, filled in manually, and then sent to an election official. As discussed below, these federal measures to protect the votes of Americans abroad are significant, but further revisions are needed at the state level.

Importance of the FWAB

The Federal Write-in Absentee Ballot (FWAB) serves as a back-up measure for military and overseas voters who do not receive their state ballots at least 30 days before the election or the state’s deadline, whichever is later. In these cases, voters can download the FWAB, write in their preferences in general elections for federal offices such as president, vice president, U.S. senator and U.S. representative, and return this alternative ballot postmarked by their state’s deadline. All states accept the FWAB. This is an important “fail-safe” option that provides military and overseas civilian voters the ability to cast a ballot if some aspect of their states' voting process goes awry.10

However, many overseas voters are unaware of the FWAB’s availability. And, although the FWAB is accepted by all states, some states elect to accept it only when the ballot is cast for a federal office, or only from uniformed military service members. Military voting advocates suggest that states would better serve voters by increasing awareness of the FWAB, making it available to all UOCAVA voters and accepting it for federal, state, and local offices.11

Recent Action by Texas Secretary of State

Because the MOVE Act required state-level compliance by 2010, and the Texas legislature does not convene until January 11, 2011, the Texas Secretary of State's office took steps to implement the MOVE Act through rulemaking authority so that Texas' conduct was compliant in the November 2010 elections. In July 2010, the Texas Secretary of State's office adopted new Rule §81.39, “concerning the e-mailing and tracking of balloting materials to military and overseas voters pursuant to the federal Military and Overseas Voter Empowerment Act (MOVE), 42 U.S.C. 1973ff.” The new rule implements many of the MOVE Act’s requirements, and early reports suggest that the November 2010 election system did improve the ability of overseas military voters to participate.
Still, some observers see a need for legislative action in 2011 during the 82nd Texas Legislature. Though the Secretary of State's office has done an admirable job of implementing many reforms through the Office's rulemaking authority, explicit statutory authority is needed to guarantee that reforms are not challenged or diminished through challenges made by the federal government. Statutory changes would also provide the Secretary of State with legislative authority to implement further reforms to streamline voting for military and other overseas voters.

Military voting advocates propose that the Texas Legislature use the MOVE Act, new Secretary of State rules, and the new Uniform Act (discussed below) as a guide in crafting legislation to make it easier for overseas Texans to participate in all elections. Military voting advocates call for Texas legislation that explicitly:

1. Ensures that absentee ballots are sent out at least 45 days before all elections, not just the General Election each November;
2. Permits e-mailing blank ballots and information to overseas voters upon request; and
3. Allows overseas voters to use the Federal Write-in Absentee Ballot (used when official ballots are not received in time) for state and local races.

Some people have proposed further expediting the process by allowing overseas voters to also return their ballots by e-mail or fax. However, election officials, advocates and experts—including the federal General Accountability Office—have raised questions about the security and privacy of completed ballots transmitted electronically back to their states. Testimony about this concern presented to the interim committee suggests that e-mail or fax return of ballots are still controversial, and probably unnecessary, as long as ballots are distributed to voters early enough in the voting process. Testimony stated that sending blank ballots out via fax or e-mail should give military and other citizens living abroad enough time to complete the voting process.

New Proposed Model Act from the Uniform Law Commission

As discussed above, states should strive for some measure of inter-state consistency as they enact MOVE Act-required reforms, so that overseas soldiers from various states will have an easier time voting. Fortunately, the Uniform Law Commission (ULC) has spent significant time and resources studying the feasibility of drafting and enacting legislation with consistent timelines, requirements, and standards for registration, absentee ballot distribution, and ballot voting for military and overseas voters covered under UOCAVA.

Recently, the ULC approved a proposal from the Pew Center of the States for a Uniform Military and Overseas Voters Act at its annual meeting. Major provisions of the new Uniform Military and Overseas Voters Act includes: mandating that absentee ballots for all elections be sent at least 45 days before an election; requiring electronic transmission of voting materials, including blank absentee ballots for all elections, upon request; and expanding acceptance of the Federal Write In Absentee Ballot for all elections.

This new proposal could be a useful guide for Texas legislators as they draft legislation to amend the Texas Election Code.
RECOMMENDATIONS

The House Committee on Elections recommends that the 82nd Texas Legislature enact the following changes to the Election Code:

(1) Require election offices to transmit ballots to military and overseas voters at least 45 days before every federal, state and local election - including primaries, runoffs, special, and general elections;

(2) Provide for email delivery of blank ballots to all military and overseas voters upon request;

(3) Allow the Federal Write-In Absentee Ballot, or FWAB, to be accepted for federal, state and local elections in Texas. While Texas has its own write-in absentee ballot, allowing voters to use the FWAB for all elections would simplify, standardize and streamline the voting process for Texans abroad; and

(4) Follow the MOVE Act's lead and expand these protections to cover all military and overseas voters – and in particular, Texas military members stationed outside of their county of residence, who remain in the United States, and still often face challenges in obtaining, casting and returning a ballot in time to be counted.
Interim Charge #2

Examine the use of countywide polling places and compare voter turnout and the number of rejected provisional ballots in counties that use countywide polling places with similar counties that do not.
BACKGROUND

The use of countywide voting locations in place of the traditional precinct polling place locations has been allowed to some extent since the legislature adopted a pilot program in 2005. The use of countywide polling places (also known as "super precincts" or "vote centers") allows voters to vote at any of the polling places in the county on election day. House Bill 758 was enacted by the 79th Legislature and required the Texas Secretary of State to establish a pilot program in one or more counties as a test of the countywide voting location concept. Lubbock County was the only county to participate and successfully ran a countywide precinct pilot for the November 2006 general election.

In the 80th Regular Session, the Legislature enacted House Bill 3105, authorizing another pilot program for the 2008 election year. This pilot was limited to elections held countywide on the May uniform election date and the November General Election, excluded were the March and April 2008 primary elections. House Bill 3105 contained a number of changes from the previous legislation. Specifically, it added language requiring the county to adopt a methodology for determining its polling place locations. It also included a new requirement that participating counties could not reduce the total number of polling places to less than fifty percent of the number of regular precinct polling places that would normally be used in the county.

In the 81st Regular Session, the Legislature enacted House Bill 719 that made the countywide voting locations pilot program permanent. It added language requiring a county to retain 65 percent of the number of precinct polling places that would normally have been used in its previous elections. House Bill 719 also limited the Secretary of State to choosing three counties with a population of 100,000 or more and two counties with a population of less than 100,000 for each election under the pilot program. Under the Program, counties were eligible to apply to use countywide voting locations for elections held on the November 2009 and 2010 uniform election dates and elections held countywide on the May uniform election date. Participation in the Program was limited to those counties that exclusively use direct recording electronic ("DRE") voting systems and provide a computerized and linked voter registration list at each countywide polling place. HB 719 required the SOS to file a report with the legislature on the status of program and to include any recommendations on the future use of countywide polling places.
The following report was prepared by the Texas Secretary of State, as required by HB 719.¹⁵

Secretary of State report to the 82nd Legislature - Countywide vote centers

Collin County

According to the 2000 Census, Collin County’s population is 671,909.

2009

Collin County’s initial election under the pilot program was in the November 3, 2009 Constitutional Amendment Election. In the previous constitutional amendment election held in November 2007, Collin County used 59 county election polling places and used 57 countywide election day polling places for the November 2009 election. While the county reduced its number of polls, most were placed at locations that had generally been used before as precinct polling places.

Turnout Trends

Collin County had a 7.48% turnout for its November 3, 2009 Constitutional Amendment Election. This represented a .06% decrease from the November 2007 Constitutional Amendment Election. In comparison, statewide turnout for the two elections decreased by .06%.

Public Feedback

After the election, the county received a positive report from the Collin County Republican Chair. Collin County included a study of its use of countywide election day polling places conducted by Robert Stein of Rice University. The study included an exit poll which asked voters to evaluate their experiences with the pilot program. The study determined that most voters were very satisfied with voting at the countywide locations. With that said, compared to Denton County, which was holding a precinct-based election on the same day, more Collin County voters reported having to wait in line to vote than Denton County voters. At the extreme end, 4.3% of the polled Collin voters waited more than 20 minutes against 0% of the Denton County voters. The study points to two issues that might have contributed to this difference. First, while 18% of the total vote in the Denton County election was cast at 10% of the county’s election day polling locations, with the choice available to voters in Collin County, a third of the vote was cast in just 10% of the countywide election polling places. The study also notes that in comparison, Denton County had more voting systems per location than Collin County did and suggests that the fewer number of machines may have contributed to slightly longer voting times at the countywide election day polling places. The study concluded that increasing the number and size of countywide polling place locations and the number of voting systems at each location should be a goal for a larger turnout election.
2010

Collin County also took part in the pilot program for the November 2, 2010 election and used 72 countywide election day polling places in anticipation of higher turnout. In the morning, the county experienced a technical issue at the polls with its electronic poll books. The election department created a fix and submitted it to the polling places by 9:00 on election day, but until the patch was updated, the poll books were shutting down at 15 minute intervals, which caused delays for voters. At other locations, judges reported delays of up to 30-45 minutes for voters, especially towards the end of the day. One polling place, Christ United Methodist Church was open as late as 10:30 p.m. on election night after the polls closed.

Turnout Trends

Collin County had a 37.18% turnout for the November 2, 2010 general election. This represented a 0.86% increase in turnout from the County’s 2006 non-presidential general election. In the 2010 general election, 58% of the total vote was cast during early voting with 42% of the total vote cast on election day. In the 2006 general election, 45% of the total vote was cast early and 55% on election day. This increase in the early vote as a percentage of the total vote is in keeping with statewide trends.

Public Feedback

The county included e-mails from election judges and clerks who served in the election with its report. These officials in large part approved of the countywide polling places as a concept but pointed to two challenges. First, they suggested the locations needed more computers, printers, and electronic poll books. They reported that many of the polling places had a single laptop and printer and when either one went offline, it served as a bottleneck that led to lines and delays. Correspondents state the same to have been true of the electronic poll books used to qualify voters. Apparently, had more of these devices been available at the polling places, officials could have processed voters more efficiently. A number of election officials also pointed to confusion by voters regarding the countywide polling place concept and suggested the county could have done more to educate voters. During election day, the county posted approximate wait times at the polling places to its website. Election officials believed voters found the information useful and the feature could be expanded to include more timely updates and postings to social media.

After the election, the Secretary of State received a number of direct e-mails for the most part from election judges and clerks who served in the election concerning the pilot program. These e-mails noted many of the same challenges, apparent bottlenecks created at some locations by a lack of equipment, suggested additional training for election judges and clerks, and suggested having more election officials at each vote center to most efficiently process voters.
Erath County

According to the 2000 Census, Erath County’s population is 34,124.

2009

The November 3, 2009 Constitutional Amendment Election was the second use of the Program by Erath County. Erath County regularly has twenty county election polling places. For the November 2009 election, this was reduced to four countywide election polling places for the relatively low turnout expected in an odd-numbered November Constitutional Amendment Election. Erath County placed a location in each county commissioners precinct.

Turnout Trends

The county uses Votec's Vote Here election management system and reported no problems at its election day polling places. The total vote was 1,939 votes cast, which represented a 9.4% turnout. The Honorable Gwinda Jones, Erath County Clerk, noted in her report that the trend for the odd-numbered year constitutional amendment elections in Erath County is that more voters vote on election day than vote early. This trend is in contrast to the general state trends and the county trends for even-numbered year elections. The election day percentages of the vote increased from 57% in November 2005 to 59% in November 2007 to 65% in the 2009 November election.

Public Feedback

The county circulated a questionnaire for election day voters. Voters who completed the questionnaire overwhelmingly approved of the countywide polling places and wished to see its use continued in future elections. According to the questionnaire, in November 2009, 55% of the voters voted outside their commissioner’s precinct. In the previous election using countywide election polling places, 65% of the voters had voted at the polling place closest to their house. The Erath County Clerk believes that this represents a change as the voters become used to the convenience of voting at any election day location.

After the election, the county received positive reports from both the Democratic and Republican Party Chairs. A representative of the Erath County Hispanic Business Council also expressed support for use of countywide election polling places going forward. Erath County surveyed its election officials to determine whether there had been any problems in the election in terms of the voting system or the electronic poll books. Again, no problems were reported.

2010

Erath County also took part in the Program for the November 2, 2010 General Election for state and county officers. Erath County used 11 countywide election polling places in lieu of its normal 20 county election precinct polling places. There were no polling place problems reported to the Secretary of State.
Turnout Trends

In the 2010 General Election, 52.3% of the total vote was cast on election day, with a 41.3% turnout. In comparison, in the 2006 general election for state and county officers, 53.1% of the total vote was cast on election day with a 37.7% overall turnout.

Public Feedback

Erath County included a voter questionnaire in its report. 98% of the respondents indicated that they liked the countywide polling places, and 90% of the respondents said that it was convenient to choose a location rather than having to vote at the voter’s home precinct polling place. 67% of the respondents said they had voted at a location closest to their home, while 20% were voting closest to their place of employment.

The county’s report includes emails and statements from county stakeholders including the Republican and Democratic Party Chairs, the Stephenville ISD Superintendent, and local minority and community leaders indicating that the election was a success and recommended the county continue to use countywide election day polling places in future elections.

Galveston County

According to the 2000 census, Galveston County’s population is 286,814.

2009

Galveston County’s initial use of countywide election polling places was in the November 3, 2009 Constitutional Amendment Election. In its implementation plan, Galveston County increased the number of voting locations available on election day from 17 in the 2007 Constitutional Amendment Election to 40 for the November 3, 2009 Constitutional Amendment Election.

Due to 2008’s Hurricane Ike, the Galveston County’s Elections Department already had in place a program to inform voters of polling place election changes. Galveston County used this system, along with contacts in the community such as LULAC and the NAACP, to provide information to voters on Galveston County’s shift to countywide polling places for the November 3, 2009 Constitutional Amendment Election.

On election day, Galveston County encountered connectivity problems with its linked voter registration system. According to the county’s report, eight of the 40 locations were fully functional when the polls opened at 7:00 a.m. By 7:30 a.m., 20 locations were operational. 31 locations were up and running by 8:00 a.m. and by 11:30 a.m. that morning, 39 of the 40 countywide polling places were fully functional. The remaining location experienced technical difficulties all day. Election judges and clerks called the Galveston County Voter Registrar to verify the status of each voter at that location. Apart from connectivity challenges, different polling places reported different circumstances. At one polling place located in a school building, for example, the Galveston County’s wireless card could not gain access through the school’s...
firewall. At another location, the layout of the polling place originally had the antenna near a steel wall, which inhibited the connection. Galveston County had tested the wireless signals prior to election day and had provided two laptops for each location. Galveston County had also set aside personnel across the county to serve as roving troubleshooters on election day, which proved essential.

**Turnout Trends**

Galveston County had a 7.23% turnout for the November 3, 2009 Constitutional Amendment Election, as compared to a 7.32% turnout in the November 2007 Constitutional Amendment Election.

**Public Feedback**

After the election, Galveston County received a complaint from Advocacy, Inc. regarding the accessibility of two of its countywide polling place locations. Galveston County disagreed with the complaint, stating in its report that it had reviewed and believed the two locations did have ramps and side entrances that were accessible to voters. Galveston County’s report did note that at the gymnasium, the location of the parking for disabled voters was not clearly marked.

In its report, the Galveston County Elections Department concluded that the county would need to purchase additional equipment, increase training, and increase locations to conduct future elections using countywide election polling places, especially in elections with a greater turnout than an odd-numbered year November election.

**Lubbock County**

According to the 2000 census, Lubbock County’s population is 270,550.

**2009**

The county used countywide election day polling places (which it calls “vote centers” in its report) in the November 3, 2009 Constitutional Amendment Election. As it has in previous pilot elections, Lubbock County appointed a site selection committee to determine its countywide polling place locations. The committee consisted of members of the Lubbock County commissioners court, leaders from the minority community, and advocates for the disabled community. Lubbock County has 69 regular county election precincts and reduced the number to 40 countywide precincts for the November 3, 2009 Constitutional Amendment Election. In addition, the election was held jointly with the City of Lubbock.

Lubbock County provided information to voters on the polling place locations through radio, television and print media, along with an election day phone bank and text messaging to inform voters of their voting options. A list of the countywide polling places was also mailed to each non-suspense registered voter.

On election day, Lubbock County used Votec’s Vote Here election management software and
reported no problems at its election day polling places.

**Turnout Trends**

Lubbock County reported 8,902 votes were cast on election day using the countywide polling places. Turnout was 14.15%, which was above the state average turnout of 8.11%.

**Public Feedback**

No substantive election day problems were reported to the Secretary of State either by Lubbock County or through other sources.

**2010**

The November 2, 2010 General Election for State and County Officers was Lubbock County’s fifth election using countywide election day polling places. The county has 69 county election polling places and reduced that number to 38 countywide polling places for the November general election. As it has in the past, Lubbock County appointed an advisory board consisting of the political party chairs, representatives for Advocacy, Inc., local minority and community groups and staff from the county elections administrator’s office. The advisory board assisted the elections administrator in determining the number of polling places and the best locations to encourage a high level turnout.

The Lubbock County Elections Administrator informed this office that educating voters about the pilot program and its effect on the election was a priority. The elections administrator’s report noted that its primary focus is informing the public regarding polling locations. Lubbock County used radio, television, and local newspapers to publicize the upcoming elections, manned an election day phone bank to guide voters to the nearest polling place, and also used text messaging to contact voters with information on voting locations. Lubbock County also mailed a letter to non-suspense voters to inform them of the voting locations within the county.

Again, Lubbock County used its Vote Here election management system to maintain its real-time computerized list of registered voters. No one reported substantive election day problems (either by Lubbock County or through other sources).

**Turnout Trends**

The turnout for Lubbock County’s November 2, 2010 General Election for State and County Officers was 54,373. Comparing turnout for past gubernatorial general elections, the 2010 results represent a gain from the 2006 turnout, which was 53,609, but a decrease from 2002’s 56,395 turnout. Also interesting is the decrease in election day voting as a percentage of the total vote. In 2010, election day represented 35% of the total vote down from 57% in 2002 and 46% in 2006. While the trend is towards an increase in early voting as a percentage of the vote, Lubbock County’s trend, in which 65% voted early is certainly an outlier. By way of comparison in the November 2002 General Election for State and County Officers, statewide early voting was 13.00% of the total and in the November 2006 General Election for State and County Officers,
early voting was 13.22% of the total vote statewide.

Public Feedback

After the election, Lubbock County solicited comments from members of its advisory board and the other political subdivisions that took part in the process. An Advocacy, Inc. representative praised the countywide polling places because having fewer locations allowed an interpreter to be present at each location. Secretary of State received uniformly positive reviews on the countywide polling place process.

Madison County

According to the 2000 Census, Madison County’s population is 13,333.

Madison County’s first use of countywide election polling places was in the November 2, 2010 General Election for State and County Officers. In its implementation plan, Madison County declined to reduce the number of election precincts for its first election under the Program. To concentrate on the administrative process of linking the polling places, the county retained its normal eight election day polling places, but each was a countywide polling place allowing voters to vote at any one of the eight polling places.

Mr. Earl C. Parker, the Madison County Elections Administrator, held four community forums for local groups, such as the Madison County Republican Party, a “Tea Party” group, the Retired Teachers Association, and downtown merchants to explain the new election procedures. Madison County also reached out to local media to disseminate information on the countywide polling places, posted information on the pilot at each post office serving the county, and at each of the polling places. Madison County used the Votec’s Vote Safe election management system software, and the Madison County Elections Administrator held two three-hour sessions for election judges and clerks to train them on the new system.

On election day, the county equipped each polling place with a laptop and a wireless card for access to the computerized voter registration list. Madison County tested reception prior to election day and experienced a reception problem at the Elwood Baptist Church polling place which it resolved prior to the beginning of voting. No one reported problems with the laptops or wireless connections during election day. Madison County reports there were 18-20 voters not processed through Vote Safe because their names had not been included when the computerized list finalized prior to election day. These voters had to be qualified to vote by contacting the voter registrar directly.

Turnout Trends

Reviewing the election results, in a comparison between the last gubernatorial General Election, Madison County had a total voter increase of 274 votes from the 2006 General Election in which 2,970 persons voted and the 2010 General Election for State and County Officers in which 3,244 votes were cast. With that said, the increase appears to have come from early voting rather than election day voting. Early voting increased by 467 votes compared to 2006 while election day
voting decreased by 173 votes.

Public Feedback

Post election, the Madison County Judge, the County Elections Administrator, Democratic and Republican Party County Chairs, and the representative from the retired teacher's association (who also served as an election day judge) expressed satisfaction with the county's implementation, and additionally, the County Judge and the County Elections Administrator expressed hope to continue with this Program in the future.

Recommendations

After three cycles of the countywide polling place Program, there is still a relatively small sample size from which to make observations and recommendations.

First Recommendation

Expanding the number of counties in the pilot coincides with those who have already participated successfully taking allotted spaces. House Bill 719 provides for the Secretary of State to include three counties with a population of 100,000 or more and two counties with a population below 100,000 to take part in each election. Practically, these figures may overstate the expansion of the pilot because some or all of the previously participating counties are likely to keep wishing to participate for various reasons. This proved to be a challenge for the November 2010 General Election cycle when our office received valid applications from both Madison and Jack County, both with populations under 100,000. This office would have allowed both counties to use countywide polling places in the November 2, 2010 General Election had there been room in the program. Accordingly, the Legislature may wish to explore ways to allow previously participating counties to continue without taking a spot in the program or increase the number of counties in the program.

We also note that Erath County suggested that counties be allowed to use the countywide election polling places in primary elections. The Erath County Clerk believes some county voters may become confused when the county has to return to normal election day precinct procedures in a county that has taken part in multiple Programs and worked to educate its voters on the countywide election polling place concept.

Second Recommendation

The Secretary of State also suggests the Legislature examine whether to require the first election at which countywide polling places are used to be an election other than the November general election for state and county officers. This change would allow county election officials, local political subdivisions within the county, and the voters of the county to become familiar with the concept and in effect run a smaller scale election with countywide election day polling places before deciding whether the county should apply to use the countywide polling places in a November General Election. To facilitate an interested county's ability to take part in a pilot election on the May uniform election date, we would recommend allowing counties to participate
in the pilot on the May uniform date even if the county itself is not having an election but has contracted with local political subdivisions to hold their elections. We note that no counties have yet applied for the Program on the May uniform date; generally, counties are not holding their own elections on that date and are not eligible as the statute is currently written (i.e., "countywide elections").

Overall Observations

For the moment, countywide polling places effects on voter turnout are difficult to gauge. However, anecdotal evidence from the participating counties, along with the turnout percentages, suggest countywide election polling places offer a way to ensure that voters who plan to vote in the election have an increased opportunity to do so much as with early voting.

The challenges that have arisen with countywide polling places appear to predominate in larger counties that can experience a high turnout. If the countywide polling place does not have sufficient equipment and personnel, delays can occur. The bottlenecks have seemed to occur not in the availability of the DRE voting systems, but at the voter qualification point, either due to the number of electronic poll books and laptops or backups for when those devices fail. As Galveston County noted in its report, this may point to the need for an increased investment in equipment. However, with the number of polling places reduced and the voting machines congregated at a countywide polling place, the counties have been able to provide an adequate number of voting systems. A larger county may need to invest in more electronic pollbooks, more backup laptops, and more election personnel at each polling place. Some of these observations may be reflective of the fact that most counties purchased DREs with their HAVA compliance funds while they acquire poll books on their own with non-federal funds.

Statutory considerations:

Expand the number of counties eligible.

Expand the list of eligible counties by allowing counties, which have a mixed system of DREs and Optical Scans, to participate.

* (end of the SOS report)
PROVISIONAL BALLOTS

Below is a chart prepared by the Texas Secretary of State that compares voter turnout and the number of rejected provisional ballots in counties that use countywide polling places with similar counties that do not.\(^{16}\)

<table>
<thead>
<tr>
<th>County</th>
<th>Population</th>
<th>Total Number of Provisional Ballots Cast 2010</th>
<th>Number of Provisional Ballots Counted 2010</th>
<th>Number of Rejected Provisional Ballots 2010</th>
</tr>
</thead>
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<tr>
<td>Kleberg</td>
<td>31,549</td>
<td>9</td>
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<td>0</td>
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<tr>
<td>Jasper</td>
<td>35,338</td>
<td>32</td>
<td>19</td>
<td>13</td>
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<tr>
<td>Caldwell</td>
<td>35,383</td>
<td>33</td>
<td>5</td>
<td>28</td>
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<tr>
<td>Archer</td>
<td>9,127</td>
<td>8</td>
<td>1</td>
<td>7</td>
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<td>Reeves</td>
<td>11,508</td>
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<td>3</td>
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<tr>
<td>San Augustine</td>
<td>8,888</td>
<td>6</td>
<td>1</td>
<td>5</td>
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<td>McLennan</td>
<td>223,567</td>
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<td>3</td>
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<tr>
<td>Jefferson</td>
<td>245,793</td>
<td>194</td>
<td>1</td>
<td>193</td>
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<tr>
<td>Nueces</td>
<td>317,677</td>
<td>134</td>
<td>16</td>
<td>118</td>
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<td>Denton</td>
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<td>432</td>
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<td>323</td>
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<td>Hidalgo</td>
<td>688,029</td>
<td>624</td>
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<td>El Paso</td>
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<td>Dallas</td>
<td>2,304,909</td>
<td>1,263</td>
<td>192</td>
<td>1,071</td>
</tr>
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</table>

* The Counties that are highlighted are the counties that participated in the super precinct pilot program.
RECOMMENDATIONS

The committee agrees with the findings of the Texas Secretary of State in their report to the 82nd legislature and agrees that there is a need for statutory changes to the election code to expand the number of counties eligible for the program and to expand the list of eligible counties by allowing counties, which have a mixed system of DREs and Optical Scans, to participate.
Interim Charge #3
Examine the prevalence of fraud in Texas elections. Study new laws in other states regarding voter identification and recommend statutory changes necessary to ensure that only eligible voters can vote in Texas elections.
BACKGROUND

The issue was also studied last interim by The House Committee on Elections and their report addresses these findings and can be found at the following link:
http://www.house.state.tx.us/media/pdf/committees/reports/80interim/Elections80th.pdf

The committee held a hearing on June 14, 2010, to gather more information about issues relating to voter identification to fulfill the interim charge.

TESTIMONY

Attorney General's office

Jay Dyer, Deputy Attorney General for Government and External Affairs, testified that the Attorney General's (AG's) office has two divisions primarily responsible for election code enforcement. The Criminal Investigation Division handles and investigates allegations of voter fraud or other election code violations that are referred to the AG's office by either the Secretary of State (SOS) or a local election official. The office's Criminal Prosecution Division prosecutes a case after it has been investigated by presenting the case to a local grand jury to secure a criminal indictment. If granted the indictment, the Division prosecutes the case.

Since 2002, Mr. Dyer testified that the AG's office received 267 referrals of incidences of alleged illegal voting as defined in Section 64.012 of the Texas Election Code. Thirty-five of those alleged violations have been resolved with guilty pleas, dismissals or plea agreements, while 12 cases remain active and the remainder of the cases are either still being investigated or the statute of limitations has expired.

Mr. Dyer testified that the AG's office has the authority, unlike other criminal violations, to investigate and prosecute allegations of voter fraud without being asked to by local prosecutors. He went on to explain, however, that the extent to which voter fraud cases are prosecuted locally compared to the amount of cases that are referred and handled by the AG's office could not be determined. The AG's office may only discuss cases that have been referred to them and because all voter fraud cases are not referred to the AG's office, it was difficult for their office to comment on the extent of voter fraud within the state. To get a complete picture of voter fraud in Texas further analysis is needed to gather additional information from local election and law enforcement officials.

The prosecution of election fraud cases at the local level are generally handled by the district attorney for felony offenses and the county attorney for misdemeanors violations. Additional research would need to be conducted to gather information from these officials about voter fraud cases that are referred to and prosecuted by their offices.17

Texas Secretary of State

Ann McGeehan, Director of Elections Division for the Texas Secretary of State's office, testified that Texas and 26 other states require some form of voter ID in order to cast a ballot at the polls. She stated that her office has referred 24 election code violation cases over the past two years to
the AG's office for possible prosecution and only two of these cases involved voter impersonation allegations. Ms. McGeehan also testified that it would be tough to detect if voter impersonation is occurring at the polls unless the poll worker knew everyone in their precinct.  

NEW LAW IN OTHER STATES

Idaho

On July 1, 2010, new laws became effective in Idaho requiring that all voters show a photo ID in order to vote. These laws allow residents to register at the polls on Election Day by providing proof of residence, but also require the documents used in providing proof of residence be accompanied by a photo ID. The following documents may be presented as proof of a registrant's current address:

- A valid Idaho driver's license issued through the department of transportation;
- A valid Idaho identification card issued through the department of transportation;
- Any document that contains a valid address in the precinct together with a picture identification card; or
- A current, valid student identification card from a post-secondary educational institution in Idaho accompanied with a current student fee statement that includes the student's valid address in the precinct together with a picture identification card.

The new laws permit voters, without the proper identification, to sign an affidavit swearing to their identity. The affidavit, which is prescribed by the secretary of state, requires the voter to provide their name and address. A person who knowingly provides false, erroneous or inaccurate information on the affidavit will be guilty of a felony perjury offense.

Utah

Utah enacted new voter ID laws on May 12, 2009. The new laws require voters to show either one photo ID or two other forms of other identification designated by statute that suffice as proof that the voter lives in the precinct. Voters who do not present proper identification at the polls may vote using a provisional ballot; however, the provisional ballot will not count unless they provide valid voter identification to the election official within five days after the election.

New Mexico

In New Mexico, the voter ID laws that became effective in 2008 relaxed existing laws by allowing a voter to satisfy identification requirements by merely stating his or her name, registration address and year of birth. Under current law, New Mexico accepts the following forms of voter ID:

1. A physical form of identification that may be include:
An original or copy of a current valid photo identification with or without an address that is not required to match the voter's certificate of registration or a voter identification card; or

b. An original or copy of a utility bill, bank statement, government check, paycheck, student identification card or other government document including identification issued by an Indian nation, tribe or pueblo that shows the name and address of the person that is not required to match the voter's certificate of registration; or

2. A verbal or written statement by the voter of his or her voter's name, year of birth and registered address.

If a voter fails to provide the required voter ID, the voter is allowed to vote a provisional ballot.

Oklahoma

The Oklahoma Legislature passed a voter identification bill in 2009 that required a voter to present a government-issued photo ID or their county voter ID card. This bill was vetoed by Democratic Gov. Brad Henry who said the proposal conflicted with the Oklahoma Constitution. In his veto message, the Governor warned lawmakers to be "especially careful when tinkering with this fundamental right."

Instead of seeking to override Gov. Henry's veto, legislators passed a plan to put the measure before the voters in the general election held in November 2010. The ballot measure called "State Question 746" passed with 74 percent of the vote, and the new law becomes effective in July 2011. The new law requires that each voter prove his or her identity with a document that must have:

- The name and photograph of the voter;
- Been issued by the federal, state or tribal government; and
- An expiration date that is after the date of the election. No expiration date, however, would be required on certain identity cards issued to persons 65 years of age or older.

In lieu of such a document, voters can present voter identification cards issued by a County Election Board. A person who cannot or does not present the required identification may sign a sworn statement and cast a provisional ballot. Swearing to a false statement is a felony.

Indiana

The U.S. Supreme Court upheld Indiana's current voter ID law, 6-3, in April 2008 based on provisions in the U.S. Constitution. (Crawford v. Marion County Election Bd., 553 U.S. 181 (2008)). The Court held that the state's interests, identified as justifications for Indiana statute requiring government issued photo ID to vote, outweighed any limitation the law may have imposed on voters.
The Indiana Court of Appeals struck down the law in 2009 and declared it void on the grounds that it violated the Indiana State Constitution. (*League of Women Voters v. Rokita*, 915 N.E.2d 151 (Ind. Ct. App. 2009)). The state's Court held that Indiana voter ID laws regulated voters in a manner that was not uniform and impartial by favoring Indiana voters who use mail-in absentee ballots. The reasoning behind the decision was those who mailed in absentee ballots did not have to show any identification to vote, while those voting in person did have to present a form of identification.

In June 2010, however the Indiana Supreme Court overturned the Court of Appeals decision in *League of Women Voters v. Rokita* upholding the state's voter identification law, saying the Legislature has the power to require voters to show a photo ID at the polls. 21

**Georgia**

The United States 11th Circuit Court of Appeals held that the burden imposed by the Georgia requirement of photo identification is outweighed by the state's interests in safeguarding the right to vote. (*Common Cause/Georgia v. Billups*, 554 F.3d 1340 (11th Cir. 2009)). The Court of Appeals held that the district court did not err when it determined that the legitimate interest of Georgia in preventing voter fraud justified the insignificant burden of requiring voters to present photo identification before they vote in person. 22

**Arizona**

In October 2010, in *Gonzalez v. Arizona*, 08-17094, which is a court challenge to an Arizona law that requires individuals to produce proof of citizenship before they may register to vote was upheld, 2-1, by a three judge panel that included former Supreme Court Justice Sandra Day O'Connor. O'Connor was joined by Circuit Judge Sandra Ikuta, while Chief Judge Alex Kozinski dissented on the ruling. 23

**CONCLUSION**

The fact that states across the nation are passing voter ID laws is proof enough of the public's concern regarding the potential of voter fraud. While there is, and perhaps always will be, disagreement regarding the extent of voter fraud, the lack of public confidence in our voting system cannot be questioned. Voter ID laws have been upheld by courts across the country for one simple reason - the inability of those who are challenging the laws to demonstrate in court that those laws place an unreasonable burden on any legal voter.

Texas and other states appear to have had very infrequent prosecution of in-person voter fraud. Some may argue that is an indication that in-person voter fraud does not occur. Others will argue it is an indication that current law does not allow us to identify in-person fraudulent voting as it occurs.

The close and controversial presidential election in 2000 led to the passage of the Help America Vote Act (HAVA) in 2002, to help restore the public's confidence in the American electoral system. Just two years after HAVA was passed, the 2004 presidential election raised even more
suspicions and complaints from voters with further erosion in the public's confidence and faith in national, state and local elections. In 2005, then-President George W. Bush appointed the Commission on Election Reform, also known as the "Carter-Baker Commission."

The 21-member bi-partisan Commission was chaired by former President Jimmy Carter and former Secretary of State James A. Baker. After several months of study and hearings, the Commission released its report, *Building Confidence in U.S. Elections*, in September 2005. The House Committee on Elections concurs with the following statement by the Commission:

"While the Commission is divided on the magnitude of voter fraud – with some believing the problem is widespread and others believing that it is minor – there is no doubt that it occurs. The problem, however, is not the magnitude of the fraud. In close or disputed elections, and there are many, a small amount of fraud could make the margin of difference. And second, the perception of possible fraud contributes to low confidence in the system. A good ID system could deter, detect, or eliminate several potential avenues of fraud – such as multiple voting or voting by individuals using the identities of others or those who are deceased – and thus it can enhance confidence." *Building Confidence in U.S. Elections*:

**RECOMMENDATIONS**

The Elections Committee recommends that the Legislature adopt legislation requiring voters to show photo identification in order to cast a ballot at the polls. We ask that free identification cards be issued by either the Department of Public Safety or the local voter registrar's office if the voter is registered in this state, does not already have a driver's license and is receiving the identification card with the express intent to vote. It is also important that such legislation provide for the education of voters on any changes enacted and that the Secretary of State and counties coordinate their efforts to inform the state's electorate. This law should take effect January 1, 2012.
Interim Charge #4

Review the Texas campaign finance law in judicial races in light of the recent United States Supreme Court decision Caperton v. Massey. Joint Interim Charge with House Committee on Judiciary and Civil Jurisprudence
BACKGROUND

Caperton v. A.T. Massey Coal Co., 129 S. Ct. 2252 (2009) examines the point at which an elected judiciary may interfere with someone's right to a fair trial. Before Caperton, Texas Courts automatically rejected motions to recuse on the basis of campaign donations in judicial races. After Caperton, Texas judges must hear recusal motions based on elected judicial campaign donations. This has created the need to readdress and reevaluate existing laws regarding judicial elections and to identify the necessary changes to ensure that Texas judges are in compliance with federal law.

HISTORY OF THE CASE

The case in Caperton evolved from the reversal by an appellate court - of a West Virginia trial court decision where a jury awarded Caperton $50 million against A.T. Massey Coal Co. Caperton, 129 S. Ct. at 2256. At issue, in the U.S. Supreme Court case, was whether or not Caperton's right to due process was violated "when one of the [appellate court] justices in the majority denied a recusal motion." Id. The recusal motion called into question campaign contributions given to that court of appeals justice of "an extraordinary amount from, and through the efforts of, the board chairman and principal officer of the [A.T Massey Coal] corporation" found liable for damages by the trial court. Id. at 2256-57.

The standard, established by Caperton, requires that a judge grant a motion to recuse where "the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable." Id. at 2257. Taking into consideration the size of the appellee's donations to the judge's election campaign: $1,000 directly to the campaign; $2.5 million to an organization opposing the election of the judge's opponent; and $500,000 in independent expenditures for direct mailings and newspaper advertisements, the U.S Supreme Court ruled in favor of the appellant.

The U.S. Supreme Court concluded that, under the circumstances in Caperton, there was a serious risk of actual bias due to the campaign contribution's "relative size in comparison to the total amount of the money contributed to the campaign, the total amount spent in the election," and the effect of the contribution on the results of the election. Id. at 2264

WHAT THE CAPERTON DECISION MEANS FOR TEXAS

In Texas, before Caperton, a litigant could not ask for a recusal based on judicial campaign contributions. Subsequent to the ruling by the U.S. Supreme Court, Texas courts must consider campaign contributions when deciding recusal motions. Because Caperton requires a recusal based on "objective and reasonable perceptions" and "the appearance of bias" Texas judges must decide whether or not to deny a recusal motion based on societies' opinion rather than proof of actual bias. Id. 129 S. Ct. at 2263. These vague standards provide little guidance for Texas' judges and put them in the precarious position of unintentionally being incompliant with federal law. Although the United States Supreme Court, made it clear that its decision was based on the
extraordinary circumstances presented in Caperton, it still sets a precedent that any elected judge could be a candidate for recusal based on election campaign contributions.

CONCLUSION

In 1995 the Texas legislature passed the "Campaign Fairness Act" in order to regulate the financing of judicial elections. Thus, Texas already has a structure in place governing contribution limits, expenditure limits, reporting requirements, and recusal procedures. The conflict, that arises in Caperton, as it pertains to Texas law, is that it provides no clear standard for when judicial recusal is required. Modifying Texas' existing judicial finance laws to provide judges with a clear standard of when and if campaign donations qualify a judge for recusal, would help protect our judiciary from unintentionally violating federal law. Changing existing laws requires rule changes by the Texas Supreme Court, new laws enacted by the Texas Legislature, or amendments to the Texas Constitution. The Texas Supreme Court has the authority to promulgate or amend the rules of criminal procedure and is currently reviewing revisions to Texas Rule of Civil Procedure 18a's recusal procedures and Rule 18b's recusal standards in light of this case. 25

RECOMMENDATION

If the Texas Supreme Court does not amend the rules as it pertains to recusal of Judges in certain cases in light of Caperton v. Massey, the Texas legislature should consider legislation giving judges a clearer standard for when judicial recusal is required.
ENDNOTES

2 Pew Center on the State: No time to Voter Challenges Facing America's Overseas Military Voters, January 2009.
3 Federal Voting Assistance Program www.fvap.org
4 Pew Center on the State: No time to Voter Challenges Facing America's Overseas Military Voters, January 2009.
5 Pew Center on the State: No time to Voter Challenges Facing America's Overseas Military Voters, January 2009.
6 Testimony, House Committee on Elections public hearing 6-10-2010
7 Testimony, House Committee on Elections public hearing 6-10-2010
8 Texas Secretary of State website devoted to Military and Overseas voters http://www.votexas.org/military_overseas.html
9 Title 42 - The Public Health and Welfare Chapter 20 - Elective Franchise
10 Testimony, House Committee on Elections public hearing 6-10-2010 and http://www.fvap.gov/shortcuts/gerfwab.html
11 Testimony, House Committee on Elections public hearing 6-10-2010
13 Texas Secretary of State, Report to the 80th Legislature on House Bill 758- Relating to Countywide Polling Place Pilot Program
14 Texas Secretary of State, Report to the 81st Legislature on House Bill 3105, Relating to Countywide Polling Place Pilot Program
15 Texas Secretary of State, Report to the 82nd Legislature on House Bill 719. Relating to Countywide Polling Place Program
16 Data Provided by the Texas Secretary of State, Elections Division
17 Testimony, House Committee on Elections public hearing, 6-14-2010
18 Testimony, House Committee on Elections public hearing, 6-14-2010
19 The Associated Press, Oklahoma: Henry vetoes voter identification bill
21 Testimony provided by Texas Secretary of State Office, Elections Division, House Committee on Elections public hearing, 6-14-2010
22 Testimony provided by Texas Secretary of State Office, Elections Division, House Committee on Elections public hearing, 6-14-2010
24 Carter-Baker commission report: Building Confidence in U.S. Elections
25 Testimony, House Committee on Elections joint public hearing with Judiciary and Civil Jurisprudence, 8-26-10

35
October 4, 2011

Mr. T. Christian Herren, Jr.
Chief, Voting Section
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dear Mr. Herren:

This is in response to your September 23, 2011, request for additional information concerning the submission of Senate Bill 14 (Chapter 123) passed in the 82nd Regular Texas Legislative Session. You have asked for five categories of additional information, and we will address each request below.

1. A detailed description of the voter education program that the State will implement pursuant to Section 5 of Chapter 123.

The Office of the Secretary of State is issuing a Request for Proposals ("RFP") for the development and implementation of a comprehensive statewide voter education program. As specified in the RFP, the voter education program will focus on four critical areas: (1) how to register to vote; (2) how to comply with photo identification requirements; (3) polling place processes and procedures; and (4) how to properly cast a ballot. Attached is the "scope and tactics" section of the RFP detailing the voter education program to be implemented, and the intended timeline for development and implementation. The RFP requires current research be the foundation of the voter education program, ensuring the use of "best practices" and most effective communications strategies and messages to achieve maximum success in reaching voters statewide and targeted sub-groups, including but not limited to minority voters, elderly voters, military and overseas voters, and young voters.

Additionally, our office is updating our standard online voter pamphlets such as "Texas Voting," and "Services Available to Voters With Special Needs," which appear along with other voter information provided at our "Votexas.org" website. As you are likely aware, all voter materials on our website appear in English and Spanish.

2. A detailed description of the efforts that the State will undertake, including the issuance of any rules, regulations, or written guidance, to inform and train state and county election officials regarding photo identification requirements, including, but not limited to, the implementation of the election identification card system; the acceptance and
Mr. T. Christian Herren, Jr.

Page 2

handling of a voter’s photo identification pursuant to Section 6 of Chapter 123; the verification of identity pursuant to Section 9 of the Act; and the manner in which the State will resolve discrepancies between information on presented identification and information contained on the list of registered voters. Please include a description of all materials that will be used to implement the program.

The Office of the Secretary of State has proposed two administrative rules as part of our effort to inform and train state and county election officials concerning voter identification requirements.

On September 16, 2011, this office proposed rule 1 TAC 81.71, which concerns standards for determining when a voter’s name on the photo identification substantially matches the voter’s name on the list of registered voters; this proposed rule was forwarded to your office per your staff's request on September 8, 2011. The earliest possible date of adoption is October 16, 2011, and once adopted, the rule will be officially submitted to your office for preclearance. The rule is posted on the Secretary of State website, and may be found at this http://www.sos.state.tx.us/texreg/archive/September162011/PROPOSED/1.ADMINISTRATION.html#14. On September 23, 2011, the Office of the Secretary of State proposed rules 1 T.A.C. §§ 81.172, 81.173 and 81.174 concerning modifications to the administrative rules governing provisional voting, in part, in order to incorporate the six-day cure period provided for in Senate Bill 14. Three separate rules are required due to the various voting systems in use in the state, but the substance of the cure process is the same in each rule. The earliest day of adoption is October 23, 2011, and once adopted, the rules will be submitted to your office for preclearance. The rules are posted on the Secretary of State website and may be found at this https://www.sos.state.tx.us/texreg/archive/September232011.html. As explained more thoroughly in the response to Question 3 below, the DPS will be proposing an administrative rule concerning the process to obtain an election identification certificate.

Once these administrative rules are adopted and precleared, the educational materials that the Office of the Secretary of State prepares for local election officials will be updated accordingly. Specifically, the Handbook for Qualifying Voters, the 30 minute Qualifying the Voter video/DVD, and the Online Poll Worker training will be updated. As required in Section 7 of Senate Bill 14, all election judges and clerks will be required to complete at least one of the state prescribed training tools, in addition to any training that may be required by the local election authority. Enclosed are samples of the existing handbook and video, and if you are interested in reviewing the online training program, please let us know and we can provide you a log-in and password. Photo identification requirements will be fully integrated into the existing training regime in a similar fashion as the current voter identification requirements. In addition, the DPS website will have information about the election identification certificate and how people can obtain the card.

3. On September 15, 2011, the State provided a draft of proposed administrative rules developed by the Texas Department of Public (DPS) regarding the election identification certificate program:
   a. Please advise of the State’s plans and timing for publication of such rules, receipt of public comment and final rules enactment;
   As stated above, the Department has initiated the administrative rulemaking process regarding the election identification certificate. The following is a projected timeline for the process:
September 27, 2011 - Proposed rules approved by Public Safety Commission for publication in the Texas Register;  
October 3, 2011 - Rules will be submitted to the Texas Register by the Monday, noon deadline for the October 14th issue;  
October 14, 2011 - Proposed rules published in the October 14, 2011 issue of the Texas Register;  
November 14, 2011 - 30-day Comment period expires;  
November 17, 2011 - The Public Safety Commission has not yet determined a date for their November meeting. However, meetings are often scheduled for the third Thursday of the month. If the November Public Safety Commission meeting is set for the third Thursday, that will be November 17, 2011. This would be the earliest point in time the rules could be adopted and approved for publication. 
November 18, 2011 (or the day following the November Public Safety Commission meeting) the rules will be submitted to the Texas Register for publication 
December 8, 2011 - Rules become effective (twenty (20) days following submission for publication)  
If the Department receives a high volume of public comments or a request for a public hearing, this could possibly delay the presentation of the rules for adoption at the November PSC meeting. In that event, the rules would be placed on the agenda for the December PSC meeting. 
No date has been set for the December 2011 meeting. After the rules are adopted and approved for publication by the PSC, they are submitted to the Texas Register. The rules become effective twenty (20) days following submission for publication. If the rules are adopted in the December meeting, they will not be effective by January 1, 2012. However, this will not impede the initiation of the election identification certificate issuance program on January 1, 2012.  
b. Please provide a detailed description of the locations and dates when an individual may obtain a free election identification certificate, including, but not limited to: a description of all means of informing the public of the distribution process if any transportation or other assistance will be provided to individuals trying to obtain such a certificate, and whether such efforts at providing information and/or assistance will be focused on any groups of persons or particular areas of the state; and a description of all equipment and materials necessary to implement the program, as well as any renewal procedures; if applicable.  
Once the election identification certificate issuance program is initiated, an election identification certificate may be obtained during regular business hours at any DPS driver license office location in the state. The DPS provided a detailed chart to the Department of Justice on September 15, 2011, and is enclosed is a copy of the chart. It contains a list of all driver license offices, the counties in which they are located, the hours each office is open and the number of employees in each office.  
The DPS will provide notice of the election identification certificate program and related information on the DPS website. Additionally, the Office of the Secretary of State will incorporate education regarding the election identification certificate into the voter education program and into the election official training materials.  
The DPS does not currently plan to provide transportation for individuals seeking to obtain a driver license, personal identification card, or election identification certificate.
The equipment and materials necessary to issue any card, driver licenses, personal identification card, or election identification card is extensive. DPS currently has all the necessary components in place to produce and issue the cards. This multi-faceted process includes the equipment, materials, and facilities to submit and process the application, transmit information to DPS headquarters and vendors for card production, the actual production of the card, quality assurance and control, and mailing to the cardholder.

The card will have a six-year term. Cardholders will have the ability to renew online one time before being required to return to the driver license office for an onsite renewal. This is the same as is allowed for a driver license or personal identification card. For example, a person who is issued an election identification card in 2012 will be able to renew that card online in 2018, but will need to appear at the DPS office for the 2024 renewal. Persons who are 70 years of age or older will be issued a card that does not expire.

4. Any additional rules, regulations, or written guidance that the Secretary of State or DPS plans to promulgate pursuant to the Act.

Neither the Office of the Secretary of State nor DPS currently plan to promulgate any additional rules or regulations concerning the Act. As described in the response to Question 2 above, the Office of the Secretary of State will be revising written training materials to incorporate the Act and the administrative rules which were proposed on September 16 and September 23, 2011.

The Office of the Secretary of State will also include the DPS requirements for the election identification certificate program in all its training materials. In addition, as chief election officer, the Office of the Secretary of State may need to issue additional written guidance to local election officials, but we do not anticipate that any future guidance would arise to the level of an administrative rule or regulation.

5. With regard to the voter information provided on September 7, 2011, which indicated that 605,576 registered voters do not appear to have a Texas driver's license or other current form of photo identification issued by the DPS:

a. The number of registered voters in Texas, by race and by Spanish surname within county of residence, who currently possess a Texas driver's license or other current form of photo identification issued by the DPS:

Enclosed is a spreadsheet listing all 254 Texas counties, which shows the number of registered voters in each county. Please note that the statewide list of registered voters is a constantly changing database as it is continually updated by the counties. For the purposes of this question, all the voter data and the DPS data is current as of September 16, 2011. The spreadsheet breaks each county's voter registration data into three subsets. First, the spreadsheet shows the number of voters in each county who did not provide a Texas driver's license or personal identification card when they registered to vote. Providing a driver's license number or personal identification card number when registering to vote was optional until the federal Help America Vote Act was enacted in 2006. Second, the spreadsheet shows the number of voters in each county who did not provide a driver's license or personal identification card when they registered to vote, but whose voter record matches a driver/personal identification card record in the DPS database which means that the voter has been issued a driver's license or personal identification card.

Third, the spreadsheet shows the number of voters in each county, who did not provide a driver's license or personal identification card when they registered to vote.
license or personal identification card number when they registered to vote, that could not
be matched with driver's license or personal identification card in the DPS database of
licensed
drivers and personal identification card holders. The matching criteria that we used to
identify
voters between the voter file and the DPS file was last name, first name, and date of
birth.
The process to register to vote in Texas does not require a voter applicant to state his or
her race.
Accordingly, we do not collect voter registration data by race. However, we can run the
list of
Hispanic surnames as developed by the US Census Bureau against the list of registered
voters to
determine how many voters have Hispanic surnames. Enclosed is the Hispanic Surname List
developed by the US Census that we have input to our statewide voter database for the
purpose
of performing the Hispanic surname query. For each of the three subsets of data described
above, we have also broken out the data by Hispanic surnames.
b. For the 605,576 registered voters who the State has advised do not have a Texas
driver's license or personal identification card, please provide the number of such
person by Spanish surname, as well as an estimated number by race, within
county of residence; and
Please see the information provided on the attached spreadsheet.
c. Describe any and all efforts, other than the requirements outlined in Section 5 of
Chapter 123, to provide notice to these individuals of the requirements of S.B. 14
and the availability of a free DPS-issued identification.
Upon preclearance of Senate Bill 14, the Office of the Secretary of State intends to notify
mail each registered voter who may possess a Texas driver's license or personal
identification
card, but because of the matching criteria, may not have triggered a positive match when
the
official voter list was cross-referenced with the DPS data. This notification will explain
the new
photo identification requirements in Senate Bill 14 as well as explain how to obtain an
election
identification certificate, at no cost, from the DPS.
If you have any questions or need additional information, please contact Paul Miles, Staff
Attorney at (512)475-2847 or myself at (512)463-9871.
Sincerely,
4,--
Ann McGeehan
Director of Elections
Enclosure
AM:PM:id
The State of Texas
Elections Division Phone: 512-463-5650
P.O. Box 12060 Fax: 512-475-2811
Austin, Texas 78711-2060 Dial 7-1-1 For Relay Services
www.sos.state.tx.us (800) 252-VOTE (8.683)
Hope Andrade
Secretary of State
July 25, 2011
Mr. T. Christian Herren, Jr.
Chief, Voting Section
Civil Rights Division
Room 7254 - NWB
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530
RE: Submission under Section 5, Voting Rights Act, of Senate Bill 14, Chapter 123, 82nd Legislature, 2011.

Dear Mr. Herren:
The Legislature of the State of Texas has enacted Senate Bill 14, Chapter 123, 82nd Legislature, 2011 (the "Act"), relating to requirements to vote, including presenting proof of identification.
As described in more detail below and with some exceptions, the Act requires a voter to present a current or recently-expired form of photo identification in order to vote in person at a polling place. The Act also requires the Office of the Secretary of State and local election officials to develop voter education programs, create training programs for polling place officials, and revise election forms and postings beginning September 1, 2011.
Because of the upcoming statutory deadlines contained in the Act, we are hereby requesting expedited consideration of this submission under 28 C.F.R. § 51.34. An expedited response from your office will allow the state to promptly implement comprehensive education of voters and local election officials; therefore, we would appreciate a decision from your office by August 20, 2011.
Pursuant to the requirements of 28 C.F.R. § 51.27, the following information is submitted with respect to the Act:
(a) & (b) A copy of the Act is enclosed. An electronic copy of the Act is also available at http://www.sos.state.tx.us/statdoc/bills/index.shtml.
(c) The Act amends the Texas Election Code (the "Code") and the Texas Transportation Code to require voters to present a current form of photo identification to qualify to vote in person at the polling place in elections held in the State of Texas. The Act creates exemptions for, certain—voters with disabilities; voters whose religious beliefs prevent
Mr. T. Christian Herren, Jr.

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'them' from being.- photographed -for- identification, and voters who have lost their
identification in natural disasters. A voter, who does not present a current form of photo
identification when appearing to vote at the polling place and who does not fall within the
scope of the Act's exemptions, may elect to vote. provisionally. A voter who casts a
provisional ballot under these circumstances may then take advantage of the Act's post-
election cure procedures. The Act provides that a voter who presents his or her photo
identification or executes one of the affidavits set out in Section 65.054(b)(2)(B)
(religious objection) or (C) (natural disaster objection) in the presence of the registrar
(discussed below) within 6 days after the election shall have his or her provisional ballot
counted. Moreover, the Act creates a new election identification certificate and provides
that the Texas Department of Public Safety ("TDPS") will make these certificates
available, free of charge, to voters who do not have access to any other acceptable form
of photo identification.

The Act, requires state and local authorities to engage in a thorough voter education and
outreach program that includes the following components: including the new photo-
identification requirements on voter registration cards; including these requirements on
the Secretary of State's web site in multiple languages; including this same information
on local county voter registrars' web sites; including a physical posting of these
requirements in all county clerks' offices; including a physical posting of the
requirements at prominent places within polling locations, and including a statewide
voter education program conducted by the Secretary of State.

The Act requires the Secretary of State to adopt training standards and develop training
materials to implement the changes to polling place procedures contained in the Act as
soon as practicable after September 1, 2011. In addition, as soon as practicable, the
county clerk is required to provide a training session under Section 32.114 of the Code
that incorporates the new Secretary of State training standards to be adopted under
Section 32.111 of the Code.

Finally, the penalty for illegal voting is raised from a state jail felony to a second
degree felony. The criminal penalty for attempted illegal voting is increased from a Class A
misdemeanor to a state jail felony.

The provisions of the Act regarding the need to present a current form of photo
identification when voting by personal appearance - including the new cure provisions -
go into effect for elections held on or after January 1, 2012. The increased criminal
penalties contained in the Act apply only to offenses committed on or after January 1,
2012.

SECTION-BY-SECTION REVIEW

SECTION 1 of the Act amends Section 13.002 of the Code by adding new subsection (i).
New subsection (i) provides that a voter registration applicant who wishes to be
exempted on the basis of disability from the identification requirements of Section
63.001(b) of the Code (which are discussed in more detail below) must present, along
with his or her application, (1) written documentation either from the Social Security
Mr. T. Christian Herren, Jr.

Administration stating that the applicant has been determined to have a disability or from
the Department of Veterans Affairs demonstrating that the applicant has a disability
rating of at least 50 percent and (2) a statement that the applicant does not possess one of
the acceptable forms of identification described under Section 63.0101 of the Code (as
amended by the Act).

Section 13.002 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature,
1985 (precleared on August 16, 1985), and amended by Senate Bill 1441, Chapter 436,
70th Legislature, 1987 (precleared on August 31, 1987). Senate Bill 612, Chapter 472, 70th
Legislature, 1987 (precleared on August 31, 1987), House Bill 613, Chapter 920, 70th
Legislature, 1987 (precleared on August 31, 1987), Senate Bill 221, Chapter 2, 71st
Legislature, 1989 (a non-substantive change not subject to preclearance), House Bill 74,
Chapter 916, 73rd Legislature, 1993 (precleared on September 13, 1993), House Bill 1914,
Chapter 390, 74th Legislature, 1995 (precleared on October 13, 1995). House Bill 127,
Chapter 797, 74th Legislature, 1995 (precleared on January 16, 1997), Senate Bill 500,
Chapter 454, 75th Legislature, 1997 (precleared on August 11, 1997), House Bill 1549,
Chapter 1.315, 78th Legislature, 2003 (precleared on November 20, 2003), House Bill
1268, Chapter 1049, 79th Legislature, 2005 (precleared on October 21, 2005), House Bill
417, Chapter 614, 80th Legislature, 2007 (precleared on November 16, 2007), Senate Bill
74, Chapter 1.295, 80th Legislature, 2007 (precleared on September 27, 2007), Senate Bill
169, Chapter 87, 81st Legislature, 2009 (a non-substantive change not subject to
preclearance), House Bill 536, Chapter 91, 81st Legislature, 2009 (precleared on July 15,
2009), and most recently House Bill 1448, Chapter 632, 81st Legislature, 2009
(pre cleared on August 5, 2009).

SECTION 2 of the Act amends Section 15.001 of the Code by adding new subsection (c)
to provide that the registration certificate issued to a voter who meets the disability
exemption requirements of new Section 13.002(i) of the Code (discussed above) must
indicate that the voter is exempt from the requirement to present identification other than
the registration certificate before being accepted for voting.

Section 15.001 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature,
1985 (precleared on August 16, 1985), and amended in Senate Bill 1441, Chapter 436,
70th Legislature, 1987 (precleared on August 31, 1987), House Bill 1914, Chapter 390,
74th Legislature, 1995 (precleared on October 13, 1995), House Bill 127, Chapter 797, 74th
Legislature, 1995 (precleared on January 16, 1997), and Senate Bill 932, Chapter
532, 80th Legislature 2007 (precleared on November 19, 2007).

SECTION 3 of the Act adds new Section 15.005 to the Code to require the voter registrar
of each county to provide notice of the identification requirements for voting (as
amended by the Act) and a detailed description of those requirements with each voter
registration certificate and registration certificate renewal mailed from the county voter
registrar. The Secretary of State is required to provide the wording of the notice.

SECTION 4 of the Act makes a conforming amendment to Section 15.022 of the Code to
require the voter registrar to correct a registration on receipt of the registration
omissions
Section 15.022 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985), and amended by Senate Bill 280, Chapter 54, 54, 1987 (precleared on August 24, 1986), House Bill 74, Chapter 916, 73rd Legislature, 1993 (precleared on September 11, 1993), and most recently House Bill 127, Chapter 797, 74th Legislature 1995 (precleared on January 16, 1997).

SECTION 5 of the Act adds new Section 31.012 to the Code. According to this new section, as of September 1, 2011, the Secretary of State and each county voter registrar that maintains an Internet website must provide notice of the identification requirements for voting (as amended by the Act) on their respective websites. The information must be provided in each language in which voter registration materials are available in the state and county. The Secretary of State must provide the wording of the notice. New section 31.012(b) requires the Secretary of State to conduct a statewide education effort regarding the identification requirements for voting (as amended by the Act). New section 31.012(c) requires each county clerk to post in a prominent location a physical copy of the notice that is required to be posted on the county's or Secretary of State's Internet website (discussed above). This notice must be provided in each language in which voter registration materials are available in the county.

SECTION 6 of the Act is effective September 1, 2011 and adds Section 32.111(c) to the Code. This new subsection requires the Secretary of State to include requirements for the acceptance and handling of identification presented by a voter to an election officer in its poll worker training materials.

Section 32.111 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985) and amended in House Bill 1695, Chapter 1316, 78th Legislature, 2003 (precleared on November 20, 2003).

SECTION 7 of the Act is effective September 1, 2011 and amends Section 32.114(a) of the Code to require that each election clerk must complete the part of the training program described in SECTION 6 (described above).

Section 32.114 was added to the Code by Senate Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985). It was amended by House Bill 74, Chapter 916, 73rd Legislature, 1993 (precleared on September 11, 1993), House Bill 1603, Chapter 864, 75th Legislature, 1997 (a non-substantive change not subject to preclearance) and House Bill 1695, Chapter 1316, 78th Legislature, 2003 (precleared on November 20, 2003).

SECTION 8 of the Act adds new Section 62.016 to the Code. The new section requires the presiding judge of each polling place to post in a prominent place on the outside of each polling location a list of the acceptable forms of identification for voting by personal appearance. The list must be in 24-point font and posted separately from other required notices.
SECTION 9 of the Act amends several subsections of Section 63.001 of the Code. Amended Section 63.001(b) of the Code to require a voter to present one form of identification as set out in Section 63.0101 of the Code to an election official at the polling place in order to qualify to vote. Prior law allowed a voter to present a current voter registration certificate. Amended Section 63.001(c) of the Code to provide that, after the election officer receives from the voter the identification described by Section 63.0101 of the Code (see above), the election officer shall review the identification to determine whether the voter's name is on the precinct list of registered voters. If the election officer determines (using standards adopted by the Secretary of State) that the voter's name on the identification is substantially similar to but does not match exactly the name on the list, then the voter will be accepted for voting if the voter submits an affidavit stating that the voter is the person on the list of registered voters. Amended Section 63.001(d) of the Code to provide that if, as determined by the procedures set forth in Section 63.001(c) (see above), the voter's name is on the precinct list and the voter's identity is verified from the documentation provided, the voter shall be accepted for voting. Subsection 63.001(f) is amended to make a conforming change. Section 63.001(g) of the Code is added to provide that a voter who does not meet the identification requirements of this section may vote provisionally. For such a voter, this new subsection requires that an election officer must inform the voter of his or her eligibility to cast a provisional ballot. The election officer must also provide the voter with written information (in a form prescribed by the Secretary of State) that lists the requirements for identification, states the procedures for presenting identification, includes a map showing the location where the identification may be presented, and includes a notice that if the post-election procedure is followed, and the voter is found to have been eligible to vote at the precinct, the provisional ballot will be accepted. Section 63.001(h) of the Code is added to provide that a voter with disabilities who presents his or her voter registration certificate, containing the indication described by Section 15.001(c) (see above), on offering to vote is exempt from the identification procedures described by this section. Section 63.001 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985) and amended by House Bill 127, Chapter 797, 74th Legislature, 1995 (precleared on January 16, 1997) and most recently House Bill 1603, Chapter 864, 75th Legislature, 1997 (a non-substantive change not subject, to preclearance). SECTION 10 of the Act amends Section 63.0011(a) of the Code to provide that a federal or state judge or the spouse of a federal or state judge whose residence address has been
of the precinct list of registered voters under Section 18.005(c) of the Code shall be asked by the polling place election official whether the residence address on their identification is current and whether the voter has changed residence in the county. Section 63.0011 was added to the Code by House Bill 127, Chapter 797, 74th Legislature, 1995 (precleared on January 16, 1997). It was later amended by House Bill 41, Chapter 594, 80th Legislature, 2007 (precleared on October 2, 2007) and by House Bill 3069, Chapter 927, 81st Legislature, 2009 (precleared on September 9, 2009).

SECTION 11 of the Act adds new Section 63.0012 to the Code. The new section is effective September 1, 2011 and requires an election officer to distribute written notice of the identification that will be required for voting beginning with elections held on or after January 1, 2012, and information on obtaining an election identification certificate free of charge from the TDPS to each voter that presents a form of identification that will not be sufficient for acceptance as a voter on or after that date. The wording of this notice must be designed by the Secretary of State. Section 63.0012 of the Code expires on September 1, 2017.

SECTION 12 of the Act amends Section 63.006 of the Code. Section 63.006(a) is amended to provide that, with respect to a voter who presents the proper identification, but whose name is not on the precinct list of registered voters, the voter shall be accepted for voting if the voter also presents a registration certificate indicating the voter is registered in the precinct or is registered in a different precinct in the same county and executes an affidavit stating the voter is a resident of the precinct where offering to vote, was a resident of the precinct at the time the information on the residence address was last provided to the registrar, did not deliberately provide false information to the registrar, and will vote only once in the election. Under amended Section 63.006(b) of the Code, after the voter is accepted, the voter's name must be entered on the registration omissions list.

Section 63.006 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985) and amended by House Bill 1603, Chapter 864, 75th Legislature, 1997 (a non-substantive change not subject to preclearance). SECTION 13 of the Act amends Section 63.009 of the Code to delete the procedure under which a voter without a certificate and whose name does not appear on the precinct list of registered voters could vote after the voter registrar confirmed the voter's eligibility. and the voter completed two separate affidavits. Under the change, the voter without a certificate whose name does not appear on the precinct list would have to vote provisionally and complete the provisional voter affidavit.

Section 63.009 was added to the Code by House Bill 616, Chapter 211, 69th Legislature, 1985 (precleared on August 16, 1985). It was amended by House Bill 75, Chapter 728, 73rd Legislature, 1993 (precleared on September 13, 1993), House Bill 330, Chapter 1078, 75th Legislature, 1997 (precleared on October 8, 1997), House Bill 331, Chapter 1349, 75th Legislature, 1997 (precleared on September 2, 1997), and most recently by
Mr. T. Christian Flerren, Jr.

House Bill 1549, Chapter 1315, 78th Legislature, 2003 (precleared on November 20, 2003).

SECTION 14 of the Act amends Section 63.0101 of the Code to remove any form of identification that does not include a photograph from the forms of identification that are acceptable for voting by personal appearance at the polling place. The deleted forms of identification include a birth certificate or other documents confirming birth and admissible in a court of law, citizenship papers that do not contain the person's photograph, official mail addressed to the voter from a governmental entity, copies of a current utility bill, bank statements, paychecks, or other government documents that show the name and address of the voter. Additionally, the Act deletes the authorization for the Secretary of State to prescribe additional forms of identification. Also deleted as acceptable identification at the polling place are driver's licenses, and personal identification cards issued by other states.

Added to the list of acceptable forms of identification are a United States military identification card that contains the person's photograph and has not expired or that expired no earlier than 60 days before the date of presentation, a TDPS-issued concealed handgun license that has not expired earlier than 60 days before the date of presentation, and the TDPS-issued election identification certificate, as set out in Chapter 521 A, Texas Transportation Code.

Finally, a TDPS-issued driver's license, a personal identification card or a United States passport that expired more than 60 days before the date of presentation are no longer valid forms of identification.

Section 63.0101 was added to the Code by House Bill 330, Chapter 1078, 75th Legislature, 1997 (precleared on October 8, 1997). It was amended by House Bill 331, Chapter 1349, 75th Legislature, 1997 (precleared on September 2, 1997), by House Bill 1603, Chapter 864, 75th Legislature, 1997 (a non-substantive change not subject to preclearance), and most recently by House Bill 1549, Chapter 1315, 78th Legislature, 2003 (precleared on November 20, 2003).

SECTION 15 of the Act amends Section 63.011 of the Code to add a requirement that the provisional ballot affidavit include a space for the election officer to indicate whether the voter presented a valid form of identification.

Section 63.011 was added to the Code by House Bill 1549, Chapter 1315, 78th Legislature, 2003, (precleared on November 20, 2003), and later amended by House Bill 2823, Chapter 1073, 80'h Legislature, 2007 (precleared on September 24, 2007).

SECTION 16 of the Act amends Section 64.012 of the Code to increase the penalty for illegal voting in an election to a second degree felony from a third degree felony and to increase the penalty for attempted illegal voting to a state jail felony from a Class A misdemeanor.
Section 64.012 was added to the Code by Senate Bill 616, Chapter 211., 69th Legislature, 1985 (precleared on August 16, 1985), amended by House Bill 1603, Chapter 864, 75th Legislature, 1997 (a non-substantive change not subject to preclearance), and by House Bill 54, Chapter 393, 78th Legislature, 2003 (precleared on November 21, 2003).

SECTION 17 of the Act amends Section 65.054(b) of the Code to first clarify that a provisional ballot shall be accepted (rather than may be accepted) if the early voting ballot board makes certain determinations. Among these determinations are two that are newly-added by the Act. The first applies to situations where the voter: (1) meets the identification requirements either at the time the ballot was cast or when submitted to the county voter registrar after the election per Section 65.0541 of the Code; (2) has a religious objection to being photographed and completes an affidavit stating the objection and that the voter has consistently refused to be photographed for any governmental purpose during the period the voter has held the religious belief; or (3) completes an affidavit asserting that he or she does not have valid identification due to a natural disaster declared by the President of the United States no earlier than 45 days prior to the date the ballot was cast which caused the destruction of the voter's identification or the inability to access the voter's identification. The second permitted determination applies to a situation where the voter has not been challenged and the voter voted a provisional ballot solely because the voter did not meet the identification requirements set forth in the Act.

Section 65.054(b) was added to the Code by House Bill 1549, Chapter 1315, 78th Legislature, 2003, (precleared on November 20, 2003), and later amended by House Bill 2823, Chapter 1073, 80th Legislature, 2007 (precleared on September 24, 2007).

SECTION 18 of the Act adds new Section 65.0541 to the Code. Under this new section, a voter who casts a provisional ballot because he or she did not present an acceptable form of identification at the polling place may, not later than six days after the date of the election, present a valid form of identification to the voter registrar for examination, or execute one of the affidavits set out in Section 65.054(b)(2)(B) (religious objection) or (C) (natural disaster objection) in the presence of the registrar. The Secretary of State is charged with prescribing the procedures to implement this section.

SECTION 19 of the Act amends Section 66.0241 of the Code to make conforming changes related to SECTION 12 of the Act. These changes relate to which documents are placed in Envelope Number 4, which is given to the county voter registrar after election day to make updates to the voter registration list.

SECTION 20 of the Act adds a new Chapter 521A to the Texas Transportation Code. Section 521A.001(a) requires TDPS to issue election identification certificates to persons who state that they are obtaining the certificate to comply with the identification requirements set out in Section 63.001 of the Code because they do not have one of the acceptable forms of identification listed under Section 63.0101 of the Code. At the time the person applies for the election identification certificate, the person must be a registered voter and either present a valid registration certificate or apply for voter registration at that time.
Section 521A.001(b) provides that TDPS may not charge a fee for issuance of the election identification certificate or a duplicate certificate. Under Section 521A.001(c), the election identification certificate may not be used or accepted as a personal identification certificate. Under Section 521A.001(d), an election official may not deny a person who presents an election identification certificate the ability to vote on the basis that the person failed to submit a TDPS driver's license or personal identification card.

Section 521A.001(e) requires TDPS to design the election identification certificate to be similar in form, but distinguishable by color, from the State's driver's license and personal identification certificate. TDPS may cooperate with the Secretary of State in designing the form.

Under Section 521A.001(f), TDPS may require applicants for the election identification certificate to furnish the same information required for a driver's license under Section 521.142 of the Texas Transportation Code.

Section 521A.001(g) authorizes TDPS to cancel and require surrender of an election identification certificate if TDPS determines the holder was not entitled to the certificate or provided incorrect/misleading information on the certificate application. Finally, under Section 521A.001(h), an election identification certificate expires on a date set by TDPS, except that certificates issued to voters 70 or older do not expire.

SECTION 21 of the Act repeals Section 63.007 of the Code and Section 63.008 of the Code to conform with changes in SECTIONS 12 and 13 of the Act.

SECTION 22 of the Act requires the Secretary of State to adopt training standards and develop training materials to implement the changes to polling place procedures under the Act as soon as practicable after September 1, 2011. In addition, as soon as practicable, the county clerk is required to provide a session of training under Section 32.114 of the Code that incorporates the new Secretary of State training standards developed under Section 32.111.

SECTION 23 of the Act provides that the change in law set out in SECTION 16, increasing the penalty for illegal voting to a second degree felony and the penalty for attempted illegal voting to a state jail felony, applies only to offenses committed on or after January 1, 2012. Offenses committed before that date are covered by the law in effect at the time of the offense, and an offense is considered to have been committed before January 1, 2012 if any element of the offense was committed prior to that date.

SECTION 24 of the Act provides that, effective September 1, 2011, county voter registrars may use state funds disbursed under Chapter 19 of the Code for expenses
Mr. T. Christian Herren, Jr.

Page 10

connected with voter registration drives and other activities designed to increase voter
registration. This section expires on January 1, 2013.

(d) The submitting authority is the Honorable Hope Andrade, Secretary of State of Texas, in
her capacity as chief elections officer of Texas. The Secretary of State's office may be
reached at P.O. Box 12060, Austin, Texas 78711-2060, (512) 463-5650.

(e) Not applicable.

(f) Not applicable.

(g) The authority responsible for the passage of the Act was the Texas Legislature.

(h) The Act was adopted pursuant to the provisions of Tex. Const. art. III, § 30.

(i) The Act was passed by the Texas Senate on January 26, 2011, and by the Texas House
with amendments on March 24, 2011. The Senate adopted the conference committee
report on May 9, 2011, and the House adopted the conference committee report on May
16, 2011. The Act was signed by Governor Rick Perry on May 27, 2011.

(j) The training provisions, the notice of identification requirements in SECTION 11, and
the state funds disbursement requirement in SECTION 24 take effect on September 1,

(k) The provisions of the Act have not been implemented.

(l) These procedures will affect the residents of the State of Texas.

(m) The reason for the change provided for in the Act is to ensure the integrity of the
voting
process by allowing registered voters to vote, enhancing detection of ineligible voters,
and deterring ineligible voters from voting, all while providing safeguards to allow
eligible voters the opportunity to have their ballots counted.

(n) The Act will not affect members of any racial or linguistic minority differently from the
way the general public is affected. The Act does not have the intent and will not have the
effect of diluting the voting strength of any racial or linguistic minority.

The United States Department of Justice ("DOJ") previously precleared Georgia's 2005
law, which-like the Act-requires voters to present photo identification before voting
by personal appearance. That preclearance decision is consistent with the United States
Supreme Court's decision in Crawford v. Marion County Election Board, in which the
Court rejected constitutional challenges to Indiana's photo-ID law. As former Justice
John Paul Stevens acknowledged in the Supreme Court's decision upholding Indiana's
law, modern life requires photo identification to transact even the most mundane
business. Indeed, Justice Stevens cited with approval the following statement of the
Commission on Federal Election Reform, that former President Jimmy Carter and former
Secretary of State James A. Baker III jointly chaired: "Photo identification cards are
Mr. T. Christian Herren, Jr.

Page 11
currently needed to board a plane, enter federal buildings, and cash a check. Voting is equally important." Crawford v. Marion County Election Bd., 553 US. 181,193 (2008). Commensurate with this observation, Texas' law requiring voters to present photo identification at the polls provides for the acceptance of commonly held documents: a state-issued driver's license or personal identification card, a United States military identification card, a United States passport, a United States citizenship certificate, or a concealed handgun license. See Section 13 of the Act. In fact, while there are only 12,604,131 registered voters in Texas, there are currently about 17,008,051 active Texas driver's licenses and identification cards.

However, to address concerns some raised about the Act's photo identification requirements, the Texas Legislature included several voter education provisions, as well as other safeguards for Texas voters. For example, the Act requires state and local authorities to engage in a thorough voter education and outreach program that includes the following components: inclusion of the new photo-identification requirements on new voter registration cards and renewal cards that are issued to all registered voters beginning late this year; including these requirements on the Secretary of State's web site in all languages required for election materials in Texas; including this same information on local registrars' websites in the locally requisite languages; including a physical posting of these requirements in all county clerks' offices in such languages; including a physical posting of the requirements at prominent places within polling locations, and a statewide voter education program conducted by the Secretary of State. See Sections 3, 4, 5 and 8 of the Act. In sum, the Act is carefully designed to ensure that every voter, regardless of race, disability, education level or economic station, is fully informed about the Act's requirements.

In addition to these voter education and outreach efforts, the Act contains other safeguards to protect the rights of eligible voters to vote and have their ballots counted. For example, the Act provides for a "cure" period whereby a voter may return after casting a provisional ballot to present the required ID if the voter failed to do so at the polls. Indeed, the Act specifically requires election workers to inform voters who do not present an adequate form of photo identification at the polling place of the procedures they may follow to have their ballots counted. See Sections 9 and 11 of the Act. It also requires election clerks to take specific training regarding the Act's requirements so that all voters will receive like treatment when they present themselves for voting in person. See Sections 6 and 7 of the Act. Moreover, the Act addresses the situation in which a voter's photo identification documents include a spelling that is not identical—but is substantially similar to—the spellings on poll lists in polling locations. See Section 9 of the Act. Lastly, the Act creates an entirely new identification document that the State must provide free of charge to voters who attest to their inability to pay for other acceptable forms of identification. See Section 20 of the Act.

'Beginning in September 1, 2011, election workers must provide notice of the acceptable forms of photo identification for elections conducted after January 1, 2012 to all voters presenting identification that does not meet the requirements of the Act, as well as information on how such voters can obtain acceptable identification for free. See Section 1 I of the Act.
The framework Texas has created in its photo-identification law is consistent with photo-identification regimes in other states, such as Georgia's precleared 2005 law. Georgia's administratively precleared law is remarkably similar to the Act in that Georgia requires the following forms of photo-identification for in-person voting: a Georgia driver's license, an identification card issued by any Georgia state entity or the United States, a valid United States passport, an employee identification card issued by any Georgia state entity, the United States or local political entities, a United States military identification or a tribal identification card. See GA. Code Ann. § 21-2-417(a) (2010.). Like the Act, Georgia's law includes a "cure" period (of more limited duration than the Texas cure period), free photo identification for economically-distressed voters lacking other approved forms of identification, and an extensive voter education and outreach program. See GA Code Ann. §§ 21-2-417(b), 418, and 419 (2010). In fact, DOJ precleared Georgia's original photo-identification law even before Georgia enacted its free ID provision and its most recent extensive voter education mandate, which Georgia added in a subsequent legislative session.

The history of Indiana's photo-identification law is also relevant to DOJ's Section 5 evaluation of the Act. Indiana enacted an in-person voting photo-identification law similar to the Act that requires voters to present photo identification that the United States or the State of Indiana issued. Such identification must include the name of the voter in a form that conforms to the voter's registration record and an expiration date. The identification must be current or have expired after the date of the most recent general election. See Ind. Code Ann. §§ 3-11-8-25.1 and 3-5-2-40.5 (2008). Indiana excepted those voting in person at a precinct polling place located at a state-licensed care facility where they reside and those attesting to indigent status or a religious exception to being photographed. See Ind. Code Ann. §§ 3-10-1-7.2(e), 3-11-8.25.1, 3-11-10-1.2, 3-11.7-5-1, and 3-11.7-5-2.5 (2008). Indiana voters not qualifying for an exception and failing to meet the photo-identification standard are allowed to vote provisionally and later provide the required identification. See Ind. Code Ann §§ 3-11-8-25.1, 3-11-7.5-2.5, 3-11.7-5-1, and 3-11.7-5-2.5.

Various plaintiffs challenged Indiana's statutory regime on federal and state constitutional grounds and federal and state statutory grounds, claiming the law would negatively impact minority communities. See Indiana Democratic Party v. Rokita, 458 F.Supp.2d 775, 820-43 (S.D. Ind. 2006), aff'd, 472 F.3d 949 (7th Cir. 2007), aff'd, 553 U.S. 181 (2008). Although the claims did not include federal Voting Rights Act dilution claims, they did include allegations that the State of Indiana violated voting rights provisions of the Civil Rights Act of 1964. See id. at 839-42 (discussing claims under 42 U.S.C. 1971). Moreover, in considering the gamut of plaintiffs' claims, the courts at the trial and appellate levels clearly considered concerns that Indiana's law would negatively impact members of minority communities. See, e.g., Crawford, 472 F.3d 949, 952 (7th Cir. 2007), aff'd, 553 U.S. 181, 187 (2008); Rokita, 458 F.Supp.2d at 795-96. At every level, the federal courts upheld Indiana's law. In doing so, the trial court wrote:

2 For a more complete explanation of Indiana's statutory scheme as well as evidence of the actual practice in Indiana elections, see Indiana Democratic Party v. Rokita, 458 F.Supp.2d 775, 786-87 (S.D. Ind. 2006), aff'd, 472 F.3d 949 (7th Cir. 2007), aff'd, 553 U.S. 181 (2008).
Despite apocalyptic assertions of wholesale voter disenfranchisement, plaintiffs have produced not a single piece of evidence of any identifiable registered voter who would be prevented from voting pursuant to [the Indiana photo ID law] because of his or her inability to obtain the necessary photo identification. Similarly, plaintiffs have failed to produce any evidence of any individual, registered or unregistered, who would have to obtain photo identification in order to vote, let alone anyone who would undergo any appreciable hardship to obtain photo identification in order to be qualified to vote ...

Plaintiffs' inability to provide the names or otherwise identify any particular affected individuals persists despite various polls and surveys that were conducted for the specific purpose of discovering such individuals ...

[I]t is a testament to the law's minimal burden and narrow crafting that plaintiffs have been unable to uncover anyone who can attest to the fact that he/she will be prevented from voting despite the concerted efforts of the political party and numerous interested groups who arguably represent the most severely affected candidates and communities.

Rokita, 458 F.Supp.2d at 822-23. The Seventh Circuit added that there was "something remarkable about the plaintiffs considered as a whole" as there was not a single one "who intend[ed] not to vote" because of the Indiana law. Rokita, 472 F.3d at 951-52.

As for the United Stated Supreme Court, Justice Stevens explained in the lead opinion for the Court, that given Indiana's provision of free photo identification, in most instances, "the inconvenience of making a trip to the [Bureau of Motor Vehicles], gathering the required documents, and posing for a photograph surely does not qualify as a substantial burden on the right to vote, or even represent a significant increase over the usual burdens of voting." Crawford, 553 U.S. at 198. Three other justices who joined in the judgment of the Court refused to even entertain, at least for constitutional purposes, a person-by-person analysis of the burdens of a voting regulation when the regulation has non-discriminatory purpose and is generally applicable. See id. at 205-209. Justice Scalia wrote for those justices as follows: "The universally applicable requirements of Indiana's voter-identification law are eminently reasonable. The burden of acquiring, possessing, and showing a free photo identification is simply not severe, because it does not 'even represent a significant increase over the usual burdens of voting.' And the state's interests ... are sufficient to maintain that minimal burden. That should end the matter." Id. at 209.

Analysis of voting patterns in Indiana since the implementation of that state's photo-identification law demonstrates that any fear these laws will decrease minority voter turnout is misguided. Professor Jeffrey Milyo, a professor of public affairs and economics who has been affiliated with the University of Missouri, the University of Kansas, and the Cato Institute specifically looked at voting patterns in Indiana before and
after the implementation of photo ID requirements in a publication for the Institute of Public Policy at the University of Missouri's Harry S. Truman School of Public Affairs. He compared turnout between the 2002 and 2006 midterm elections and implemented various control factors or "sensitivity checks" to isolate the effects of Indiana's photo ID law. See Jeffrey Milyo, The Effects of Photographic Identification on Voter Turnout in Indiana: A County Level Analysis, Institute of Public Policy, University of Missouri Harry S. Truman School of Public Affairs at 1, 7 (December 2007). Professor Milyo specifically sought to identify the effects of photographic identification on "turnout in counties with a greater percentage of minority, poor, elderly, or less educated populations." See id. He concluded that while overall voter turnout in Indiana increased about two percentage points from 2002 to 2006, turnout in counties with greater percentages of minority or poor voters increased by even more, and the most consistent effect of photo identification in Indiana was to increase turnout in counties with a greater percentage of Democratic-leaning voters. See id. at 1, 7.3

In light of Indiana's experience, it should not be surprising that data from Georgia—the state with the other implemented photo identification requirement most similar to the Act—reflect no dampening of minority voter turnout. As the attached material from the Georgia Secretary of State's Office states, minority turnout increased after Georgia adopted its photo identification law. And it did so for both Hispanics and African Americans in both presidential and midterm election cycles (2004 to 2008 and 2006 to 2010). In sum, the evidence not only reflects no negative turnout impact on minority voters, but actually suggests that photo identification laws may have bolstered turnout.

To the extent the Department seeks more information regarding the Act, please contact:
The Honorable Aaron Pena (joint sponsor)
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910
(512) 463-0426

The Honorable Larry Gonzales (co-sponsor)
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78768-2910
(512) 463-0670

3 Findings such as Professor Milyo's may explain why states all over the United States continue to adopt photo identification requirements for in person voting. For example, just weeks before the date of this submission, Rhode Island adopted a voter ID requirement. The law accepts photo and non-photo ID until 2014, at which point Rhode Island will accept only photo ID. See Rhode Island Governor Signs Voter ID Bill, Yahoo News, July 7, 2011, http://sg.news.yahoo.com/rhode-island-governor-sins-voter-id-bill-211606786.html Professor Milyo's findings may also explain why majorities of Americans across racial and other lines consistently express support for requiring photo identification to vote in person. Indeed, non-partisan independent polling conducted in Texas contemporaneously with the legislative debate regarding the Act reflected that virtually every subgroup in the survey supported photo identification for in person voting including: "whites, blacks and Hispanics; men and women; and urban, suburban and rural. Hispanics - one of the populations many fear would be disadvantaged by such a law - favor showing photo IDs by a 68 percent to 22 percent margin." Ross Ramsey, UT/TT Poll: Texans Are Ready to Roll the Dice, TEXAS TRIBUNE, Feb. 23, 2011, http://Packages/\A\W\--_texastribune_or\(~;_texas-issuesigamin ga_mblinghittt poh--texans-arc-ready-to-roll-the-dicer"
In Person Voting with Photo Identification: Analysis of Votes Cast

How many votes have been cast in Georgia elections with the photo ID law in place?
More than 14,630,000 votes have been cast in 35 state and federal elections in Georgia, since September 2007 when photo ID was first required for in-person voting. (These figures do not include all municipal and county elections, which are administered locally.) Additionally, the 2008 elections were the largest in Georgia’s history, featuring record minority voter turnout among voters with the photo ID requirement in place. The following figures represent voter turnout statistics among Hispanic/Latino, African-American and White voters from the 2004 and 2008 General Elections.

<table>
<thead>
<tr>
<th>Voter Demographic</th>
<th>2004 Total</th>
<th>2008 Total</th>
<th>Increase in Votes Cast</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hispanic/Latino</td>
<td>18,000</td>
<td>43,000</td>
<td>25,000</td>
<td>140%</td>
</tr>
<tr>
<td>African-American</td>
<td>834,000</td>
<td>1.2 million</td>
<td>366,000</td>
<td>42%</td>
</tr>
<tr>
<td>White</td>
<td>2.3 million</td>
<td>2.5 million</td>
<td>200,000</td>
<td>8%</td>
</tr>
</tbody>
</table>
Ross Giesinger
From: Colby Beuck e (Sent: Wednesday, November 23, 2011 2:17 PM)
To: Patricia Harless
Subject: Speech Info

Subject: Speech Info

Attached and below is the speech information. Please let me know if I need to get you different information, or make changes.

SB 14 Background
• Senate Bill 14 requires individuals to show photo ID before voting, to ensure the integrity of our elections.
• Several forms of government-issued photo ID will be accepted at polling places.
• Senate Bill 14 ensures access to polls by requiring DPS to provide a free photo election ID to registered voters who request one.
• The bill also provides reasonable exceptions for indigent and disabled voters and allows individuals not carrying photo ID to vote provisionally.
• Because Texas is one of the states subject to the federal voting rights act, SB 14 must be reviewed by the Federal Department of Justice, or a federal 3 judge panel, in a process called "preclearance".
• Preclearance is a process in which an election law is analyzed to determine whether it will have the effect of discriminating based on race or color.
• The Texas Secretary of State submitted its preclearance application on July 25. The DOJ responded on Sept 23 with several questions. The most significant request was for data on voter's racial identity. Data on a voter's race is not collected in Texas, so the SOS has had to find ways to correlate data from other state agencies. To respond to the DOJ's question, the SOS is currently correlating DPS driver's records (which does have racial information) with voter records. However DPS records are not complete, because they did not identify a specific category for Hispanics until 2009.
• The DOJ has 60 days, from when it determines it has enough information, to make a preclearance decision.

Where SB 14 Goes from Here
• The SOS is currently complying the race data on voters to the best of their ability. The DOJ will not begin the 60 day clock until they receive this information. This delay could possibly mean that SB 14 will not be implemented until after the March primaries.
• Should the DOJ not preclear SB 14, the State will likely file a lawsuit in federal court, appealing the DOJ's decision.

SB 14 Timeline
July 25 - Original Submission (Attached #1).
Sept 23 - DOJ requests more information, 60th day (Attachment #2). Most significant request for information is #5, which asks for race data on voters.
Oct 5 - SOS response to DOJ questions (Attachment #3). SOS does not have the information requested on voter race. Because the response was incomplete, the DOJ asked for more detailed information on the race of voters, requesting data which correlates DPS driving records with SOS voting records. Unlike the SOS voter records, DPS records contain race data (but not Hispanic until 2009). The SOS is currently in the process of correlating this data for the DOJ.

Nov 16 - The DOJ sends letter (Attachment #4) stating that they are waiting to begin the 60 day clock until they receive the additional information (race data on voters) requested on Oct 5.

Restricting Background

- The 82nd Legislature passed redistricting maps for the Texas House, Texas Senate, Texas Congressional delegation, and Texas State Board of Education. This is the first time in 20 years that the House, Senate and Congressional maps have been passed during the regular session.
- Because Texas is one of the states subject to the federal voting rights act, these maps must be reviewed by the Federal Department of Justice, or a federal 3 judge panel, to "preclear" the maps. Preclearance is a process in which a map is analyzed to determine whether minority voters have at least the same voting strength as they had under a previous map.
- The State Board of Education map was precleared by the Justice Department, and will be effective next election. The House, Senate and Congressional maps are currently being legally reviewed on two fronts:
  - D.C. Panel - The Texas Attorney General decided to seek preclearance from a panel of 3 federal judges in Washington D.C., not from the Department of Justice as is typically done.
  - SA Panel - A separate federal 3 judge panel in San Antonio is reviewing legal claims that new district boundaries dilute minority votes. This panel also has the ability to create new maps as necessary to comply with federal law.
- On November 8, the D.C. panel ruled against the State's motion for summary judgment, meaning there will be a trial on the merits of the case to determine preclearance under the voting rights act. The State asked the DC panel to begin the trial in early December.
- The DC panel's ruling delayed preclearance and created a need for the SA panel to issue interim maps, so that upcoming primaries and elections may be held. On November 17, the SA panel issued proposed interim maps for the House and Senate. On November 23, they issued a proposed interim map for Congress. The proposed interim House map creates more minority opportunity districts.

Where Redistricting Goes from Here

- The DC panel will likely hold the preclearance trial in early December. Should the DC panel preclear the maps, the State probably will ask the SA panel to toss out their interim maps, and use the precleared plans passed by the Legislature.
- If the interim maps stay as they are, the State will most likely file a motion to stop the implementation of the interim maps with the US Supreme Court.
- Any successful legal challenges to the SA panel's interim maps could possibly mean moving the March primaries back to accommodate the delays.
OC-an f Qj
Ross Giesinger
From: Patricia Harless [phar77379@aol.com]
Sent: Monday, November 28, 2011 9:46 AM
To: Colby Beuck t~ 4~ r
Subject: Re: Speech Info
SSA - o -, SSA 173 c g , -b6 S~-, lii
Follow Up Flag: Follow up
Flag Status: Flagged

Need more info on both. On voter I'd you can use the stuff from both the email we just sent out to the constituents as a response and the op Ed the chronicle published
Start with talking points why we need it. Talk about Indiana & Georgia. Our bill needs both the constitutional test of Indiana and preclearance of Georgia
Talk about fraud & which offices prosecute it & why it is hard to prosecute
Ad ballot by mail from seniors
Put the statements from the supreme court justices used in op Ed about elections
Which agency decides whether to go to doj or the federal court judges
What are the advantages or disadvantages of each agency?
Have we sent off the info to doj yet???? Jay said it would be sent off on the 21. Was it????

Redistricting
Add stats about texas. Increase in population. 4 additional congressional seats. Where was the area of growth? Where should the 4 seats be. What areas lost population
Why is the SA panel involved? Lawsuit by?
You said the SA panel made more minority opportunity districts. Where and how?
Which members are now paired in the new map
Give a break down of what is going on in house & senate (which members retiring, which members moving up (what are they running for.
Then what happens next? All the scenarios. Will we redraw maps in 2013?
This info is for speeches to friendly groups. They want inside baseball stuff
Sent from my iPad
On Nov 23, 2011, at 3:16 PM, Colby Beuck <Colby.Beuck@house.state.tx.us> wrote:
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Because Texas is one of the states subject to the federal voting rights act, SB 14 must be reviewed by the Federal Department of Justice, or a federal 3 judge panel, in a process called "preclearance".

* Preclearance is a process in which an election law is analyzed to determine whether it will have the effect of discriminating based on race or color.

The Texas Secretary of State submitted its preclearance application on July 25. The DOJ responded on Sept 23 with several questions. The most significant request was for data on voter's racial identity. Data on a voter's race is not collected in Texas, so the SOS has had to find ways to correlate data from other state agencies. To respond to the DOJ's question, the SOS is currently correlating DPS driver's records (which does have racial information) with voter records. However DPS records are not complete, because they did not identify a specific category for Hispanics until 2009.

* The DOJ has 60 days, from when it determines it has enough information, to make a preclearance decision.

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- Any successful legal challenges to the SA panel's interim maps could possibly mean moving the March primaries back to accommodate the delays.

Voter ID Redist Speech 11.2011.docx
Ross Giesinger
From: Colby Beuck F1 y ~s Ji_L , ~tp `tf<
Sent: Monday, November 28, 2011 6:25 PM ~'~°
To: Subject: RE: Patricia
Speech Harless
Info 10 1,

Follow Up Flag: Follow up C,
Flag Status: Flagged
I've got the voter ID info together, just waiting for confirmation that SOS info was sent
to DOJ recently.
Working on the redistricting info. Will get to you midday tomorrow.

SB 14 Background
• Senate Bill 14 requires individuals to show photo ID before voting, to ensure the
integrity of our elections.
• Voter fraud cases are prosecuted two ways, by local district attorneys or by the attorney
general (only after a
case has been reported and referred to the AG by the Secretary of State).
• Under the current law, we do not have the tools necessary to stop in-person voter fraud.
In fact, in-person
voter fraud may not even be evident until after the election has occurred. Over the last
couple of legislative
sessions we have heard from many witnesses who testified that voter-registration cards have
been stolen and
false votes cast in those persons names, most of who where deceased.
• Though there are more cases of voter fraud than are prosecuted, even one fraudulent vote
can cost an
election. Last year, after a re-count, State Representative Donna Howard won her election
by 3 votes.
• This is a nationwide issue, with many states recently passing photo voter id laws.
Indiana and Georgia are two states that have successfully implemented photo voter id laws.
• SB 14 is similar to Georgia's photo id law which was approved by the US Department of
Justice, important because like Georgia, Texas is also subject to the federal voting rights
act. Senate Bill 14 is also modeled after Indiana's photo id law which was upheld by the
Supreme Court. In April 2008 the U.S. Supreme Court upheld Indiana's photo ID law six-to-
three in Crawford v. Marion. While an ID requirement may place a burden on voters, Justice
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neither so serious nor so frequent as to raise any question about the constitutionality of
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• Under Senate Bill 14, several forms of government-issued photo ID will be accepted at
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• Because Texas is one of the states subject to the federal voting rights act, SB 14 must
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Federal Department of Justice, or a federal 3 judge panel, in a process called
"preclearance".

Defendant's Exhibit #
DE-000310
047
Preclearance is a process in which an election law is analyzed to determine whether it will have the effect of discriminating based on race or color.

The Attorney General's Office, as the state's attorney, has the decision whether to take preclearance to the DOJ or a 3 judge panel.

1. DOJ - Advantages - a set deadlines for a preclearance decision. DOJ routinely handles preclearance submissions so they are more familiar with the process, potentially shorting approval turnaround.
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The DOJ has 60 days, from when it determines it has enough information, to make a preclearance decision.

Where SB 14 Goes from Here

The SOS is currently complying the race data on voters to the best of their ability. The DOJ will not begin the 60 day clock until they receive this information. This delay could possibly mean that SB 14 will not be implemented until after the March primaries.

Should the DOJ not preclear SB 14, the State will likely file a lawsuit in federal court, appealing the DOJ's decision.

SB 14 Timeline

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   - For comparison, the U.S. population grew 9.7% in the last decade.
   - The fastest growing areas were suburban counties around large metropolitan areas, counties along the IH-35 corridor, and counties in South Texas. Rural areas, particularly West. Texas, showed slow growth or a reduction in population.
   - Because of this rapid population growth, 4 additional congressional seats were apportioned to Texas.
   - The Legislature passed redistricting maps for the Texas House, Texas Senate, Texas Congressional delegation, and Texas State Board of Education. This is the first time in 20 years that the House, Senate and Congressional maps have been passed during the regular session.
Because Texas is one of the states subject to the federal voting rights act, these maps must be reviewed by the Federal Department of Justice, or a federal 3 judge panel, to "preclear" the maps. Preclearance is a process in which a map is analyzed to determine whether minority voters have at least the same voting strength as they had under a previous map.

The State Board of Education map was precleared by the Justice Department, and will be effective next election. The House, Senate and Congressional maps are currently being legally reviewed on two fronts:

- D.C. Panel - The Texas Attorney General decided to seek preclearance from a panel of 3 federal judges in Washington D.C., not from the Department of Justice as is typically done.
- SA Panel - A separate federal 3 judge panel in San Antonio is reviewing legal claims that new district boundaries dilute minority votes. Several plaintiffs claims were joined together, including MALC, LULAC, Travis County Plaintiffs, and NAACP. This panel also has the ability to create new maps as necessary to comply with federal law.

On November 8, the D.C. panel ruled against the State's motion for summary judgment, meaning there will be a trial on the merits of the case to determine preclearance under the voting rights act. The State asked the DC panel to begin the trial in early December.

The DC panel's ruling delayed preclearance and created a need for the SA panel to issue interim maps, so that upcoming primaries and elections may be held. On November 17, the SA panel issued proposed interim maps for the House and Senate. On November 23, they issued a proposed interim map for Congress. On November 23 the House and Senate interim maps were finalized. On November 26, the Congressional map was finalized.

### Interim Maps and Candidates

- **House Map**
  - The proposed interim House map creates more minority opportunity districts. The interim map creates additional minority opportunity districts in the Valley, Harris County and El Paso. The map restored 2 minority districts in Corpus Christi and San Antonio. One coalition district (several minority groups combined) in DFW was created that is able to elect a minority candidate.
  - The map creates 13 open seats.
  - 12 House incumbents are paired, but with those who have announced they are not returning or are changing residence, the actual incumbent pairings appear to be 3: Hunter (R) and Morrison (R) in HD 32; Scott (R) and Torres (R) in HD 33; Hamilton (R) and White (R) in HD 21.
  - Considering open seats, pairings and members not coming back, the 2013 Legislature will have 33 new members at a minimum. In 2011 there were 35 new members.

### House Member announcements:

- **Retirements** - 11
  - Fred Brown HD 14
  - Charlie Howard HD 26
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  - Jerry Madden HD 67
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  - Lanham Lyne HD 69
  - Joe Driver HD 113
  - Will Hartnett HD 114
  - Jim Jackson HD 115
  - Beverly Woolley HD 136
  - **Congress - 4**
  - Randy Weber CD 14
  - Pete Gallego CD 23
  - Barbara Caraway CD 30

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**Defendant's Exhibit #**

048
Joaquin Castro CD 35  
Senate - 6  
Charles Schwertner SD 5  
Ken Paxton SD 8  
Rodney Anderson SD 9  
Kelly Hancock SD 9  
Mark Shelton SD 10  
Larry Taylor SD 11  
Other Office - 3  
Warren Chisum Railroad Commission  
Jose Aliseda District Attorney  
Chente Quintanilla El Paso County Commissioner

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  o Senate interim map restores much of SD 10 (Wendy Davis) in Tarrant County, adding back in democratic voters. 4 Senators have announced they are not returning. Harris, Ogden, and Shapiro are retiring. Jackson is running for Congress.  
  o The balance of the Senate is likely to remain the same 19 R - 12 D. Important because Senators need 21 votes to move legislation because of the Senate's 2/3rds rule.

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  o The Legislature's map divided the four new congressional seats 3R - 1D. The SA panel's interim map divided the four new seats 3D - 1R.

Where Redistricting Goes from Here

• The DC panel will likely hold the preclearance trial in early December. Should the DC panel preclear the maps, the State probably will ask the SA panel to toss out their interim maps, and use the precleared plans passed by the Legislature.  
  • The State has filed a motion to stop the implementation of the interim maps with the US Supreme Court. It will take 5 justices to grant a stay.  
  • Any successful legal challenges to the SA panel's interim maps could possibly mean moving the March primaries back to accommodated the delays. In the state's petition to the Supreme Court, May 22 was a suggested date.  
  • The interim map will be used until the DC panel makes a final determination on the issue of preclearance and one of two things happens:  
    o The Legislature is called into a special session to adopt a new map that complies with whatever objections, if any, the DC panel has; or  
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  • The Legislature could also redraw the maps to address legal concerns the next regular legislative session in 2013.

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To: Colby Beuck  
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Need more info on both. On voter I'd you can use the stuff from both the email we just sent out to the constituents as a response and the op Ed the chronicle published
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Sent from my iPad
From: Patricia Hatless [phar77379@aol.com]  
Sent: Tuesday, November 29, 2011 11:41 PM  
To: Colby Beuck  
Subject: Re: Updated Speech Info SS 2.1 S 32 1 J ~1,111~  
Follow Up Flag: Follow up coat  
Flag Status: Flagged  
Thank you. The detail I needed.  
-----Original Message-----  
From: Colby Beuck <Colby. Beuck@house.state.tx.us>  
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    - Barbara Caraway CD 30
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    - Charles Schwertner SD 5
    - Ken Paxton SD 8
    - Rodney Anderson SD 9
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Sent from my iPad
Hi Colby,

I did some research on the VA disability ratings. Since the threshold for social security disability is proving that you can’t work, I looked at what the VA disability ratings were for those who are unemployable because of their disability. If you are unemployable, you automatically have a VA rating of at least 60%, possible more if you have more than one disability. I think that means that those on social security would rate at least 50% on the VA disability scale — so we are on the right track providing the exemption for those that receive ss or va benefits. However, this is definitely a rating used only by the military and others with disabilities won’t be familiar with it, or know what their rating is. So I would suggest saying you that you meet the exemption if you receive social security benefits OR have a VA disability rating of at least 50%. I’m attaching the ratings research, which I found here, halfway down the page under “General Policy in Rating” http://www.benefits.va.gov/warms/bookc.asp

In addition, I think we should make sure that people who are already registered to vote and are eligible for the exemption can receive a new voter registration card with an indication that they have the exemption.

I’m also a little worried that some members might have a problem with the affidavit in place of providing documentation. Have you talked with other committee members about the exemption? I have a little bit of a sense of where the opposition might come from since I talked with many members’ office about the exemption this week. Call me if you’d like to discuss.

Thanks again for your work on this!

Jessica Gomez
Voting Rights Policy Specialist
Advocacy, Inc (soon to be Disability Rights Texas)
7800 Shoal Creek Blvd
Austin, TX 78757
512.407.2732
Voter ID Disability Exemption

The disability exemption in SB 14 currently reads:

(i) An applicant who wishes to receive an exemption on the basis of disability from the requirements of Section 63.001(b) must include a certification from a physician that the person has a disability as defined by Section 21.002, Labor Code, with the person's application.

SECTION 2. Section 15.001, Election Code, is amended by adding Subsection (c) to read as follows:

(c) A certificate issued to a voter who meets the certification requirements of Section 13.002(i) must contain an indication that the voter is exempt from the requirement to present identification other than the registration certificate before being accepted for voting.

Why is the exemption needed?
- Transportation
  - Many people with disabilities do not drive, and therefore do not have driver’s licenses
  - Public transportation is not available in rural areas, making it difficult to get to a DPS office to obtain photo ID
- Fixed Incomes
  - Many people with disabilities live on very low, fixed incomes, making the cost of obtaining supporting documents (such as a birth certificate) prohibitive
- Institutional Residents
  - Many people with disabilities live in institutional settings, where it is often unnecessary to have a photo ID and is difficult to obtain one
- Physical Immobility
  - Some people have severe physical disabilities that confine them to their homes or relatives’ homes
- Low Voter Turnout
  - People with disabilities are already less likely to vote because of perceived barriers

Problems with the current exemption:
- Some members have expressed confusion about the exemption, the definition of disability, and who would be eligible to receive the exemption.
- Obtaining a physician’s certification of disability can be difficult and potentially costly.
FOR IMMEDIATE RELEASE
January 27, 2011

BRIAN BIRDWELL

Contact: Ben Stratmann
(512) 463-0122

'VOTER ID' LEGISLATION PASSES TEXAS SENATE 19-11

Today, after two full days of debate, the Texas Senate passed SB 14, better known to most as 'Voter ID'. Senator Birdwell proudly joint-authored this important bill that was brought to the floor by Senator Troy Fraser (R-Horseshoe Bay).

"After hearing more than 40 amendments and working late into both nights, I voted with 18 of my fellow senators to pass this legislation that will help prevent voter fraud in Texas," said Sen. Birdwell. "The sanctity of the ballot box must be protected, and today I was proud to help advance that goal."

SB 14 will require Texans to produce authorized photo identification in order to vote. Voters will be able to use a Texas driver's license or ID card, military ID, passport or Texas concealed handgun license as a valid form of photo identification at any polling place.

In 2009, during the 81st legislative session, 'Voter ID' (SB 362) passed the Senate but was never considered in the House. SB 14 now moves to the House, where passage is considered likely. Governor Rick Perry, who declared the issue an 'emergency item', supports the measure.

###

Senator Brian Birdwell represents Senate District 22, which includes Bosque, Coryell, Ellis, Falls, Hill, Hood, Johnson, Navarro, McLennan and Somervell counties.

P.O. Box 12068 - Austin, TX 78711 - (512) 463-0122
Greetings again from the Texas Capitol!

We've officially crossed the halfway point of the 82nd Legislative Session, folks, and things are continuing to pick up. Many bills have already passed through the Texas Senate, including legislation offered by my office. The House version of the budget (HB 1) passed through committee this week and will be debated in the House on April 1st. On our side of the Capitol, the Senate Finance Committee has taken hundreds of hours of testimony on concerns over the state's projected budget shortfall. Next week, the committee will hear testimony on specific details of the Senate version of the budget (SB 1).

Here are a just few noteworthy items we've been focusing on this week:

**Voter ID passes the House, moves to Conference Committee**

Yesterday, after nearly 12 hours of debate, the Texas House of Representatives passed SB 14—better known as Voter ID—by a vote of 101-48. This legislation will require voters to present proper government-issued photo identification before voting. I believe it is my duty to protect the sanctity of the ballot box. Our democratic process is centered around the right to vote—a right that so many men and women fought and died to protect. I was a joint-author of the Senate version of the bill, which passed in January by a vote of 19-11. The House and Senate versions of SB 14, which differ slightly, will now go to a conference committee composed of members of both houses, where they will resolve differences between the two versions of the bill.

**SB 24—Human Trafficking**

This week the Senate passed SB 24, the Human Trafficking Bill, by Senator Leticia Van de Putte of San Antonio. I was honored to be a co-author of this bill. Brought forth by the Texas Human Trafficking Prevention Task Force within the office of Attorney General Greg Abbott, this bill would thwart a growing problem concerning human trafficking and child prostitution in Texas. Punishment for the prostitution of a child would be increased to a first degree felony. In addition, human trafficking offenses would be added to the list of offenses for which a life sentence is automatic upon subsequent conviction. Finally, sex trafficking would be added to the list of offenses for which sex-offender registration is required. This piece of legislation works to adequately punish those who would abuse children or engage in activities that devalue human life. For more information, take a look at this great story from KXXV News Channel 25 in Waco.
6SB 957—Waco Center for Youth

On Tuesday I laid out SB 957 in the Senate Committee on Health and Human Services. This bill was brought to me by the Texas Department of State Health Services to clean up language that was mislabeling minors at the Waco Center for Youth as being "committed". Chapter 572 of the Health and Safety Code already prohibits minors from being committed by any state agency. This bill deletes the word "committed"—which carries a negative connotation—replacing it instead with the word "admitted". This appropriately reflects what is already taking place.

We’re staying very busy in Austin, but a lot of good work is being done. My staff and I want to hear from constituents, so I welcome you to contact us with your questions, comments or concerns. We’re fielding more than 1,000 calls, emails, letters, faxes and visitors coming through the office every week, so I appreciate your patience!

As I said last week—and will continue to say—I am honored to serve the residents of Senate District 22, and I thank you for your continued support and prayer.

God Bless,

Brian Birdwell
State Senator, District 22

Austin: (512) 463-0122 // Granbury: (817) 573-9622 // Waco: (254) 776-6225
Brian.Birdwell@senate.state.tx.us // www.senate.state.tx.us // Facebook // Twitter
Greetings from the Texas Capitol!

This has been another busy week at the Capitol and in our Austin office. There are only 52 days left in the legislative session, but there is much work yet to be done. I want to make sure the residents of Senate District 22 are being kept up to speed, so here are just a few of the subjects we have been focusing on in Austin:

**Appointment to Voter ID Conference Committee**

Last week the Texas House of Representatives passed SB 14—better known as Voter ID—by a vote of 101-48. This legislation, authored by Senator Troy Fraser (R-Horseshoe Bay), will require voters to present proper government-issued photo identification before voting. As I have said before, I believe our democratic process is centered around the right to vote—a right that too many men and women fought and died to protect. I was a joint-author of the Senate version of the bill, which passed in January by a vote of 19-11. This week, Lieutenant Governor David Dewhurst appointed me to serve on the Voter ID Conference Committee alongside the bill author, Senator Fraser, and Senators Van de Putte (D-San Antonio), Huffman (R-Houston) and Williams (R-The Woodlands). Together we will work out the differences between the House and Senate versions of SB 14, ultimately taking that next step toward protecting the sanctity of the ballot box in Texas.

**Budget Updates**

On Sunday evening the House passed their version of the budget almost straight down party-lines by a vote of 98-49. HB 1 reduces government spending by 12.3%, or $23 billion. The House passed several amendments re-prioritizing funds toward health care and education, resulting in more funding allocated to nursing homes and classrooms. Additionally, Representative Phil King (R-Weatherford) passed an amendment requiring $100 million worth of the bill's fee increases to be approved in separate pieces of legislation before taking affect. The Senate is still hearing testimony on its version of the budget, SB 1, but progress is being made. This week, Senate Finance Committee Chairman Steve Ogden (R-Bryan) created two subcommittees that were tasked to deal with unresolved budget issues pertaining to natural resources, transportation and higher education. Markup on Articles VI (Natural Resources), VII (Business and Economic Development) and III (Education) took place this week, and the committee will continue markup on the bill for at least the next two weeks.

**2/3 Tax Amendment—SJR 12**

In the next two weeks, the Senate will take up and consider a joint resolution authored by Senator Dan Patrick (R-Houston). I had the opportunity to sign on as co-author of this resolution, which would amend the Texas Constitution to require that any bill creating a new state tax or increasing the rate of an existing tax must pass the House and Senate by a two-thirds record vote before taking affect. This is a solid step forward in the fight to protect hard-working Texans from the implementation of new taxes such as a state income or statewide property tax.
Every day after roll call, the senators, staff and guests in the Senate chambers rise for an opening prayer. On Tuesday, I was pleased to have Jim Gray represent Senate District 22 and serve as our Pastor of the Day. **A little bit about Pastor Gray:** After serving eight years in the United States Air Force and graduating from the University of Texas at Austin, Jim completed several post-graduate courses at Southwestern Baptist Theological Seminary in Fort Worth. In 1983, Pastor Gray began his career in the church, serving all over Texas. In 1999, he was named the Associate Pastor of Woodway Baptist Church in Waco, where he continues to serve today. Jim and his wife, Kay—also a native Texan—have been married for 46 years. Together Jim & Kay have four grown children and four grandchildren.

Interested in seeing what's happening day to day at YOUR Texas Capitol? Watch live video coverage of the chambers or committees—even archived footage. Click [HERE](#) for the Senate or [HERE](#) for the House. And remember, communicating with constituents is one of my top priorities, so I welcome you to contact us with your questions, comments or concerns.

I'm honored to serve the residents of Senate District 22, and I thank you for your continued support and prayer.

God Bless,
Brian Birdwell
State Senator, District 22

Austin: (512) 463-0122 // Granbury: (817) 573-9622 // Waco: (254) 776-6225
Brian.Birdwell@senate.state.tx.us // www.senate.state.tx.us // Facebook // Twitter
Dear Friends,

I wanted to take a quick moment to wish you a happy new year and remind you that the Texas Legislature has once again gathered to consider legislation. Over the course of the 140-day session, legislators will deliberate over 6,000 bills. I will be pushing my bills to the top of that pile. During the last several months, you have helped me prepare for this session by telling me what you wanted accomplished here in Austin. My agenda will reflect the input that you have given me via phone calls, letters and survey responses.

My first priority is lowering the property tax burden by reforming the property appraisal process. I also want to reform the franchise tax in a way that lowers the overall rate and complexity of the current system.

Helping local law enforcement to stem the tide of illegal immigration is also a very high priority. I am pushing several bills that help our police officers do their job of enforcing the laws of our state.

An equally important legislative goal of mine is to improve the funding of our public schools. I have filed a bill that will remove costly mandates on our public schools so they can spend more of their money in the classroom.

Finally, I want to improve our natural disaster preparedness by creating a sales tax holiday for preparedness items and requiring public water providers to have back-up power capability. We must learn from Hurricane Ike because the next storm could be worse.

I will keep you up to date on the status of these goals throughout the legislative session. I also encourage you to use this website to track the bills and legislators that interest you. Please feel free to contact my office about any of the issues you are concerned about.
Dan in the News:

On Wednesday, January 14, the Texas Senate voted to amend the long standing two-thirds rule by allowing voter identification to be passed by simple majority. Last session, Dan was the sole opponent to the two-thirds rule practice. On Wednesday, Dan joined 17 Republicans in achieving this major reform. 95 percent of those who responded to Dan's survey, expressed support for requiring voters to show some form of photo identification at the polls. Reforming the two-thirds rule is a major step toward accomplishing that goal.

Here's the story from Houston Chronicle.


You have received this email because of past email communications with Senator Patrick. You are welcome to forward this email to your friends.

Go to www.patrick.senate.state.tx.us to get the most current information about how Senator Patrick is representing you in the Texas Senate.

Please feel free to contact my office:
State Capitol ★ Room 3S3 ★ Austin, Texas 78711 ★ (512) 463-0107 ★ (512) 463-8810 (fax)
District Office ★ 11451 Katy Freeway, Suite 209 ★ Houston, Texas 77079 ★ (713) 464-0282 ★ (713) 464-0108 (fax)

If you would no longer like to receive updates from Senator Patrick, you can click here to unsubscribe.
From: Tracy Young
Sent: Thursday, August 18, 2011 12:58 PM
To: Ashley Kaden
Cc: Tracy Young
Subject: updated doc - for Lisa to look at
Attachments: More detail on Tyler subjects and on Tyler area members updated.docx
Does she want to look at the additions I made?
Tracy Young
Director of Communications
Office of Speaker Joe Straus
Capitol Building, Room 3W.7
trace. young @soeaker. state. tx. us
(512) 463-0223 (work)
(512) 415-4909 (cell)
Two detailed subjects that the editorial board has heard about lately:

Q: Similar to the TIF tax elimination that you worked on successfully - are there other universal service funds or fees and taxes that were supposed to end and should and could go away?

A: If there are taxes that are set to expire - we should definitely look at that....more importantly we need to get a handle on dedicated accounts - spend for their intended purpose and not used to help certify the budget. Keep in mind, this is not something we can solve in one session, but we need to start tackling these little by little because we currently use close to $4 billion of dedicated accounts to certify the budget.

Q: Have we been hearing from schools and school districts about the budget crunch causing them to get rid of extracurricular activities - and specifically UIL and academic activities?

A: No, we haven't been hearing from school districts about dropping extracurricular etc...., but the real issue we will need to tackle in the interim is how to fund our schools fairly. We created a select committee to rigorously work through many of the issues that were identified this past session. I fully expect this to be one of the primary focuses during these next 16 months.
Info from the Session on Tyler Area Members

Hopson
- Trusted voice on issues affecting pharmacies
- Chairman of the General Investigating and Ethics Committee
- Authored legislation (HB 2359) to remove the prohibition against corporations and labor organizations making certain political expenditures. These changes were necessary to address a U.S. Supreme Court ruling in Citizens United v. Federal Election Commission that held a federal law restricting corporate independent expenditures unconstitutional. The effect of this Supreme Court ruling was to make similar prohibitions found in Texas election law unconstitutional. HB 2359 also imposed certain reporting requirements for the political expenditures in question.
- Influential in negotiating protections for independent pharmacists that were included in SB 7 by Nelson/Zerwas (the Medicaid savings bill).
- Passed two bills (HB 612 and 613) increasing and clarifying the penalties for timber theft, a serious problem in East Texas.

Cook
- Chairman of State Affairs Committee, which presides over most major legislative items, including Sunset bills
- Member of the Sunset Commission
- Sponsored SB 650, which was the Capital Metro Sunset Bill. (Effective immediately)

Berman
- Active in bringing proposals before the State Sovereignty committee.
- Sat on the Elections Committee
- Co-sponsor of SB 14/Voter ID. He was instrumental on the House floor in helping to pass Voter ID.

Cain
- Passed HB 3199 - An old section of the code existed that related to the grading of roses in Texas that are grown for sale. This bill repealed those sections since they are never used and are extremely out of date. It was an effort to clean-up the code and make it easier to both read and use for citizens who engage in that industry.
- Offered amendment to SB 1 (Fiscal Matters bill) that led to language in the bill directing the LBB to provide budget information in a more transparent level (language requires a summary of spending by agency programs, versus by budget strategy).
- Authored legislation to establish grounds for removal from the local Hopkins County Hospital District board of directors, an important local issue.
Christian
- Passed legislation that sets up penalties for those who organize cockfights and hold them on their properties as well as attending cockfights. Cockfights are already illegal in Texas, but it’s not a crime to own or operate a facility for cockfighting.

Flynn
- Authored legislation (HB 1179) that seeks to ensure those who appraise real property and assess and collect property taxes are knowledgeable, competent, and ethical.
- Passed through the House a resolution (HCR 94) expressing opposition to the federal Dodd-Frank Wall Street legislation. The resolution died in the Senate.
- He passed a bill aligning the Texas military death notice with that of the U.S. Department of Defense. (HB 74)

Hu hes
- Passed legislation (HB 2510) - This new law exempts incandescent light bulbs that are manufactured in Texas and remain in this state. The bill is an attempt to shield the manufacturers from federal law or regulation under the authority of the commerce clause. Additionally, the AG now has the express authority to defend a Texas citizen, if the federal government tries to prosecute them for an alleged violation of federal law based on the manufacture or sale of certain light bulbs made and sold within Texas.
- Passed legislation (HB 3002) to eliminate requirements for full audits for small conservation and reclamation districts, saving these districts limited resources.

Simpson
- Authored HB 1937, TSA Bill (which died in the Senate) and during the Special Session, he sponsored SB 29, which died on the last day when it was unable to gain the necessary 4/5th votes to suspend the rule that bills be heard on three separate days - after making changes requested by members of law enforcement and the AG's office.
- Active in bringing proposals before the State Sovereignty committee.

White
- Active voice on education issues.
- Authored legislation that would allow military and overseas voters to receive and cast a ballot via email.
Ashley Kaden
From: Andrew Blifford
Sent: Monday, September 12, 2011 14:08 PM
To: Ashley Kaden
Subject: RE: Prep for SJS
Attachments: SJS prep for 9 19 11 Dallas event (AB Edits).docx
See if this works.
From: Ashley Kaden
Sent: Monday, September 12, 2011 14:41 PM
To: Andrew Blifford
Subject: FW: Prep for SJS
And attached is what I have put together so far:
Ashley Kaden
Speaker Joe Straus
Capitol Building 1W.15
Phone: 512-463-0921
Email: Ashley.Kaden@speaker.state.tx.us
From: Ashley Kaden
Sent: Monday, September 12, 2011 14:40 PM
To: Andrew Blifford
Subject: FW: Prep for SJS
Thanks for being my dear friend.
Ashley Kaden
Speaker Joe Straus
Capitol Building 1W.15
Phone: 512-463-0921
Email: Ashley.Kaden@speaker.state.tx.us
From: Ashley Kaden
Sent: Monday, September 12, 2011 14:38 PM
To: Andrew Blifford
Subject: Prep for SJS
Hi,
SJS is going to an event in Dallas and I need your help getting him ready.
I need 3-5 bullets on the following topics- and yes- you can recycle from previous info you've sent me.
• Immigration/Sanctuary Cities
• Voter ID
• TSA bill
• Budget
• 10th Amendment stuff
Assuming a lot of this will be recycled info, can you have to me by noon on Friday?
Thanks,
Ashley Kaden
Speaker Joe Straus
Capitol Building 1W.15
Phone: 512-463-0921
Email: Ashley.Kaden@speaker.state.tx.us
SJS Prep for 9.19.11 Event
Voter ID
- Texas passed arguably the strictest voter ID law in the nation during the 82nd Legislative Session. This legislation will help both prevent and deter voter fraud in Texas elections. The legislation requires an individual to present a photo ID in order to vote which are:
  - A driver's license, election ID certificate, or personal ID card issued to the person by the Department of Public Safety (i.e., an election certificate issued to a person 70 years or older does not expire);

TSA legislation
- Speaker's Comments before changes requested by the AG and Law Enforcement groups were made and accepted on the TSA bill: "Without some serious revisions, it appears to me to be nothing more than an ill-advised publicity stunt (because it would have been overturned in court without the changes that the AG requested).
- .....Unenforceable, ill-advised, misdirected at uniform security personnel. It should have been directed at Washington DC, with the bosses of these people.
- TSA bill was put on the call on June 20th - less than 10 days until end of the special session.

Budget
- Balanced budget without raising taxes or raiding the Rainy Day Fund. This budget was the result of work that began more than a year ago, directing agencies to cut spending immediately.
  - Reduced total spending by more than $15 billion, or 8.1%. Reduced state general revenue spending by $1.6 billion, or 2%.
  - Despite the reductions, spending was prioritized for essential services, like education and border security.
  - State spending for the Foundation School Program - core funding for public education - increased by $1.6 billion.
  - Funding for border security increased by $221 million.

10th Amendment
- Without question, there was more emphasis and interest on 10th Amendment issues and state sovereignty than in any recent session of the Legislature.
- The Texas House was one of the only legislative bodies in the country to designate a specific, select committee on these issues-the Select Committee on State Sovereignty, chaired by Rep. Creighton.
  - The committee considered and discussed 10th Amendment initiatives on topics ranging from the environment to health care to family law.
  - Through the committee's work and that of Public Health Chair Kolkhorst, Texas became one of four states so far to adopt the Interstate Health Care Compact—an initiative that could bring almost all health care policymaking to the state level.
  - Select Committee on State Sovereignty - I created this committee for the 82nd session....
• Speaker's Statement on HCR 50: Serious concerns about impact of federal legislation on Texans and on state budget - which adds unsustainable requirements that affect Texas' ability to govern itself.
• SUCCESS: SB 18 - Eminent Domain
• Real problem -- homeland security issue
Federal government has dropped the ball
• In 1997 Texas sued the federal government for cost associated with a lack of immigration enforcement -- Texas v. United States brought by then Gov. Bush
• Texas claimed a lack of enforcement of immigration laws require state to pay billions in social services to undocumented immigrants.
• 5th Circuit dismissed the case stating, immigration is a non-justiciable political question that cannot be second-guessed by the courts.
• State's handcuffed from taking action because of AZ decision
House is reviewing the AZ decision to determine legality of law and the court's findings

However, STATES CAN MAKE A DIFFERENCE:
• Can beef up law enforcement on the border - Texas has already put $220 million into border security over the last 4 years
• Costs of services and benefits to illegal immigrants is being analyzed to ascertain the real cost to state and local governments
• Biggest cost drivers are criminal incarceration & indigent healthcare
• Many counties, including Smith, do not track this data
• Denton County comparison:
  • spends 4.5% ($71,500) of budget on healthcare (2009-10)
  • $2.1 million on the detention
• Restrictions on sanctuary cities
Many states are looking at use of E-verify to eliminate the employment of illegal aliens.
• E-verify is a federal database used by businesses to verify the immigration status to new employees. Arizona requires the use of E-verification for all businesses.
• Federal government's own report shows E-verify is wrong 54% of the time due to identity fraud
• Federal law also prohibits a business from verifying current employees through E-verify which renders it useless for illegals who are already employed
• Federal law does not provide a participating businesses with protection from fines and penalty if the system provides incorrect approval of an illegal.
• According to the NCSL, 18 states require employers to use e-verify. Most states require its use for all public employees and contractors/subcontractors with government contracts.
If State's are pre-empted from taking action to address immigration, the federal government must comprehensively address the issue of immigration and the failed system in place.

Regular & Special Session Immigration Bills

- During the special session, the House inserted sanctuary city language into SB 1(fiscal matters bill), however Senator Duncan refused to allow Senate conferees to approve the language in the bill's enacted version.
- During the regular session, the House passed five different immigration related bills. The Senate failed to act on any of these bills.
  - HB 12 -- Sanctuary City bill
  - HB 197 -- Required a person applying for any state license to provide documentation of citizenship.
  - HB 804 -- Clarified the offense of illegal voting by a person who is not a U.S. citizen.
  - HB 875 -- required a sheriff or other officer in charge of a correctional facility to make a reasonable effort to verify the immigration status of a prisoner charged with a felony or intoxication offense before they are release on bail.
  - HB 892 -- Created an offense for the transport (smuggling) of an illegal alien.
Ashley Kaden /!
From: Naomi Miller
Sent: Saturday, August 13, 2011 11:59 AM
To: Channing Burke; 'dendav1993@yahoo.com'; Lisa Kaufman; Matthew Burgin; Ashley Kaden; Tracy Young; Gerardo Interiano; Meredith Brewer
Cc: Naomi Miller
Subject: FINAL Briefing Paper for 8/15 2pm Meeting

Attached is the final version of the brief for Monday's meeting. I am dropping off to the Speaker shortly.

Thanks,
Naomi E. Miller
District Director
Office of Speaker Joe Straus
7373 Broadway #202A
San Antonio, Texas 78209
Office: 210-828-4411
Cell: 210-273-9004
Fax: 210-832-9994

From: Channing Burke
Sent: Friday, August 12, 2011 5:34 PM
To: Naomi Miller; 'dendav1993@yahoo.com'; Lisa Kaufman; Matthew Burgin; Ashley Kaden; Tracy Young; Gerardo Interiano; Meredith Brewer
Subject: Briefing Paper for 8/15 2pm Meeting

Naomi,
Here is the brief we just discussed. Thanks for filling in the background section, printing and delivering to the Speaker.

Thanks
Channing
Channing Burke
Office of Speaker Joe Straus
Office (512) 463 0978
Mobile (512) 965 0907
Channing.Burke@Speaker.State.Tx.us
Briefing Paper
Meeting with Rep. Lyle Larson and San Antonio Tea Party Leaders
Monday, August 15, 2011
2:00 P.M. - 3:00 P.M.
District Office, 4th Floor Conference Room
7373 Broadway
San Antonio, TX 78209

1. PURPOSE
Meeting with Rep. Lyle Larson and three Tea Party leaders in San Antonio to recap the session.

NOTE: Gerardo Interiano will staff, (210-814-9575)

II. BACKGROUND
This meeting was set up at the request of Rep. Lyle Larson with key San Antonio Tea Party leaders. Larson carried several pieces of legislation that at least one of the attendees, Steve Baysinger, were interested in. Based on the biographies of the attendees and their writings, the meeting is likely to be focused primarily on immigration and state sovereignty issues, such as the TSA bill. Gerardo met both George Rodriguez and Raymond Wilkinson while he was with Congressman Smith.

III. PARTICIPANTS
Speaker Straus
Gerardo Interiano
Rep. Lyle Larson
Lynnie Wallace, Chief of Staff, Rep. Lyle Larson
George Rodriguez, President of the San Antonio Tea Party
Raymond Wilkinson, San Antonio Tea Party Board Member
Steve Baysinger, State Director, Texas Chapter of the Tenth Amendment Center

IV. MEDIA
CLOSED to the Media

V. REMARKS
No
VI. SEQUENCE OF EVENTS
1:55 P.M. Arrive at District Office and proceed to 4th floor conference room
2:00 P.M. Begin participation in meeting
3:00 P.M. Conclude participation in meeting

VII. ATTACHMENTS
Bios of attendees
Talking points (Tracy Young)
Issue briefing papers (Gerardo Interiano)

VIII. CONTACTS
Event Contact Naomi Miller (210-273-9004)
Briefing Paper Gerardo Interiano (281-814-9575)
Cc: Denise Davis (Matthew Burgin)
Lisa Kaufman (Ashley Kaden)
Tracy Young
Meredith Brewer
Bios of Attendees

George Rodriguez
George Rodriguez was born in Laredo and raised in San Antonio, Texas. A 1976 graduate of BYU, he began his public service career in 1981 in Washington, D.C., working in the Justice Department and in the White House Office of Public liaison during the Reagan administration.
During this same period he worked closely with the Heritage foundation. As Special Assistant to Immigration Commissioner Alan Nelson, he worked on the 1986 Immigration Reform Act. In 1989 he worked for Jack Kemp, Secretary of Housing and Urban Development, under the Bush administration. George also worked with Senator Orrin Hatch and Congressman Tom DeLay on key legislative issues. He is the first Hispanic Tea Party president in the nation.

Ray Wilkinson
Ray is a native San Antonian, graduate of Texas A&M, President, and CEO of a local business for 28 years, married for 21 years with 3 sons. He has served on the VIA Advisory Board and the Advance Transportation Oversight Board, has served as Commissioner, Bexar County Bond Oversight Committee and Emergency District 3. He is on the Board of Directors of the San Antonio Tea Party.

Steve Baysinger
Steve is the State Director of the Texas Chapter of the Tenth Amendment Center.
Talking Points
Speaker Joe Straus
Monday, August 15, 2011
RE: Meeting with Rep. Lyle Larson and Tea Party

As Speaker:
- First session: evenly divided 76 Republicans and 74 Democrats.
- Second session: Supermajority with 101 Republicans.
- My job is to lead a constructive, productive House.

Successful Session:
- Members stood firm and balanced the budget with no-new-taxes and by cutting $15 billion and finding greater efficiencies in state government.
- All of the Governor's emergency items passed the Texas House during the regular session (Voter ID; Sonogram; Eminent Domain; Tort Reform; Sanctuary cities; and Balanced Budget Amendment for Congress)
- Fair and legal redistricting maps - all four passed - that reflect the views and voices of the majority of Texans.
- Not only Voter ID - which I was pleased to see pass this session, but also important Election Integrity Reform to stop vote harvesting...

Specifics for the Meeting:
- Immigration Legislation
  During the regular session, the House passed five bills regarding immigration. The Senate failed to act on any of these bills.
  The Governor, It. Gov and I had an agreement on how to manage Sanctuary Cities during special session.
  As the Governor said: "... we worked to include sanctuary city legislation in Senate Bill 1. Unfortunately, SB1 Conference Committee Chairman Robert Duncan ultimately refused to allow language related to the ban of sanctuary cities into the bill..."
Tenth Amendment Issues
^ Select Committee on State Sovereignty - I created this committee for the 82nd session....
^ Speaker's Statement on HCR 50: Serious concerns about impact of federal legislation on Texans and on state budget - which adds unsustainable requirements that affect Texas' ability to govern itself.
^ SUCCESS: SB 18 - Eminent Domain
^ Speaker's Comments before changes requested by the AG and Law Enforcement groups were made and accepted on the TSA bill: "Without some serious revisions, it appears to me to be nothing more than an ill-advised publicity stunt (because it would have been overturned in court without the changes that the AG requested).
^.....Unenforceable, ill-advised, misdirected at uniform security personnel. It should have been directed at Washington DC, with the bosses of these people.
^ TSA bill was put on the call on June 20th - less than 10 days until end of the special session.
^ EPA issues
^ SUCCESS: SB 875 - Tort Reform protects regulated Texas businesses from frivolous greenhouse gas lawsuits - passed
^ Possible Interim Charges: Interim options to deal with the EPA's recently enacted rule related to the movement of air pollutant from state to state because the rule will have a devastating economic impact on Texas.
###
DRAFT 1: Gerardo
DRAFT 2: Tracy
NOTE: Text of Full HCR 50 press release attached

5
Issue Briefing Papers

Immigration Bill Status

Special Session

SB 9 by Williams/Solomons -- Passed by the Senate 6/15/2011 but died in the House State Affairs.
- During the special session, the House did insert sanctuary city language into SB 1, however Senator Duncan refused the allows the language in the bill's enacted version.
- The Governor's remarks on this issue have been widely publicized, see below:
  "As the special session appears to be winding down, I am disappointed the Legislature did not address sanctuary cities. Working with legislative leaders last weekend, we worked to include sanctuary city legislation in Senate Bill 1. Unfortunately, SB1 Conference Committee Chairman Robert Duncan ultimately refused to allow language related to the ban of sanctuary cities into the final version of Senate Bill 1. Because of this action, the special session will not provide our peace officers with the discretion they need to adequately keep Texans safe from those that would do them harm." Statement by Gov. Perry from June 28, 2011
- The Senate also demanded several provision which would have allowed the Texas Department of Public Safety to perform intense security background checks on all Texans applying for a drivers license. Various House members raised concern about the invasion of privacy and unnecessary cost. The Senate was advised that these provisions provoked significant opposition to the sanctuary city bill.
- There were also questions raised about whether the bill violated the two subject rule under Article 3, Section 35 of the Texas Constitution.

Regular Session

During the regular session, the House passed five bills regarding immigration. The Senate failed to act on any of these bills.

HB 12 by Solomons/Williams -- Passed by the House 5/10/2011-- Died in the Senate on 05/24/2011 from failure to suspend regular order of business.

Sanctuary City
- HB 12 addresses concern that some cities are "sanctuary cities" for illegal immigrants by prohibiting the enforcement of state and federal immigration laws.
- Prohibit local governmental entities from enacting policies or rules that would restrict the enforcement of federal immigration laws.
- HB 12 leaves to the discretion of the arresting officer to ask about immigration status after a lawful arrest or lawful detention based on a suspected or actual state/local law violation.
- HB 12 prohibits a governing body of a municipality, county, or special district or any of its employees from adopting a policy that would restrict the enforcement of state and federal laws relating to immigration, including the federal Immigration and Nationality Act.

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• Allows the Texas attorney general to file a petition for a writ of mandamus or other equitable relief in a district court of a county in which the local entity is located in order to compel the entity to comply with this law.

HB 197 by Solomons — Passed by the House 5/13/2011 — 5/16/2011 Referred to Senate Transportation and Homeland Security

Requiring a person applying for any state license to provide documentation of citizenship.

HB 804 by Lewis — Passed by the House 05/13/2011 — 5/16/2011 Referred to Senate State Affairs

Clarifies the offense of illegal voting by a person who is not a U.S. citizen.

HB 875 by Howard — Passed by the House 05/13/2011 — 5/16/2011 Referred to Senate Transportation and Homeland Security

Requires a sheriff or other officer in charge of a correctional facility to make a reasonable effort to verify the immigration status of a prisoner charged with a felony or intoxication offense before they are release on bail.

HB 892 by Howard — Passed by the House 05/13/2011 — 5/16/2011 Referred to Senate Transportation and Homeland Security

Creates an offense transport (smuggling) of an illegal alien.
TSA BILL POSTING BY STEVE BAYSINGER

Below is an article that was written by Steve Baysinger regarding the TSA legislation. I have highlighted the portions that specifically mention you.

July 9, 2010 - Texas Leadership Fails Texans
Co-authored by Steve Baysinger and Brian Roberts

This week after a little time to reflect, Texans are wondering what happened to the TSA bill last week. A month ago it looked like shoe-in, then it looked dead, then it was reborn, then it was delayed in creative ways only to find the dustbin at the end of the special session. But what happened? Why are Texas leaders refusing to step between the TSA agents' fondling fingers and citizen's dignity? Why are Texas leaders allowing the TSA to run around the clear limitations set forth in the Fourth Amendment?

Lots of questions. Very few answers.

Less than a month ago, the confidence level in passing the TSA bill was high. The Texas House had just passed the bill with a vote of 138-0. The Senate was next and was widely reported to have near unanimous support for the bill as well. Then it would be off to Gov. Perry's office. This was a strongly worded piece of legislation that rejected outright invasive searches without probable cause. Few state representatives at the time were willing to side with a federal agency that groped innocent citizens and denied Texans their Fourth Amendment rights. At this point in time, passing the legislation looked like a sure thing.

Suddenly, without warning, the Department of Justice engaged head-on the Texas legislative process, threatening Texas with a no-fly zone should this legislation pass. From then on everything changed. Never mind, the DOJ letter was laughably inaccurate in its suggestion that the Supremacy Clause could be used to deny Fourth Amendment protections. Never mind, the TSA is acting as a rogue agency without laws authorizing its behavior. Never mind, that an Amendment to the U.S. Constitution would be required to negate the Fourth Amendment so that such authority might be given to the TSA. Never mind, the wide range of confirmed incidence of overzealous TSA gropers of babies, pre-teens, grandmothers and even a Miss USA contestant. Never mind, the exact purpose of this bill was to say "NO" to the federal government!

Regardless, everything changed. Motivated by cowardice and/or federal collaboration, Texas state leadership worked diligently to kill this bill.
It. Gov. Dewhurst Flip-Flops; Engineers the General Session Failure

It. Gov. Dewhurst immediately folded when the DOJ letter was presented. Senator Kirk Watson, key to holding sway over a significant group of previous supporters, follows Dewhurst's orders and works to convince Senate members to recant their support for SB 29.

It. Gov. Dewhurst pulled the rug out from under the Senate's bill sponsor, Senator Dan Patrick - during the time Patrick was busy laying out the bill on the floor. Lack of courage to face Dan Patrick, while directing Democrat minions to sabotage the process, ensured the death of the TSA anti-grope bill.

Gov. Perry Does Nothing

Perry called for a special session, but no mention of TSA bill. Only after grassroots activists flooded the governor's office with emails, phone calls and faxes (not to mention two protest rallies on the south steps of the state capitol) did Perry concede to putting SB 29 back onto the legislative docket.

Dewhurst requested the TSA bill be added to the special session (for the same reason Perry decided to return it to the 82nd Legislative docket).

Weeks passed in the special session with no word from Perry. Meanwhile, the citizens of Texas became increasingly fed up with Mr. "FED UP!"

Perry is caught on video verbalizing his intentions to leave the bill out of the special session. Perry finally adds the bill with only a few days left in the special session, no doubt ensuring its defeat.

The Anti-Grope Bill is Neutered

Late in the special session, amendments were added to the original TSA bill. Two versions emerged, one in the House that was weak enough to lose the support of many; and a second in the Senate which was considered stronger than the new House bill. Both bills replaced the constitutional barrier of "probable cause" with the less stringent "reasonable suspicion". Constitutional experts insisted "probable cause" was the proper wording due to the personally invasive nature of the searches, but moderation of the bill was the goal of the Texas leadership, if it was to pass at all.

A famous Barry Goldwater quote comes to mind: "I would remind you that extremism in the defense of liberty is no vice! And let me remind you also that moderation in the pursuit of justice is no virtue."
5e ker:""Straus runs out 'A ,clock in f eecia 5essi 4 as House Spp eakerloe Straus dese rves specia attention in his role as the final nail in the com of the TSA bill. As the water ,down;bil! entered f the speciat siesion, it was rrie# with t ressive"resistancefrpm Speaker Strain his;~s a ill het onl a few weeks before trraus called the bill ay~'publicity stunt". Re em tuber, y ` fiad passed the Texas house una i~ mqusI JI y not allowing the second reading and vote=`ron the pr=evious day, Straus forced-the second.aq; hied readingto happen on the same day. By Texas House rules, the third reading then reuy red 4/5th4ote:to pass. An,unne'tessa yet con venient iaarr er en ineerin the Spe ke f uppo mg Straus betrayal and failing to vote for tlie;finalt reading of the an#i gr bill we e the following state ,,re resentatives in the Texas`house M Absent/Unexcused Bohac (Houston) Geren (Ft. Worth) Shelton (Ft. Worth) Woolley (Houston) Absent/excused: Driver (Garland) Solomons (Carrollton) Taylor (Plano) Something good in all this comes: Representative Simpson and Senator Patrick Throughout the painful process two Texas leaders stood out above the rest. Texas State Representative David Simpson, a freshman with firm backing from grassroots organizations; and Texas Senator Dan Patrick, the senate sponsor of the Senate version of the TSA anti-grope bill and someone with the experience needed to move the bill through the process in that chamber. Rumors abound that Dan Patrick will seek the office of Texas governor once Perry's term expires. Patrick's performance in the 82nd legislative session assures strong grassroots activist support for his gubernatorial campaign should he seek the office. David Simpson's heartfelt speech (video here) on the day the TSA bill was finally killed, summed up the challenges with Texas leadership perfectly: "Rarely in the history of this legislature has the State's leadership so masterfully worked against the will of its members and the people they represent. Leadership managed to arrange it so
that every member could cast a vote in support of a bill which they ensured would not pass. No
doubt, this deception will confound many Texans." Simpson continued, "But, the people of Texas should not be confused. The explanation is simple and clear. The defeat of this bill can only be laid at the feet of the leadership of this state. However, this is a victory speech. The people in support of this bill have succeeded in shining the light on those who collaborate with the growing tyranny of our federal government."
Texas leadership blinked; and therefore the state of Texas appeared to blink; however, the will of the people was not served.

Defendant's Exhibit #
Other Tenth Amendment Issues
HCR 50 by Creighton/Patrick - Passed by the House 5/18/2011 but, died in the Senate
• This was a resolution claiming state sovereignty under the 10th amendment.
• Steve Baysinger liked this bill but wanted to see a bill, not a resolution. He is a strong believer that our nation is a union of individual of sovereign states and believes that unfunded mandates are causing a great deal of collateral damage.

HB297 by Berman - Left pending in Select Committee on State Sovereignty
• This legislation makes it a crime for federal agents to enforce ObamaCare.

HB1553 by Larson - Left pending in Committee on State Affairs
• This legislation would have required a person who receives any appropriated money from the state to provide a health care, education, welfare, correctional, or other service to an individual in this state to identify the individual's country of citizenship before providing the service to the individual.
• According to Steve Baysinger, this legislation would keep other countries accountable for having Texas "host" their citizens.
• There are two U.S. Supreme Court cases which prohibit a state from denying healthcare or education to an illegal immigrant.
• In 1982 Plyer v. Doe, the U.S. Supreme Court struck down a Texas law that withheld funds from school districts that educated children who were illegal in the U.S.
• In 1997 Texas v. United States brought by then Gov. Bush, Texas sued the federal government, claiming the federal government's failure to enforce immigration laws required state to pay billions in social services to undocumented immigrants. The 5th Circuit dismissed the case stating immigration is a non-justiciable political question that cannot be second-guessed by the courts.

SB18 by Estes/Geren - Effective September 1, 2011 (Eminent Domain)
Below are specific issues that Baysinger expressed regarding this legislation.
• Section B of 2206.001 is good. "A governmental or private entity may not take private property through the use of eminent domain if the taking..." Section C of 2206.001 is bad though, this is the "except for..." section.
• SB18 creates loopholes for lobbyists to get what they want.
• Allows "Eminent Domain" for private gain.
• The growth of infrastructure in Texas serves only the large corporate deal making areas, but the tax payers are the ones who feel the cost of road building debts.
• SB18 is too ambiguous because it fails to define key-terms such as "public use" and what a "blighted area" is.
• Wants clarification of "who is "authorized by law."
• No private partnerships. Cutting cost, waste, and general stewardship should be first. Calls for strict reforms that private property owners need.
HJR71 by Larson - Left Pending in Committee on State Affairs.
• This legislation proposed a constitutional amendment to set the maximum salary of certain elected public officers. It would have capped salaries of elected, non-judicial, public officials at a rate equivalent to Texas school teachers.
• Baysinger was very supportive of the bill and wanted to see this implemented as a way to begin to address the budget deficit.
• CPC--to my knowledge Baysinger never contacted our office.
Environmental / EPA Issues

HB 3188 by Larson -- died in House Calendars (Baysinger is likely to be very vocal about this bill)
The bill was modeled after a law passed in Montana. HB 3188 would have prohibited any agency of the State of Texas, including the TCEQ, from implementing or adopting rules to implement a greenhouse gas (GHG) emissions regulatory program. The bill would also prohibit any state employee from participating on a board, committee, or related entity, or in a study, of a national organization assigned to recommend provisions to implement a federal greenhouse gas emissions regulatory program.

Pros & Cons
• Numerous industry groups who are required to obtain a GHG permit expressed opposition to the bill. If the Texas is unsuccessful in overturning EPA's requirement to regulate GHG's, permit holders will be forced to pursue GHG permits from the EPA only. Without knowing whether congress or our Texas lawsuit is success, the bill will tie the hands of future legislatures.
• HB 3188 was attached to SB 1811 (fiscal matters bill) during the regular session but SB 1811 died. The rider was not included in SB 1(special session).
• Our office recommended Larson take a more temporary approach through the appropriations process. An appropriations rider would have prohibited GHG for two years and allowed time for the lawsuit to move forward to a resolution, before a more permanent solution could be considered.

HB 2694 by Smith of Harris/Huffman -- TCEQ Sunset bill
Creates an expedited public hearing process for permit amendment applications for electric generating facilities to comply with Maximum Achievable Control Technology standards recently enacted by the EPA. The EPA did not allow permit holders enough time for compliance and were trying to force these facilities into a protracted contested case hearing process.
• Requires TCEQ to provide an opportunity for public hearing and comment, similar to the EPA's process.
• Requires TCEQ to issue a draft permit within 45 days of receiving the application; requires comment and requests for a contested case hearing within 30 days of the draft permit's issuance; and requires TCEQ to issue or deny a permit within 120 of the draft permit's issuance.
• Provides that these provisions expire on the sixth anniversary of the date EPA approves Maximum Achievable Control Technology standards.

Interim Charges
The House will also consider interim options to deal with the EPA's recently enacted rule related to the movement of air pollutant from state to state. In July the EPA subjectively applied a new Clean Air Transport Rule (CATR) to Texas coal plants. The rule will have a
devastating economic impact on Texas and could likely eliminate ERCOT's 12% reserve margin of electric generation. The rule is effective January 1, 2011.

- Impacted parties are asking for an extension to comply. The required changes would take several years to retrofit affected plants.
- Compliance will require significant capital investment in Texas estimated at $1+ billion
- Loss of jobs and tax revenues due to mine closures and drastic reduction in plant operations
- Between 7,000 and 13,000 MW of generation would be immediately at risk in Texas
- Loss of that generation would reduce ERCOT reserve margin to between 5.2% and -3.8% (ERCOT ISO's target reserve margin is 13.75%)

Texas customers would face an additional $1 billion in annual costs for electricity due to the unavailability of coal-based generation
FOR IMMEDIATE RELEASE CONTACT:
WEDNESDAY, MARCH 9, 2011 TRACY YOUNG
512-463-0223

STATEMENT BY SPEAKER JOE STRAUS ON HCR 50

AUSTIN--- Speaker Joe. Straus today issued the following statement on federal overreach and legislative efforts to re-assert Texas' rights under the Tenth Amendment to the U.S. Constitution:

"Like most Texans, I have serious concerns regarding the impact of federal legislation on our citizens and state budget. The Legislature is working to pass a balanced budget that funds the basic needs of our state while holding the line on taxes. Increased federal mandates add unsustainable requirements that affect Texas' ability to govern itself."

"Last session the House acted with broad, bipartisan support to respond to federal overreach. HCR 50 is an excellent first step, and Chairman Creighton and the Select Committee on State Sovereignty will continue to help the House respond appropriately to Tenth Amendment concerns."
From: 'Catherine Solomon
Sent: Monday, June 20, 2011 4:22 PM
To: Ashley Kaden
Cc: Tracy Young
Subject: RE: DRAFT Accomplishments with policy stuff formatted as of June 17.docx
Attachments: DRAFT Accomplishments with policy stuff formatted as of June 20 (2).docx; Pub Ed Accomplishments 82nd Legislature List of Topics.docx

Catherine Solomon
Office of Speaker Joe Straus
512-463-0223
Catherine.Solomon(caspeaker.state.tx.us

From: Ashley Kaden
Sent: Monday, June 20, 2011 11:28 AM
To: Tracy Young; Catherine Solomon
Subject: RE: DRAFT Accomplishments with policy stuff formatted as of June 17.docx
Yes- how does 3:00 sound?

Ashley Kaden
Speaker Joe Straus
Capitol Building 1W.15
Phone: 512-463-0921
Email: Ashley. Kaden@speaker.state. tx.us

From: Tracy Young
Sent: Monday, June 20, 2011 11:25 AM
To: Ashley Kaden, Catherine Solomon
Subject: RE: DRAFT Accomplishments with policy stuff formatted as of June 17.docx
Ashley - Catherine is going thru the doc she just sent you to pick out the "filed without sig" - just so we note it correctly when the final comes down.
Would you like to meet up later so we can figure out what the next step is with the doc?

From: Ashley Kaden
Sent: Monday, June 20, 2011 10:32 AM
To: Catherine Solomon
Cc: Tracy Young
Subject: DRAFT Accomplishments with policy stuff formatted as of June 17.docx
Hi Catherine,
On the attached doc, the bills in red font under "Protecting Life" should go under an "Insurance" tab, as they do not relate to protecting life.
Thanks!

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DRAFT ACCOMPLISHMENTS LIST FROM POLICY

- Balanced Budget
  - HB 1 2012-13 Budget
    - General Revenue spending totals $80.5 billion - a $1.6 billion (2%) reduction compared to 2010-11.
    - Does not rely on new taxes or use of the Rainy Day Fund.
    - Core government services - education, health and human services, and public safety - continue to be the budget priorities for the Legislature.
    - 6/17/2011 Signed by the Governor/line item veto 9/1/11 Effective
    - HB 4 is a 2010-11 Supplemental Appropriations Bill that Reduces GR spending by $1.1 billion, implementing the five and two and one-half spending reductions ordered in 2010. It also appropriates $550 million to address the shortfall in the Foundation School Program.
  - HB 275
    - HB 275 appropriates $3.2 billion from the Rainy Day Fund to address the 2010-11 budget shortfall, in conjunction with the reductions in HB 4. This amount includes $81 million to address the state's cost of fighting wildfires this year. Ensures the state will be able to meet all of its financial obligations for the remainder of FY11.
    - 6/01/2011 Signed by the Governor. Effective immediately.
  - SB 1 (Special Session)
    - Fiscal matters bill that provides more than $1 billion in non-tax revenue to address critical funding needs in HB 1. It also provides the groundwork for school finance reform.
  - Redistricting
    - HB 150/SB31
      - Fair and Legal redistricting map. Represent the political and demographic makeup of the State of Texas.
      - Passed, awaits the Governor's signature.
    - HB 600/SBOE
      - The redistricting map for the State Board of Education
      - 05/19/2011 Effective in 90 days -- 8/29/11
    - SB 4 (Congressional - Special Session) Burt Solomons/Kel Seliger
      - The Congressional redistricting map
      - Passed by the House. Awaiting concurrence, or going to conference in the Senate.
      - 05/24/2011 H
    - Placed on General State Calendar
  - Voter ID and Election Integrity Reform
    - SB 14 Harless/Fraser
Voter fraud drives honest citizens out of the democratic process and breeds distrust of the election process and the government. Many everyday circumstances require citizens to provide a photo ID, such as boarding a plane, cashing a check and renting a movie.

Although it exists, in person voter impersonation is difficult to prove under our current laws, since voters are not required to present a photo ID. Anyone can take another person's voter certificate and fraudulently vote.

Some elections are won by just a few votes and even limited instances of voter fraud can change the results of an election. The very perception of fraud creates low confidence in the election system and for each illegal vote, an honest vote is canceled.

SB 14 will help deter in person voter fraud by requiring a voter to present a photo ID in order to vote. It will guarantee access to the polls by allowing exceptions for certain voters who do not have a photo ID by providing a free ID to those who need it for voting purposes only. Voters can also cast a provisional ballot if they forgot their ID on election day, they simply need to return within 6 days to present a valid ID to the voter registrar in order for their provisional ballot to be counted. The bill also raises penalties for illegal or attempted illegal voting to further deter in person voter fraud.

05/27/2011 Signed by Governor. 01/1/2012 Act takes effect except Sections 3, 5, 6, 7, and 11, take effect 09/1/2011.

HB 2449 Aliseda/Hegar

Under current law, authorities must catch an individual in possession of 20 or more mail in ballots in order to charge an individual with a felony.

HB 2449 allows an investigative authority to aggregate the number of ballots one unlawfully has in their possession over a period of days pursuant to one scheme or a continuing course of conduct, and the conduct can be considered as one offense. This legislation will allow the ballots to be aggregated in order to charge the individual with a higher level offense.

This legislation is intended to stop vote harvesters who repeatedly violate the law.

6/19/2011 Signed by the Governor. 9/1/11 Effective.

HB 2589 Pena

Concerns have been raised that current law does not adequately address instances involving volunteer deputy registrars intentionally suppressing a person's right to vote by submitting voter registration applications that contain false information.

H.B. 2589 seeks to prevent voter fraud by increasing the penalty for a volunteer deputy registrar who knowingly provides to the voter registrar applications containing false information.

This legislation would have made it a state jail felony if a volunteer deputy registrar knowingly delivered a voter registration application containing false information.

A state jail felony is punishable by 180 days - 2 years in a state jail and an optional fine of up to $10,000. The intent of this legislation was to make the penalty so stiff that no one will commit this crime.

5/13/2011 sent to Senate State Affairs

Public Education Reform

Higher Education Reform

Tort Reform

HB 274 (Loser Pays) Brandon Creighton/Senator Joan Huffman
HB 274 lowers the cost of litigation in the courts by allowing courts to dismiss frivolous lawsuits and allowing plaintiffs to request an expedited trial if they are seeking less than $100,000. Finally, this legislation also takes steps towards encouraging the settlement of disputes.

- 5/30/2011 Signed by the Governor. 9/01/2011 Becomes Effective.

- SB 875 Fraser/Bonnen
- SB 875 protects regulated Texas businesses from frivolous greenhouse gas lawsuits by providing an affirmative defense from suit.
- Provides Texas businesses with an affirmative defense from administrative, civil, or criminal enforcement action brought for nuisance and trespass lawsuits, when the business is in substantial compliance with their permit during an alleged nuisance or trespass lawsuit.

- 6/17/2011 Signed by Governor. Effective Immediately

- Eminent Domain
- SB 18 Estes/Geren
- Private property rights have always been one of the most important rights this state and this legislature has sought to protect. Senate Bill 18 is the product of years of hard work on behalf of a wide range of interests.
- Most importantly, Senate Bill 18 adds a provision to Texas law that would prohibit a government or private entity from taking land for a non-public use.
- This legislation will expand the range of damages that could be considered in an eminent domain proceeding, it will help ensure just compensation to individuals whose property is condemned, and it will provide a right to repurchase condemned property if the property is not used for the reason it was originally condemned.
- Require an entity to provide relocation costs - a benefit which is optional under current law. Lays out clear requirements for an entity to make a bona fide offer to a property owner before an entity initiates an eminent domain proceeding.

- 5/19/2011 Signed by the Governor. 9/01/2011 Effective

- 10th Amendment
- Calls on Congress to propose, for ratification by the states, a Balanced Budget Amendment to the U.S. Constitution. Does not call for a Constitutional Convention.

- 6/17/11 Signed by the Governor

- HB 2510 Lavender/Eltife
- Exempts an incandescent light bulb that is manufactured in Texas and remains in Texas from federal law or federal regulation under the authority of the United States Congress to regulate interstate commerce.

- 5/26/2011 Sent to the Governor

- Health Care Reforms
This bill establishes best practices for delivering full-term babies, improving birth outcomes, and lowering Medicaid costs.

- 5/23/2011 Sent to the Governor

Ensures that patients' sensitive medical information is protected as the state facilitates adoption of electronic health records.

- 5/30/2011 Sent to the Governor

Improves the complaint process and regulatory functions at the Texas Medical Board. Protects doctors from anonymous complaints by insurance and pharmaceutical companies while maintaining protections for patients, family members, nurses, and other complainants.

- 5/30/2011 Sent to the Governor

Expands the Program for All-Inclusive Care for the Elderly (PACE), a proven model of community-based health care services that reduces long-term care costs while maximizing the ability of senior citizens to live as independently as possible.

- 05/30/2011 Sent to the Governor
  - HB 5 Rep. Kolkhorst

The Health Care Compact between Texas and other states will allow us to take control of health care spending and better tailor health care programs to the needs of our state.

- Passed the House during the regular session; amended onto SB 7
  - HB 13 By Rep. Kolkhorst

If Texas is able to obtain a waiver from restrictive federal requirements, Medicaid funds can be used more efficiently, and more Texans will have access to health care.

- Amended onto SB 7 during the special session;
- 6/14/2011 passed the House. Currently eligible for consideration.

This bill will allow Texas' health and human services programs to operate more efficiently and effectively and lays the groundwork for quality improvement in the Texas Medicaid program.

- Currently eligible for consideration.

HB1772 allows for the creation of Exclusive Provider Organization health plans in Texas. These plans combine elements of both PPO and HMO plans, and offering a new type of plan could increase coverage options for Texans.

- 5/23/2011 Sent to the Governor
  - HB 438 Rep. Thompson (Joint authors Chisum, Hunter, Dukes, and Hopson)/Sen. Carona

Requires health plans that cover chemotherapy to also cover orally administered anticancer drugs.

Will increase covered treatment options for those with cancer.

- 5/21/2011 Signed by the Governor
Human Services Reforms:
    - Facilitates implementation of Foster Care Redesign to improve outcomes for children in foster care.
    - 5/27/2011 Sent to the Governor
    - This bill will improve the safety and quality of child care in Texas by raising standards for workers and directors at licensed child care facilities.
    - 5/25/2011 Sent to the Governor

Protecting Life
    - "Sonogram Bill" Requires a woman to have a sonogram before an abortion as part of the informed consent process. Will ensure that women seeking an abortion have complete medical information in advance.
    - 5/29/2011 Signed by the Governor
  - SB 257 Carona/Phillips
    - This is the Choose Life license plate bill. This bill allows Texans to purchase a specialized Choose Life license plate for their vehicles. Proceeds will go into a "Choose Life" account administered by the Attorney General's office. The AG will give grants to organizations that are involved with the adoption of children.
    - 9/01/2011 Becomes Effective

Insurance
    - Provides greater oversight and transparency of TWIA and protects TWIA's limited funds by enacting reasonable limits on litigation. Exact parameters of the bill are still undecided.
    - Pending approval
    - Closes a loophole in Texas' workers' compensation law that could have allowed employers to receive immunity from suit under workers' compensation without providing workers' comp coverage to the employee.
    - 5/27/2011 Sent to the Governor
    - Updates state law to regulate the "life settlement" industry; helps ensure that those selling their life insurance policies are protected from abuses and helps prevent "stranger originated" life insurance.
    - 5/30/2011 Sent to the Governor
HB 3017 Rep. Smithee/Sen. Duncan
- Prohibits insurers from including clauses in insurance policies that allow the insurer complete discretion in denying claims.
- 5/26/2011 Sent to the Governor

HB 2694 Smith of Harris/Huffman
- Ensures TCEQ continues effort of environmental protection for 12 years and brings predictability and transparency to TCEQ's enforcement processes and improves TCEQ's ability to take appropriate enforcement action.
- Requires TCEQ to include consideration of deterrence to prevent the economic benefit of noncompliance in its enforcement policies.
- Revamps TCEQ's approach to compliance history to better measure performance, allowing the agency to use it as a meaningful tool to target regulation.
- Transfers to the Railroad Commission responsibility for making groundwater protection recommendations related to three types of drilling activities already under the jurisdiction of the Railroad Commission.
- 5/26/2011 Sent to the Governor

- Sunset bills for Texas Department of Insurance, Division of Workers' Compensation of TDI, and related agencies
- Make structural changes to TDI and the Division of Workers' Comp (DWC) to ensure those agencies operate as openly and efficiently as possible.
- 5/31/2011 Sent to the Governor

- Sunset bill for the Water Development Board. Updates the structure and operation of the Texas Water Development Board. In combination with SJR 4, also allows Texas voters to decide whether to grant the Board an "evergreen" cap of $6 billion in bonding authority to fund future water projects.
- Current law allows a local taxing entity to write proposed ballot language for a proposition to issue bonds or impose or increase a tax that can obscure the intended use for the additional funding being requested of the tax payers.
- Due to the current state of the economy the public has demanded more accountability and transparency with regard to how their tax dollars are being spent.
- H.B. 360 requires ballot language to state the total dollar amount of bonds to be issued or the amount of the tax or tax rate increase being proposed and any projects to be supported by the bonds.
- SB 1692 Lucio
- Due to budget shortfalls around the country at both the state and local level, the issue of budget transparency has increasingly become a topic of concern. The public wants to know exactly where their tax dollars are being spent.
Under current law only certain cities that meet a particular population threshold are required to provide a copy of their final budget on its city website.

Requires a city or a county that maintains an Internet website to ensure that a copy of the final approved budget is posted on the website.

This bill will help ensure that the public can track each and every tax payer dollar and this legislation will help hold local officials accountable to their constituents.

5/27/2011 sent to the Governor
- SB 653 (TYC Sunset Legislation - TYC / TJPC Merger) Representative Jerry Madden and Senator John Whitmire

This legislation merges the Texas Youth Commission and the Texas Juvenile Probation Commission into the Texas Department of Juvenile Justice. This new agency will focus on community-based rehabilitation and treatment programs that will result in long term cost savings for the State of Texas.

5/19/2011 Signed by the Governor 9/1/2011 Becomes Effective
- HB1781 Price, Harpe-Brown, Callegari, Frullo, Thompson

This bill requires executive director's of each state agency to identify outdated, unnecessary, or redundant reports. These reports will then be discontinued.

Sent to the Governor
- HB2866 Harper-Brown

This bill would allow the OAG to receive certain documents electronically. This would cut down on administrative costs while also increasing file tracking efficiency.

Sent to the Governor
- SB1179 Nelson/Harper-Brown

The bill would amend multiple statutes to eliminate certain required reports prepared by state agencies and institutions of higher education that are currently filed with the office of the governor, the presiding officer of each house of the legislature, the comptroller, or other state entities.

Sent to the Governor
- SB1618 Seliger/Craddick

This bill would require school districts and TEA to submit all reports to the state in electronic form only. This bill also requires the sunset commission to review these reports and determine their relevancy and if they should be continued.

Sent to the Governor
- HB1861 Anchia

This sunset bill continues the functions of the Commission on State Emergency Communications.

Sent to the Governor
- SB 1420 Hinojosa/Harper Brown

This bill is important for Texans because of the improvements it will make for TxDOT and the transportation infrastructure of Texas. The bill provides more transparency and greater responsibility at TxDOT. It helps improve communication between state and local transportation entities. Also, the environmental review process is streamlined to help speed up the construction of needed projects.
The bill provides for the construction of important transportation projects across Texas. Much needed roadways in the Metroplex, Houston, Austin, and the Valley will be able to move forward many years ahead of time.

- 5/31/2011 Sent to Governor
  - HB 2694 Smith of Harris/Huffman
- Ensures TCEQ continues effort of environmental protection for 12 years and brings predictability and transparency to TCEQ's enforcement processes and improves TCEQ's ability to take appropriate enforcement action.
- Requires TCEQ to include consideration of deterrence to prevent the economic benefit of noncompliance in its enforcement policies.
- Revamps TCEQ's approach to compliance history to better measure performance, allowing the agency to use it as a meaningful tool to target regulation.
- Transfers to the Railroad Commission the responsibility for making groundwater protection recommendations related to three types of drilling activities already under the jurisdiction of the Railroad Commission.

- 5/30/2011 Sent to the Governor
  - SB 980 Carona/Hancock
- Revises the state's competitive market test so regulators may consider providers of voice services utilizing any technology (VoIP, wireless, satellite, etc) when determining if an exchange is "competitive."
- Allows providers to reduce the price of a basic access line to below an artificial floor long-ago established by state regulators.
- 5/20/2011 See remarks for effective date
  - SB 760 West/Turner
- Allows contracting flexibility between municipal and county governments for a specified term of years for loan repayment.
- 5/30/2011 Sent to the Governor
  - SJR 26 by West/Turner
- Current law requires a city to pay loans back at a 2% rate. SJR 26 allows cities to partner together on a project and jointly meet the 2% threshold.
- Constitutional amendment authorizes cities or counties to enter into inter-local contracts with other cities or counties without the imposition of a tax or the provision of a sinking fund.
- 5/27/2011 Filed with Secretary of State
  - Immigration Reforms
    - HB 12 Solomons/Williams
  - Sanctuary City Bill
  - 5/10/2011 Passed by the House -- 05/24/2011 Died in the Senate for failure to suspend regular order of business.
    - HB 12
- Addresses concern that some cities are "sanctuary cities" for illegal immigrants by prohibiting policies which deter the enforcement of state and federal immigration laws.
HB12
- Leaves to the discretion of the arresting officer to ask about immigration status after a lawful arrest
- Or lawful detention based on a suspected or actual state/local law violation.
- Allows the Texas attorney general to file a petition for a writ of mandamus or other equitable relief in a district court of a county in which the local entity is located in order to compel the entity to comply with this law.

HB 197 Solomons
- Requires a person applying for any state license to provide documentation of citizenship.

HB 804 Lewis
- Clarifies the offense of illegal voting by a person who is not a U.S. citizen.

HB 875 Howard
- Requires a sheriff or other officer in charge of a correctional facility to make a reasonable effort to verify the immigration status of a prisoner charged with a felony or intoxication offense before they are release on bail.

HB 2359 Hopson/Williams
- Removes the prohibition against corporations and labor organizations making certain political expenditures. Change conforms state law to a recent U.S. Supreme court decision (Citizen United v. Federal Election Commission) that held that a federal law restricting certain corporate expenditures was unconstitutional.
- Also requires the disclosure of direct campaign expenditures that were prohibited before Citizen United.
- Change protects political speech by corporations and labor organizations.

SB321 Hegar/Klienshmidt
- Currently employers in the State of Texas are allowed to ban their employees from having a firearm in their vehicle while it is parked on a company parking lot. This bill prohibits an employer from banning an employee with a concealed handgun license from leaving their firearm locked in their vehicle.

HB 25 Ryan Guillen/Dan Patrick
- Will extend the right to carry a handgun to your boat or personal watercraft without needing a Concealed Handgun License- a right which law-abiding Texans currently enjoy in their private motor vehicles. For many, these vessels - especially on weekends in some parts of the state - are, for all
practical purposes, an extension of one's home. It will remain an offense under HB 25 if the handgun is not hidden from plain view, the person in possession is engaged in criminal activity or a member of a criminal street gang, or the person is not eligible to possess the firearm under state or federal law.

- **HB 716 Sid Miller/Troy Fraser**
  - Allow properly-permitted landowners or helicopter owners to contract with third parties to ride on these aircraft and take depredating feral hogs and coyotes. This bill will help control the population of these animals and reduce cost to landowners. The Texas Parks & Wildlife Commission will retain authority to ensure that these operations are run in a safe and effective manner.

- **HB 2560 Sheffield/Craig Estes**
  - Will prevent the Texas Department of Family and Protective Services from adopting or enforcing rules restricting a foster parent's ability to transport a foster child in a private motor vehicle if a handgun is present, as long as the foster parent is a Concealed Handgun Licensee and the handgun is "in the possession and control" of the foster parent. This is intended to mean that the firearm could be stored in the glove box, console or trunk of the vehicle. State agencies should not create disincentives to foster parenting by forcing those individuals to forego their Second Amendment rights!

- **SB 766 Craig Estes/Jason Isaac**
  - Limits the ability of local governments to sue owners or operators of sports shooting ranges, and requires an expert report on whether ranges meet generally-applicable industry standards before a civil action suit can be brought against them.

- **HB 362 Solomons/Workman**
  - This bill would prohibit Home Owner's Associations from preventing property owners from installing and utilizing solar panel technology on their homes. The bill provides reasonable and sensible restrictions that may be adopted by HOA/POA's organizations, but prohibit a broad proscription by restrictive covenant. This bill is good for the people of Texas due to high energy costs and our need to better handle the demands of a growing state.

- **HB 51 Lucio/Hinojosa**
  - Establish energy efficiency standards for new construction or renovations of state owned buildings. The projects would have to be designed, constructed, or renovated so that the buildings may be certified under the United States Green Building Council's (USGBC) Leadership in Energy and Environmental Design (LEED) rating system.

- **HB 971 P. King/Fraser**
  - Allows the PUC to no longer require an applicant for a certificate of convenience and necessity (CCN) to designate a preferred route for a proposed transmission line facility. This helps ensure all potentially affected landowners are involved in the CCN process. It also clarifies existing law concerning a utility's right to condemn certain public land.
• HB 1064 Pitts/Eltife
  o Seasonal utility customers often received a higher than normal transmission and distribution charge
  in relation to their minimal utility usage. A demand ratchet is a billing mechanism that allows a
  transmission and distribution utility to assign costs to those customers who caused the utility to incur
  the costs.
  o 5/28/2011 Effective Immediately
• HB 1064
  o Requires the PUC to develop rules to deal with Demand Ratchet charges by a transmission and
distribution company. A qualifying entity to receive the waiver will be billed for
distribution service
charges on the basis of kilowatts; kilowatt-hours; or kilovolt-amperes
• HB 2133 by Solomons/Fraser
  o Requires the PUC to, when assessing a penalty, order disgorgement of all revenues
  resulting from a
  market power violation.
  o 5/27/2011 Sent to the Governor
• HB 2133
  o Increases the PUC's enforcement authority, joining existing powers, such as the PUC's
  ability to
  assess substantial administrative penalties and to terminate a market participant's license
to do
  business in the ERCOT market.
• SB773 Zaffirini/Gallego
  o Extends for four years the state telecommunications discount for digital services for
  voice, video, and
data to libraries, schools, colleges, hospitals, and telemedicine centers in Texas. The
discount allows
these entities to purchase high-speed broadband services from incumbent local exchange carriers
  with a 10% discount.
  o 5/30/2011 Sent to the Governor
• SB 855 Duncan/Hilderbran
  o Expands the duties of the Office of Public Utility Counsel (OPUC) to allow that office to
  provide
limited assistance to landowners participating in certificate of convenience and necessity (CCN)
application cases at the Public Utility Commission (PUC).
  o 5/25/2011 Sent to the Governor
• SB 937 Lucio/Naishtat
  o Requires the PUC to establish a rule that prioritizes nursing homes, assisted living
facilities and
hospice facilities for power restoration. The intent is to help ensure these critical
facilities have
power returned quickly following a major storm or other extended outage.
  o 5/27/2011 Sent to the Governor
• SB 981 Carona/Anchia
  o Clarifies ownership and registration of distributed generation (such as solar power),
  ensuring that
those who install distributed generation on their side of the meter will not be considered a
power
company and negating the need to register with the PUC.
  o Requires the owner only provide equal to or less than their estimated annual usage at the
time of
installation.
  o 5/30/2011 Sent to the Governor
Because of Brooke Army Medical Center, San Antonio is home to an unusually high number of burned veterans who have a significantly decreased ability to regulate their bodies' core temperature because of severe burns received in combat.

In an effort to assist the burned veteran population in CPS Energy's service area in San Antonio, SB 1430 provides CPS with the authority to establish bill payment assistance program to a very narrow class of burned military customers who need bill-payment assistance.

SB 1125 Carona/Anchia

Adjusts the state's energy efficiency goal, requiring each utility, subject to certain cost constraints, to transition its goals from a percentage of load growth to a goal of reducing its peak demand by 0.4%. By focusing on peak demand, energy efficiency metrics attempt to more effectively reduce the need for new generation.

SB 1133 Hegar/Harless

Address recent winter blackouts by requiring electric generators to provide emergency operations plans to the PUC and ERCOT.

SB 1434 Carona/Geren

Requires the PUC to ensure that annual expenditures for the low-income income energy efficiency programs of each unbundled transmission and distribution utility (TDU) are not less than 10 percent of the TDU's energy efficiency budget for the year. The PUC will participate in proceedings to establish an energy efficiency cost recovery factor to ensure that targeted low-income weatherization programs are consistent with federal weatherization programs and adequately funded. It will also issue an annual report that summarizes the performance of the program.

SB 1693 Carona/Thompson

Reduces the regulator process and expense for electric utilities by providing a periodic rate adjustment for non-fuel rates.

HB 3372/HB 3391 Reps. Tracy King and Doug Miller/Sens. Jackson and Seliger

Both bills remove impediments to the use of rainwater harvesting systems by homeowners while also ensuring these systems do not contaminate public water supplies.

SB 332 Fraser/Rep. Ritter
o Removes confusion in existing law as to when and to what extent a surface landowner owns groundwater under his or her property. Clarifies that groundwater is owned like any other aspect of real property, but is also subject to reasonable regulation by local districts.

o 5/30/2011 Sent to the Governor
  • SB 449/SJR 16 Estes and Watson/Rep. Ritter
  • Allows Texas voters to decide whether to create a new property tax valuation for landowners who conserve water supplies through the management of their property.

o 5/26/2011 Sent to the Governor
  • HB 1981 W. Smith/Gallegos
  • Establishes statutory guidelines and requirements for creation of an air pollutant watch list at the TCEQ, identifying areas in Texas where specific pollutants are measured at levels of concern.

o Requires the TCEQ to develop the capacity for electronic reporting and to incorporate reported emissions events into a permanent online centralized database for emissions events.

o 5/27/2011 Sent to the Governor
  • HB 3395 Callegari/Lucio
  • Establishes a state policy for recycled products and includes a provision that eliminate the requirement to distribute paper directories to a telephone provider's local customers, unless requested by the customer.

o 5/30/2011 Sent to the Governor
  • SB 20 by Williams/Strama
  • Creates the "Natural Gas Vehicle Program" to encourage companies with on-road heavy-duty vehicles to either replace the vehicles with natural gas vehicles or repower the vehicles with natural gas engines. The program is funded through the Texas Emissions Reduction Plan (TERP) funds and would be administered by the TCEQ.

o 5/27/2011 Sent to the Governor
  • SB 329 Watson/Chisum
  • Establishes a comprehensive, convenient, and environmentally sound program for the collection and recycling of television equipment by creating a television equipment recycling program.

o 5/27/2011 Sent to the Governor
  • SB 385 Williams/Otto
  • Creates a new grant program called the Alternative Fueling Facilities Program at TCEQ and funded out of Texas Emissions Reduction Plan (TERP). Grants would be used to construct, reconstruct, or acquire a natural gas - gas stations to store, compress, or dispense natural gas in non-attainment areas.

o 5/30/2011 Sent to the Governor
  • SB 527 Fraser/Geren
  • Requires not less than $3 million or more than $7 million in 2012 and 2013 and not less than $1 million or more than $3 million in subsequent years out of TERP to be allocated to fund the implementation and oversight of a regional air monitoring program in TCEQ's Regions 3 and 4, which covers the Barnett Shale.

o 9/1/2011 Effective
SB 694 West/W. Smith
- Enhances the penalties for copper theft and adds regulatory requirements for scrap metal dealers to assist law enforcement. If a dealer is non-compliant, Department of Public Safety may revoke a dealer's cash payments option for the purchase of "regulated metals". All unregulated dealers are prohibited from utilizing a cash option to purchase "regulated metals".
- 5/31/2011 Sent to the Governor

SB 1504 Seliger/Lewis
- Enables the disposal of low-level radioactive waste (LLRW), including waste that is imported from non-Compact states such as Texas or Vermont, upon the completion of construction of the disposal facility in Andrews County.
- 5/27/2011 Sent to the Governor

SB 1504
- Ensures the financial viability for the repayment of bonds authorized by Andrews County and will result in a Legislative Budget Board estimate of $32 million in revenue for the state of Texas in fiscal years 2012-2013.
- 5/30/2011 Sent to the Governor

SB 1605 Seliger/Lewis
- Provides for appropriate protections to ensure that there is sufficient storage capacity at the facility for Compact waste generated by Texas and Vermont and to ensure that the storage rates for Compact waste are appropriately set by the TCEQ.
- 5/30/2011 Sent to the Governor

Oil and Gas
HB 3328 Keffer, Crownover, Burnam, Parker, Strama/ Fraser
- Requires the disclosure of all fluids, additives, and all chemicals used in any hydraulic fracturing stimulation used in the state. The bill further requires that the information be posted on a public website and be readily accessible. The bill includes mechanisms for firms to use to protect proprietary, copyrighted, or patented formula composition.
- The bill is needed by the people of Texas to allow for open access to all information that would affect local environments. In the wake of serious public concern about hydraulic fracking, this bill will show that the legislature is listening and emboldened to require the industry to disclose important information to the people who live near these new wells.
- Sent to Governor

HB 1728 Keffer
- "Energy Performance Contracts Bill" - Allows an "energy savings performance contract" to reduce energy or water consumption or operating costs of school facilities in which the estimated savings in
utility costs offset the cost of the measures over a specified period. The term includes a contract for the installation of certain building materials such as insulation, storm windows, or energy control systems.

- This law allows the use of certain funds to be used for reimbursement payments made to schools that elect to participate in an energy savings contract. Specifically, the bill allows the board of trustees of a school district to use any available money, other than money borrowed from the state to pay a provider of the energy or water required to pay for the energy or water conservation efforts solely out of the savings realized by the school district under an energy savings contract.
  - HB 2663 (Chisum)

- This bill puts into statute that regulations, rules, ordinances, or other measures promulgated by the Texas Railroad Commission relating to liquefied petroleum gas (LPG) supersede any local or municipal ordinances. This bill is good for business development due to the often inconsistent measures taken by various local governments.
- This bill is good for Texas due to industry growth and potential expansion in the future.
- Sent to the Governor
  - Payday Lending
    - HB 2592, HB 2593 and HB 2594 Truitt/Carona

These pieces of legislation were part of a package of 3 bills designed to address a range of concerns associated with payday and auto title lending. The trio of bills were the result of more than 40 hours of mediation between consumer advocacy groups and the payday and auto title lending industry.

- The combination of these bills would bring the industry, which has grown rapidly under very minimal statutory regulations, under meaningful state regulation for the first time.
- CSHB 2593 was killed on a point of order on the House Floor, however CSHB 2592 and CSHB 2594 passed both Chambers.
- CSHB 2592 will increase consumer knowledge of payday and auto title loans, including basic comparative information about fees, typical use and repayment schedules of loans, and a contact number for the office of Consumer Credit Commissioner (OCCC) to provide answers to consumer questions and to handle consumer complaints.
- These provisions will address the lack of resources currently available to consumers who have questions or complaints about these types of loans, and it will ensure customers receive accurate information they needed to make informed borrowing decisions.
  0 5/30/2011 sent to the Governor
  - CSHB 2594

- Would enable the Finance Commission and the Office of Consumer Credit Commissioner (OCCC) to license, oversee, and collect data on the payday and auto title lending industry for the first time in Texas.
- The bill would prohibit predatory practices and ensure that payday and auto title lenders comply with the law, protecting consumers and stabilizing the market for legitimate operators.
- The bill will create a new statutory definition under which payday and auto title lenders must operate, it will authorize the licensing, examination and reporting procedures for these businesses as well as requiring an annual assessment on these businesses to support a newly created Texas Financial Education Endowment which will serve to better educate consumers about how to manage and avoid debt.
• Economic Development
• SB 573 Nichols/Rep. Creighton
  o Allows landowners who are not receiving service from a local water supply system to more quickly “opt out” of the system's service area and receive water elsewhere. Only applies in areas around high-growth cities where future growth is extremely likely and in Smith County.
  o 5/30/2011 Sent to the Governor
• HB 14 by Murphy/Eltife
  o Currently, a person can receive both severance benefits and unemployment benefits at the same time. This change would make a person wait until he exhausts severance benefits before he can receive unemployment benefits. The individual would remain eligible for the full amount of unemployment benefits after exhaustion of severance.
  o HB 14 closes this loophole and requires a person to wait until the person no longer is receiving severance benefits before becoming eligible for unemployment benefits by adding severance pay to the other forms of remuneration, the receipt of which disqualifies an individual for unemployment compensation benefits for as long as the individual is receiving or has received that remuneration.
  The Texas Workforce Commission estimates a $94 million saving to small businesses over a five year period in payments to the Unemployment Trust Fund.
  o 5/27/2011 Sent to the Governor
• HB 1711 Davis, J./Jackson
  o During Hurricane Ike, many residents of the city of Houston were victimized by scams offering homeowners with priority damage repairs. These residents found no means of redress.
  o Protects consumers during times of disaster by preventing pre-payment of projects and regulating the payment transaction between the consumer and those involved in the remediation of the home.
  o 5/30/2011 Sent to the Governor
• HB 2785 Davis, J./Shapiro
  o Texas has developed a variety of economic development incentives administered through a number of state agencies, from temporary tax relief to direct state grants and subsidies. These incentives have evolved without a comprehensive review of their effectiveness, how they compare with other states' efforts, whether they appropriately target the correct economic activity, how they should be evaluated, or how they can be coordinated with other incentives to be most effective.
  o Creates a 12 member Select Committee on Economic Development. The committee would develop an economic development policy for the state; conduct a study regarding state and local economic development incentives; and develop criteria for evaluating the effectiveness of existing economic development policies and incentives.
  o 9/1/2011 Effective
• SB 309 Harris/Patrick
  o The Major Events Trust Fund applies local and state gains from sales and use, auto rental, hotel and alcoholic beverage taxes generated over a 12-month period from certain major sporting championships or events to pay costs incurred from hosting the event.
  o Expands the major events trust fund to include the Academy of Country Music Awards, or a national political convention of the Republican National Committee or the Democratic National Committee.
  o Requires the Comptroller to complete a study in the market area of the event on the measurable economic impact directly attributable to the preparation for and presentation of the event and related activities associated with a Major Events Trust Fund event. Requires the Comptroller to post the results of the study on the agency's website.
Effective Immediately

- SB 458 by Seliger/Woolley
- SB 458 requires employment for 30 hours in a week or by an employer who is part of the unemployment insurance system (a "covered employer"). The Texas Workforce Commission estimates an $84 million saving to small businesses over a five year period in payments to the Unemployment Trust Fund.

Effective Immediately

- SB 988 Van de Putte/Larson
- Creates the Cybersecurity, Education, and Economic Development Council to facilitate relationships between governmental agencies, businesses, and institutions of higher education with a goal of advancing cybersecurity initiatives while studying ways to improve the infrastructure of the state's cybersecurity operations.
- This integration of public and private efforts will help to ensure that the state has the best workforce and experts to support the cybersecurity industry.

9/11/2011 Effective

- SB 1048 Jackson/Davis, J.
- Currently, there are a number of public-private partnership projects being built. SB 1048 attempts to set some parameters and ensure an open process is followed.
- Creates the authority and processes for the execution of public-private agreements for the development of qualifying public works projects, except for state highway system projects.
- Provides for the identification and review of qualifying projects, requirements for contractual agreements between private parties and governmental entities involved in the development of a qualifying project, and creates a legislative commission to provide oversight for the qualifying projects.

9/11/2011 Effective

- Veterans
- SB 516 Fletcher/Sen. Patrick
- The MOVE Act, or Military and Overseas Voting Empowerment Act. The federal Military and Overseas Voting Empowerment Act facilitates the voting process for military and overseas voters by requiring ballots to be transmitted within a specified period before a federal election. This bill will help to implement federal requirements by providing for the electronic transmission of blank ballots for all military and overseas voters and requiring the secretary of state to create a tracking system under which military and overseas voters can determine whether a voted ballot has been received by the early voting clerk. The bill will further facilitate the process for those voters by extending the elections covered to an election in which an office of the federal government appears, an election to fill a vacancy in the legislature, with certain exceptions, or an election held jointly with those elections. The bill also addresses certain election dates and deadlines.
- This is hugely important to the people of Texas because we have more voting members of the military than any other state. In addition to having a robust military complex, Texas boasts the largest number of deployed soldiers as well. This bill makes their ability to vote unrestrained by any state law or process.
- Sent to the Governor
- SB 516 Fletcher/Sen. Patrick
This bill guarantees the right of a surviving spouse, of a 100% disabled veteran, to retain the property tax relief granted to the veteran after they pass away. Currently, the property tax relief granted 100 percent disabled veterans expires upon their death. This inequity fails to recognize the sacrifices made by the veteran's family. This is good for Texas because the surviving spouse goes through enough grief after losing their spouse they should not have the burden of worrying about losing their home as well.

Sent to Governor
• HB 1502 White

Military voters stationed overseas have often had trouble receiving and casting a ballot in time to be counted in Texas elections, especially when located in combat zones.

Current law allows these voters to use regular mail and fax machines to send their ballots home.

5/29/2011 sent to Senate State Affairs
• HB 1502

Would allow military voters on active duty overseas to receive and send completed ballots home through a secure and encrypted email address.

This program will help ensure their vote is counted as well as ease the complications currently experienced by military voters stationed overseas.

Human Trafficking and Human Rights
• SB 24 Senfronia Thompson/Leticia Van De Putte

This legislation strengthens the penalties for those convicted of human trafficking. It creates a new offense for compelling prostitution for adult and child victims and eliminates release on mandatory supervision.

4/21/2011 signed by the Governor 9/1/2011 Effective
• HB 3000 Senfronia Thompson/Randy Weber / Leticia Van de Putte

This legislation creates the new offense of continuous trafficking of persons. Under this offense, a person would be convicted of a first degree felony and applies to offenders who commit two or more human trafficking violations during a 30 days period.

5/25/2011 signed by the Governor 9/1/2011 Effective
• HB 892 Howard

Transportation and Homeland Security. Creates an offense for the transport (smuggling) of an illegal alien.

05/13/2011 Passed by the House 5/16/2011 Referred to Senate
• Taxes
• HB 11 Cook/Hildebran/Kolkhorst/Schwerner/Lozano

Amends current law relating to reports filed with the comptroller regarding certain alcoholic beverage sales and provides a penalty.

5/28/11 Signed by the Governor on 9/1/2011
HB 11
- Would add package stores to the groups required to report sales and would require all groups to report sales of distilled spirits along with sales of wine and malt beverages.
- This additional information would allow the comptroller to audit alcohol sales more effectively and collect additional tax revenue already owed to the state.
- HB 11 builds on the success of legislation enacted by Cook in 2007 that required wholesalers and distributors of beer and wine to report sales to package stores, bars, and restaurants.
- HB 252 Hilderbrand/Estes
- HB 252 would help prevent the loss of local and state revenue due to homestead exemption (property tax) fraud.
- HB 252 would require an applicant for a homestead exemption to prove that the property was actually the applicant's primary residence with a current matching driver's license.
- This would help eliminate multiple homesteads and homesteads on rental property. It also would significantly increase the percentage of Texans who properly updated their driver's licenses.
- HB 1841 by Hartnett/Hilderbrand/Carona
- HB 1841 clarifies that a person whose only activity in this state is as a user of Internet hosting is not engaged in business in this state and thereby not subject to sales tax.
- Clarification was necessary because many users of Internet hosting companies in Texas threatened to leave the state due to the ease with which they could use Internet hosting in a more "tax friendly" state.
- Had their customers left for another state, Internet hosting companies may have suffered significant losses, which would ultimately drive them out of business. Given that they contribute to the economy through paying property and sales tax, it was important to clarify this law.
- Sent to Governor 5/25/11
- HB 2203 by Otto/Williams
- HB 2203 would extend a pilot program created last session through HB 3612 by Otto. The pilot program allowed the State Office of Administrative Hearings (SOAH) to hear certain appeals of property appraisals involving property values of more than $1 million. The pilot was made available to qualifying property owners in Bexar, Cameron, El Paso, Harris, Tarrant and Travis counties.
- HB 2203 expanded the applicable counties to include Collin, Denton, Fort Bend, Montgomery, and Nueces counties for a one-year period.
- This change gives taxpayers in those counties an additional opportunity to appeal their property values.
- Sent to Governor 5/30/11
- HB 3727 by Hilderbrand/Martinez Fischer/Uresti
- HB 3727 clarifies how certain unfinished aircraft are to be appraised for property tax purposes (10% of list price).
- Change is important to communities that are trying to reinvigorate the economy after the closure of a defense base. Aircraft construction companies have considered locating part of their commercial aircraft construction processes to these closed bases. However, the inconsistent valuation of these aircraft has been a deterrence. This change will encourage aircraft companies to move their construction process to certain redeveloped bases in Texas, which will help add investment and jobs to the area.
- Sent to Governor 5/27/11
SB 516 by Dan Patrick/Fletcher
- SB 516 would allow the surviving spouse of a totally disabled veteran to continue to receive the property tax exemption for a residential homestead after the veteran's death.
- Current law provides a full exemption from property taxes on the residential homesteads of totally disabled veterans. Unfortunately, this exemption does not transfer to a surviving spouse upon the death of a veteran. As a result, the loss sustained by the surviving spouse is compounded by the need to ascertain how to pay for unexpected property tax bills.
- Sent to Governor 5/31/11

Teacher Retirement System Investments
- HB 1061 Ott/Duncan
- In 2007, the 80th Legislature authorized the Teacher Retirement System of Texas (TRS) to buy and sell investments (hedge funds) commonly used by pension funds expressly to efficiently manage and reduce the risk of the overall investment portfolio.
- The legislature also authorized TRS to use external managers for up to 30 percent of the fund. This authority is used by virtually every public and private pension plan.
- A sunset date of September 1, 2012, was established on this investment authority in order to give the legislature an opportunity to review the results. In December 2010, the State Auditor's Office concluded that these programs should be permitted to continue as deemed appropriate by the board of TRS.
- H.B. 1061 extends the sunset date on the investment authority granted to TRS from September 2012 to September 2019, and the bill will increase the allowable amount TRS can invest in hedge funds to 10% of the total investment portfolio, up from the current 5% cap. During the 2009 market downturn, TRS preserved $900 million using the flexibility provided under the previous 5% hedge fund cap.
- TRS is known as the best-performing pension of its kind.
- Sent to the Governor 5/20/2011

Local Pensions
- SB 350 Williams/Truitt
- TRS has one of the strictest RTW laws in the nation. However, the current RTW provisions have caused a great deal of confusion for retired teachers and have become increasingly complex and difficult to administer.
- SB 1669 eliminates the old list of "exceptions" to the loss of monthly annuity law, including exceptions for acute shortage area, principals, and bus drivers which have become confusing to retirees.
- The bill simplifies the law for RTW and continues to allow a TRS retiree to RTW without loss of a monthly annuity if the retiree works as a substitute or in a part-time position.
- To work full-time, the retiree must separate from service with all Texas public education employers for at least 12 months after retiring. This legislation will make it easier for TRS to administer the RTW program and for retirees to participate in the program.
- Sent to the Governor 5/24/11

The Texas Municipal Retirement System benefits are currently funded by a combination of member employee contributions, participating municipality contributions, and investment income.
Contributions made by individuals and municipalities are currently deposited into separate accounts and when one retires their annuities are serviced from a third separate account.

- The TMRS board voted unanimously in 2010 to restructure the internal funds and accounting of TMRS by consolidating the separate accounts into a single fund.
- System-wide, the restructuring of these funds will reduce the unfunded liabilities within the TMRS system by about $1.4 billion and cumulatively save cities $135 million in contributions in 2012.
- The Legislative Budget Board's actuarial impact statement concluded that the TMRS restructuring proposed in SB 350 will stabilize city contribution rates, eliminate leveraging, minimize certain expected city contribution rate increases, and have no impact on member, retiree, or beneficiary benefits.

- **Sent to the Governor 5/26/11**
  - SB 1810 Carona/Truitt

- Under current law, certain savings plans are exempt from creditor's claims, including IRAs, annuities, governmental and non-profit employer-sponsored retirement plans and health savings accounts.
- The federal Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 also defines IRAs as creditor-exempt assets.

- However, a bankruptcy court in Texas recently held that the Texas statute exempting individual retirement accounts (IRAs) from creditors did not apply to an IRA inherited from someone other than one's spouse.

- **Sent to the Governor 5/30/2011**
  - HB 2615 by Veasey/Rodriguez

- Although students are exposed to a small amount of financial literacy education through the Texas public school curriculum, the need for more comprehensive financial literacy, including practical knowledge and skills, becomes more important when citizens reach adulthood and face the many financial challenges that come with adult responsibilities.

- Financial literacy helps an individual manage personal finances responsibly, including saving, investing, and budgeting. However, finding trustworthy information can be a daunting task and many do not know where to start.

- Compiling information about reputable resources in one document will more efficiently guide and educate citizens who wish to become more financially literate and know more about the many credible resources that are available, including how to contact such resources.

- **H.B. 2615 Requires the consumer credit commissioner to collect information on programs, including classes, and other resources available to the public that focus on teaching financial literacy, compile the information into a one-page document, and post the document on the office of consumer credit commissioner's website.**

- **Sent to the Governor 5/20/2011**

- **County Issues**
Texas is one of only five states that continues to actively enforce some form of prohibition of the corporate practice of medicine. However, Texas does allow private nonprofit medical schools, school districts, nonprofit health organizations certified by the Texas Medical Board, federally qualified health care centers, and migrant, community, and homeless centers to employ physicians. Many smaller Texas communities report that the prohibition against the hiring of physicians is a significant factor contributing to the inability to recruit and retain physicians to serve in those communities. S.B. 894 expands the current exemptions from the prohibition of the corporate practice of medicine to include a hospital in a county with a population of less than 50,000, a hospital designated as a critical access hospital, or a hospital that is a sole community hospital. The legislation provides clear protections to ensure policies relating to credentialing and privileges; quality assurance; peer review and processes to ensure employed physicians maintain independent medical judgment. The legislation will help Texas retain doctors currently leaving to work in other states that do allow physician employment while also protecting the independent practice of medicine.

Signed by the Governor 5/12/2011

Fire Safety:

HB 564 Craddick/Seliger

Recent reports around the state have recounted numerous situations of car accidents that have resulted in vehicle fires. Unfortunately in some instances emergency services personnel that have arrived on the scene have not been able to use fire extinguishers kept in their emergency vehicles to put out the fire because of improper maintenance of those fire extinguishers. These situations have resulted in the deaths of drivers and passengers that could have been prevented had the fire extinguishers been properly examined and maintained. HB 564 will require a local government that adopts an ordinance or an order to install portable fire extinguishers in government-owned vehicles to annually inspect the fire extinguishers. This law will help ensure that emergency services vehicles have properly functioning fire extinguishers and will help prevent future deaths.

5/27/2011 Signed by the Governor Effective Immediately

HB 3547 by Alvarado/Gallegos

On February 24, 2011, a fire killed three infants and seriously injured four other children in a home day-care facility in Houston. Local fire officials investigated the fire and surmised that the smoke detectors in the facility were inadequate and the fire may have been prevented if the facility had properly functioning smoke detectors. Additionally, the investigation determined that the local officials lacked the necessary statutory authority to routinely inspect such facilities to ensure that properly functioning smoke detectors were installed. HB 3547 provides local officials the ability to inspect and enforce state laws regarding fire safety standards in a licensed group day-care home or registered family home. The legislation also requires local officials to report any violations observed to the Health and Human Services Commission.

Sent to the Governor 5/23/2011
Under current law, if a business location was at any time previously licensed or permitted as a sexually oriented business and then closes down or moves to a new location, a new sexually oriented business that moves into the old location is not required to post an outdoor sign alerting the public of the location's intended use. This bill would close a loophole in existing law by requiring that any business applying for a license or permit as a sexually oriented business must post a sign to alert the public that this business will be located in a particular area. SB 1030 will keep the public aware of the types of businesses located in their community. Sent to the Governor 5/26/2011