MS. DAVIO: We actually have had a pretty good response so far. I'm sorry. Off the top of my head, I can't give you the statistics of the people that have opted in, but I'd be happy to get that information for you.

SEN. ELLIS: Now, I think I heard you say in response to a question from Senator Williams 15 million Texans have a driver's license.

MS. DAVIO: Yeah.

SEN. ELLIS: Or did you mean authorized to have one? Are you counting the 1.2 million who have lost them?

MS. DAVIO: I believe that's active driver licenses.

SEN. ELLIS: Okay. So 15 million have active driver's licenses. And just as a point of reference to Senator Williams, there are 12.6 million registered voters in Texas. So he was correct earlier when he made the point that--

SEN. WILLIAMS: (No mic)

SEN. ELLIS: Yeah, that's right. Probably about 30 percent of them vote. Of course, maybe half of them vote wrong; maybe half of those vote wrong, but about 30 percent of them vote, Senator.

But I just wanted to make the point 15 million people have driver's license in Texas, 12.6 million registered voters. Most people who go to vote do what most of us on this floor do, they show their driver's license. And if the trend of 1.2 million who have drivers -- who had driver's licenses haven't lost them since 2003 continues, if your amnesty program does not work, if it's not something unique about the Lone Star State that would make it work here when it didn't work in those other states, that means that 15 million figure is going to be going down in terms of the people who have a driver's license. Correct?

MS. DAVIO: Yes, sir.

SEN. ELLIS: Okay. Now --

MS. DAVIO: Those people --

SEN. ELLIS: Those people who owe those surcharges, is that a felony, or what is it?

MS. DAVIO: I don't believe it's a felony.

SEN. ELLIS: It's a civil offense?

MS. DAVIO: I mean, it depends upon what -- there's five different things that you can receive a surcharge for.

SEN. ELLIS: How about drunk?

MS. DAVIO: Yes, sir. Driving while intoxicated is one of them.

SEN. ELLIS: Wouldn't that be a felony when they get a surcharge? It's a civil fine. I'm really making a point to my colleagues.
And can -- what can you all do to those folks short of taking a driver's license? You know, can we -- maybe the finance chair can start building some more debtor prisons. Can you put them in prison, or do you know? If you don't know, it's okay.

SEN. ELLIS: Okay. I just want to raise that point so my colleagues do realize what we're doing, Senator Fraser, under your bill. 15 million people have a driver's license. 1.2 million have lost them. I don't think we're going to start building debtor prisons. I don't think we're going to get to the point where three times you're drunk and get a surcharge we lock you up. We can't afford to do it, but it's making it more and more challenging, and it is a burden that we're putting on these folks. Thank you.

SEN. WHITMIRE: Mr. President?

CHAIRMAN DUNCAN: The Chair recognizes Senator Whitmire.

SEN. WHITMIRE: Briefly. First of all, how long -- how long have you been in your present job? Pretty recent?

MS. DAVIO: Yes, sir. I just started June 1st of 2010.

SEN. WHITMIRE: So about six months?

MS. DAVIO: Yes, sir.

SEN. WHITMIRE: Did you ever envision when they gave you the job you were going to be here today and have the opportunity to meet Senator Gallegos?

(Laughter)

MS. DAVIO: The pleasure is all mine.

(Laughter)

SEN. WHITMIRE: No; we appreciate you as we do our other state employees.

MS. DAVIO: Thank you.

SEN. WHITMIRE: A couple of things I want to clarify, Senator Ellis was talking about the folks who have had their license suspended because of the severance. I don't believe he asked if you have no license but we're going to require you to go get an ID at a DPS office, what is the relationship if I come into the office, I don't have a license because it's been suspended because I can't pay the severance, it's a civil penalty. Is there any chance that you're arrested because you haven't paid your back severance? I mean, first I think whether you confiscate the person or handcuff them, it would probably be a huge deterrent for someone to go there knowing they owe you thousands of dollars. Would you not agree?

MS. DAVIO: Yes, sir.

SEN. WHITMIRE: Okay. But going one step further, if someone chose to do that what -- and they
apply for a voter ID and the computer is going to kick
out "you owe us" -- and some of these figures are
fantastic amounts, thousands of dollars -- what will be
the conduct of the DPS? I walk up to your station for
to voter ID and you say Mr. Whitmire you owe us $20,000 in
back severance, is that going to be brought up and
you're going to be asked to not leave until you have a
payment plan?

MS. DAVIO: No, sir. Those are really
handled as separate transactions. If you come in and
you say you want to get an ID and you don't already have
an ID, then they will determine if you are eligible, and
you should be eligible. And they do have the
information in the driver license system about the
surcharges. But if you aren't asking to get a driver
license then that won't be brought up.

SEN. WHITMIRE: Okay. It's your
testimony -- y'all have actually discussed this
internally. It's going to be the policy, as you state
before us today, I come in there, I owe you a surcharge,
but I don't want to deal with the surcharge today, they
are not going to bring it up or ask me for my intention
of paying it, don't leave until you make a payment plan?

MS. DAVIO: No, sir. I haven't witnessed
that. I have visited the --

SEN. WHITMIRE: Well, you haven't

witnessed it -- excuse me for interrupting because this
is all in the planning stage. So I know you haven't
seen it because no one has been in there asking for a
voter ID.

MS. DAVIO: No, sir, they haven't asked.

SEN. WHITMIRE: Would it be -- and can
you -- has it really been decided or is that just your
opinion or you've got to go upstairs to the colonel or
the DPS board? I mean, this is a pretty serious matter
in my mind because you have no license because you can't
afford to pay the surcharge, but we're fixing -- if this
law will pass -- require you to go to that location, law
enforcement, a pretty intimidating setup anyway to some.
You know, they've already run afoul, but they've got to
go to that site for a voter ID. Are you telling me
there won't be any discussion of the surcharge, or is it
really you don't know?

MS. DAVIO: You're right. We haven't
discussed voter ID, but I have witnessed numerous
transactions where somebody comes in and they request to
get an ID. And, you know, they may -- they may make an
inquiry about can I -- you know, what about a driver
license or something like that, and actually the records
come up and show that they are ineligible to get a
driver license. But if there --

MS. DAVIO: No, sir. Those are really
handled as separate transactions. If you come in and
you say you want to get an ID and you don't already have
an ID, then they will determine if you are eligible, and
you should be eligible. And they do have the
information in the driver license system about the
surcharges. But if you aren't asking to get a driver
license then that won't be brought up.

SEN. WHITMIRE: Okay. It's your
testimony -- y'all have actually discussed this
internally. It's going to be the policy, as you state
before us today, I come in there, I owe you a surcharge,
but I don't want to deal with the surcharge today, they
are not going to bring it up or ask me for my intention
of paying it, don't leave until you make a payment plan?

MS. DAVIO: No, sir. I haven't witnessed
that. I have visited the --

SEN. WHITMIRE: Well, you haven't

witnessed it -- excuse me for interrupting because this
is all in the planning stage. So I know you haven't
seen it because no one has been in there asking for a
voter ID.

MS. DAVIO: No, sir, they haven't asked.

SEN. WHITMIRE: Would it be -- and can
you -- has it really been decided or is that just your
opinion or you've got to go upstairs to the colonel or
the DPS board? I mean, this is a pretty serious matter
in my mind because you have no license because you can't
afford to pay the surcharge, but we're fixing -- if this
law will pass -- require you to go to that location, law
enforcement, a pretty intimidating setup anyway to some.
You know, they've already run afoul, but they've got to
go to that site for a voter ID. Are you telling me
there won't be any discussion of the surcharge, or is it
really you don't know?

MS. DAVIO: You're right. We haven't
discussed voter ID, but I have witnessed numerous
transactions where somebody comes in and they request to
get an ID. And, you know, they may -- they may make an
inquiry about can I -- you know, what about a driver
license or something like that, and actually the records
come up and show that they are ineligible to get a
driver license. But if there --
SEN. WHITMIRE: Because of the surcharge?

MS. DAVIO: Yes, sir. And so then they can still continue to get an ID, and I haven't witnessed any occasion where there was discussion of the surcharges unless the customer brought that up.

SEN. WHITMIRE: Well, if this passes, and of course none of us are going anywhere, but -- and I understand you're just representing the DPS, but I would think that would be a major policy decision, that you deal with something as important and precious as the right to vote, but we're fixing to require you to come in contact with law enforcement that you owe thousands of dollars with the same personnel. I think someone is going to have to really put some safeguards, Senator Williams, that you can enter one of these sites and not have to deal with the surcharge.

And would you not agree, even though you have an amnesty program and you said it's working pretty good -- in fact, pretty expensive, it's 250 and I think there's a fee schedule. You've still got to pay a fee to the folks that are doing y'all's collection work. So what is the actual cost, 250? I think 150 to the collection agency, and then it's going to run about five or $600 if you want to -- if you want to use the amnesty program. But that -- do you know the amount that's working pretty good? What does "pretty good" to you mean out of a million folks?

MS. DAVIO: I'm sorry. I will work to get those information.

SEN. WHITMIRE: Yeah, and I'm not trying to pin you down. It's just, you know, you're the best source we've got at the time.

Let me ask you something. You said a while ago if someone confiscated your license, you could apply for an ID. What if they confiscate it the week before the election? What's the processing time to apply for this ID? Say you're unfortunate, you come to Austin before a Saturday election. On Thursday, if you're real unfortunate, they get your license because you have been pulled over. How are you going to get that before Saturday's election? Do you know the turnaround?

MS. DAVIO: You can come into our office, and we -- as long as you qualify, we issue a temporary receipt immediately.

SEN. WHITMIRE: Come in your office, what do you mean by that?

MS. DAVIO: You can go to any driver license office.

SEN. WHITMIRE: Any office?

MS. DAVIO: Yes, sir. And as long as you
qualify, then you can walk out with a temporary receipt.

SEN. WHITMIRE: Of course under my scenario, you've first got to get out of jail, but that's not mine or your problems tonight.

Let's talk about that office, and then I'll pass. The truth of the matter is, is it not, as you stand before us today, you have no idea what the future budget considerations are going to do to your office locations, do you not? When you were having a question and answer with Senator Williams, that's under today's setup, is it not?

MS. DAVIO: Yes, sir.

SEN. WHITMIRE: Have you been in meetings recently at the command headquarters where you're contemplating a significant, maybe as much as a 10 percent cut in your budget? Have y'all made your plans for how to deal with the shortfall and expected reduction of DPS funding?

MS. DAVIO: Yes, sir. The 5 percent cut.

SEN. WHITMIRE: That you've already been requested to make.

MS. DAVIO: Yes, sir. I believe that that did envision the closing of some -- I believe --

SEN. WHITMIRE: Have you looked at the House proposed budget and the Senate proposed --

MS. DAVIO: I have not.

SEN. WHITMIRE: -- and calculated the impact and reduction of services and maybe troopers and personnel as it relates to the licensing division?

MS. DAVIO: I'm sorry, sir. I have not.

SEN. WHITMIRE: So the truth of the matter is when you were answering Senator Williams' question, that's under current funding levels, is it not, as you understand them? Since you took the job in June and here we are the second week of January, that's really the funding and the resources that you were using to answer his questions. It certainly wasn't going forward. Is that not correct?

MS. DAVIO: That's correct, sir.

SEN. WHITMIRE: You do expect significant reductions in your operating resources, do you not?

MS. DAVIO: I would remain optimistic.

SEN. WHITMIRE: Do you see that guy sitting right in front of you right there? We don't call him Mr. -- we don't call him Mr. Optimistic around here.

(Laughter)

SEN. WHITMIRE: The truth of the matter is -- and I really understand this position you're in.

And, quite frankly, I'm not even sure it's fair that they brought you here to answer our questions, but you're here, and they had the right to do so. But we...
haven't even written the budget. Our first meeting is
next Monday, and the operation of these offices and
their hours, their personnel, is yet to be determined as
we go and consider this legislation. Is that not
correct?

MS. DAVIO: Yes, sir, I think that--

SEN. WHITMIRE: You have no idea what
you're going to have after September 1.

MS. DAVIO: I think that's a fair
statement, sir.

SEN. WHITMIRE: But we do know that in
Houston -- and Senator Gallegos was asking you about the
locations -- that's an important factor, but I'm really
more important -- or concerned about when you get to one
of our locations. Are you familiar with 290 and Tacoma?

MS. DAVIO: Yes, sir.

SEN. WHITMIRE: Gessner and I-10?

MS. DAVIO: Yes, sir.

SEN. WHITMIRE: South Houston? Nearly
each of our Harris County sites, you know it takes from
two to three hours to enter that office and renew your
driver's license on many days of the week.

MS. DAVIO: Yes, sir, I think that's true.

That is the way it's happened in the past. We are
implementing a queuing system which we hope will bring
about reductions in wait times at our 50 largest
offices.

SEN. WHITMIRE: But today, this week, it's
not unusual -- and I've checked -- it can still take you
up to three hours. In fact, if we accomplish anything
in this discussion with you, I would like to appeal to
you to work with your supervisors and Senator Ogden and
each of the 31 Senators and fix that problem. That's a
very fixable problem that we've been talking about too
long.

But you know it takes up to three hours.
People cannot take off their lunch hour or expect to go
over there before work or after work. It is a major
challenge to enter one of those offices today and get
your license renewed. But have you had an opportunity
to factor in what it's going to be like to get
additional people now for voter ID? You really don't
know what the demands or the numbers will be --

MS. DAVIO: That's correct.

SEN. WHITMIRE: -- as we talk?

MS. DAVIO: We were unable to estimate the
impact.

SEN. WHITMIRE: And then I'll repeat one
more time. That's today's circumstances, and we're
faced with budget cuts to the DPS going forward that
could even compound the current wait at those Houston
offices. And I was even told by a colleague of mine
that it can happen in other even rural settings in this state, that you would literally wait two and three hours to renew your driver's license. Is that not correct?

MS. DAVIO: It is possible that you can have a two- or three-hour wait in many of our offices at this moment.

SEN. WHITMIRE: Have y'all had much internal discussion about the impact that this proposed legislation will have in detail in terms of personnel required, equipment required? I mean, have y'all had any initial planning?

MS. DAVIO: We have had discussions, yes, sir. It's very, very difficult, we found it impossible, to estimate the impact of this legislation.

SEN. WHITMIRE: I really appreciate you being here tonight and your hard work. And if I was you, I would say -- I'd speak to Senator Ogden before you leave here tonight and make a pitch for your budget.

MS. DAVIO: Okay. Thank you.

CHAIRMAN DUNCAN: The Chair recognizes Senator Van de Putte.

SEN. VAN de PUTTE: Thank you, Mr. Chairman. Good evening. Thank you for being here. My questions are fairly quick. But I want to follow up with the fiscal impact, and you stated there were how many counties that don't have offices right now?

MS. DAVIO: There are currently 77 counties without a functioning --

SEN. VAN de PUTTE: Seventy-seven.

MS. DAVIO: Yes, sir -- yes, ma'am.

SEN. VAN de PUTTE: Mr. Chairman, could we have the resource witness look at exhibit -- or Item No. 6, which was the map that was displayed, compiled by the legislative counsel? The map that this expert witness brought shows us dots. And if you could just glance at that, that was prepared by legislative counsel. As you can see, the counties are outlined with closed, temporarily closed, permanently closed, those counties that may have one, but they are there -- would you suggest that since that was compiled by legislative counsel that that document is correct?

MS. DAVIO: Senator, this is the first time I've seen this map. Just doing a very quick visual check on the counties that they have in red that say that there are no offices, I can verify that. I haven't gone through and done all the others to give you a completely accurate response. If you could give me a little bit more time, I'd be happy -- I'd be happy to do that.

SEN. VAN de PUTTE: We will certainly allow you to do that because we have another resource witness.
MS. DAVIO: Okay.

SEN. VAN de PUTTE: Let me ask you, we have 77 where they are closed, they have no one. We have temporary ones because of equipment malfunction.

But are you aware of the document that is the legislative appropriations request that was sent on August 23, 2010 and printed to us in 2010?

MS. DAVIO: I did not see that document personally.

SEN. VAN de PUTTE: Well, let me tell you why I'm a little bit concerned because when Senator Williams talked to you, you said you had -- the division had no plans or no intention of closing any more unless there was equipment failure, and you talked a little bit about equipment failure. That's correct. Right?

MS. DAVIO: Yes, ma'am. No more offices unless there were equipment failure until we had completed our business intelligence analysis.

SEN. VAN de PUTTE: Well, let me tell you why I'm a little concerned. On Page 704 of the legislation appropriations request, DPS says, "No. 10, building program and deferred maintenance." The category is under "Program Service Reduction (Other)."

Item Comment: 11 additional DPS offices would be closed due to lack of funding for utilities." So it's utilities funding, not "resulting in 215 FTEs that would be displaced and DPS customers would travel further for any assistance."

Now, this is in a document that was given to the legislature dated August 23, 2010. You said you don't have to plan any more, but somewhere in the agency under this request, they are closing another -- I'm sorry -- they are closing another 11. Do you know where those other 11 are that they plan to close?

MS. DAVIO: I do not have personal knowledge of that. I believe this was for 2012 and the 2013 --

SEN. VAN de PUTTE: Well, yeah, but --

MS. DAVIO: -- legislative appropriation request.

SEN. VAN de PUTTE: This is the legislative appropriations. So right now what you're saying is nothing is going to be closed. But in the document that DPS supplied to us as their legislative appropriations request, on Page 704, they tell us, "Oh, we're closing 11 more." And it's not due to equipment failure. It's due to the reduction in utilities funding as a result of our crisis in our revenue and with the displacement of 215 FTEs where DPS says, "Customers will travel further for assistance."
So I'm trying to figure out -- you say, "Okay. We're not going to," but then we have a document. I just don't know what part of DPS to believe.

MS. DAVIO: I'm terribly sorry. I was imprecise. I should have said this fiscal year we had no more plans to close any offices.

SEN. VAN de PUTTE: This fiscal year. Oh. We just didn't ask the right question then.

MS. DAVIO: I'm sorry.

SEN. VAN de PUTTE: We should have asked --

MS. DAVIO: I don't claim to be --

SEN. VAN de PUTTE: -- do you plan to close any maybe after September 1st of next year?

MS. DAVIO: I'm sorry. I don't claim to be an expert on our legislative appropriation request. I'm not our chief financial officer.

SEN. VAN de PUTTE: Thank you for that clarification.

MS. DAVIO: I'm sorry.

SEN. VAN de PUTTE: And I'm sorry you were caught like this. But, you know, you can understand our confusion when you testify as the expert witness for DPS one thing, and then the budget documents that are turned into us say another. And I am so sorry that you were put in this predicament, but the documents are the documents. So let me, again, ask some other questions since I think that one is pretty well taken care of.

Can you tell me in obtaining an identification card what types of birth certificates are allowed under current DPS guidelines?

MS. DAVIO: What types of birth certificates?

SEN. VAN de PUTTE: Yes.

MS. DAVIO: An original or a certified copy of a birth certificate issued by the appropriate state Bureau of Vital Statistics or the equivalent agency from a U.S. state, U.S. territory, the District of Columbia or a Canadian province, or an original or certified copy of a United States Department of State certification of birth abroad.

SEN. VAN de PUTTE: Are any of those documents a Department of Defense hospital or facility?

MS. DAVIO: I don't know for certain if the Department of Defense would be included in a Department of State certification of birth abroad.

SEN. VAN de PUTTE: No, there are two different ones. And this is why I'm asking. Members, this is very, very clear. We have many, many citizens and your constituents who were born on military basis within the United States. And if I right now had to go...
get an identification card, I don't have -- I wouldn't have a birth certificate. And the reason, I was born in Madigan Hospital, Fort Lewis, Tacoma, Washington. But if you were born before 1960, the records are slowly being updated into the state of Washington as are many of our military hospitals. But my birth certificate is not from the Department of State. It is not from the city. The only birth certificate that I have is from a military hospital on a military installation.

Now, it was valid for me to get my passport, and it was valid for me to get my driver's license when I got my driver's license. But should I have to apply today and what I think might happen under our current regulations is that the type of birth certificate that is required for those of us who happen to be born prior to 1960, which would be anybody, '40s, '50s, '60s and on, we would not have a birth certificate that would be recognized by DPS if you were born on a military -- in a military hospital. Is that correct?

MS. DAVIO: I can't be absolutely positive of that. I'll confirm, and we will look.

SEN. VAN de PUTTE: If you could, because I think --

MS. DAVIO: Yes, ma'am.

SEN. VAN de PUTTE: And I don't know how many would be, but if -- for those that were born when there was a mandatory draft and there was a mandatory thing, if you were born in a military hospital, those are Department of Defense hospitals, not Department of State. Some states have included them as they start to update and others haven't because a lot of those military hospitals are now closed as those bases have been closed. So I just wanted to make sure. And if you would check that for us?

MS. DAVIO: Yes, ma'am.

SEN. VAN de PUTTE: And then if it's a birth certificate, what happens if for many of our elderly who were born not in a hospital and not -- but they used baptismal or church records to establish their social security, to establish anything? Right now if there is not a recorded birth certificate in one of the state registries, is a church document that was allowed back then for a driver's license, is that allowed --

MS. DAVIO: There are --

SEN. VAN de PUTTE: -- currently to get --

MS. DAVIO: There are a variety of documents, and we're expanding the list, but we try and work with our customers to -- if you can bring in a variety and demonstrate to us to our satisfaction.

SEN. VAN de PUTTE: Yes, I understand.

What types of birth certificates? Is it only those that --
MS. DAVIO: Typically we would not allow a church or a baptismal birth certificate.

SEN. VAN de PUTTE: So that would affect people like my mother.

MS. DAVIO: She may be able to find other documentation that she can bring.

SEN. VAN de PUTTE: She might be.

Let me also ask you for one other thing. I have a wonderful constituent and she asked that I relate her story and has given me permission. She contacted us last June in that -- Ms. Hardy who needed to have a DPS identification card. However, she's very, very ill and could not travel to the DPS office. I put in a request to DPS to ask what sort of options she had since she needed an ID but could not travel.

MS. DAVIO: Yes, ma'am.

SEN. VAN de PUTTE: That was on June the 18th, and we were very pleased at least that a week later someone was able to call her and give her some options.

Well, the options included that she had to physically go. And so luckily she was able to go, but not until months later, but it entailed bus trips, a nurse going with her, on public transit, going to the offices.

And so my question is, what sort of -- and it took her months, months to get this. Are there any accommodations currently for those with disabilities if they are unable to physically go to a DMV station to acquire identification documents?

MS. DAVIO: We do have a home bound program where we send an employee out to take their picture and gather their information.

SEN. VAN de PUTTE: Do you know how robust that program is? Is there one in -- and why weren't we told about it when we called last summer?

MS. DAVIO: I can't tell you why you weren't told about it. I apologize for that. I don't -- I don't know how many of those IDs we issue. I could check into that if you'd like me to.

SEN. VAN de PUTTE: Well, I'm a little bit worried because we had several employees of DPS call, including the Chief of the Complaint Resolution Specialty Department, assisting with inquiries of identification cards, who said the only option for my constituent was physical presence.

MS. DAVIO: There may --

SEN. VAN de PUTTE: So within DPS if there's a program, certainly didn't tell a Senator's office and certainly didn't tell the client. And if this is -- I mean, what happened here? We didn't know about a program. Are there plans to make that known in
light of— or publicize it in any way in light of the
new additional restrictions?

MS. DAVIO: I apologize that you weren't
told about it. There may have been particular
circumstances that your constituent didn't qualify for
that, but we can certainly make sure that all of our
employees know about that and are informed so that there
won't be such an oversight in the future.

SEN. VAN de PUTTE: So you mean you have
to qualify? So if you're like undergoing chemotherapy,
can't leave the house or an organ transplant, you have
certain categories to qualify? So even if you're a
person with disabilities, you have to have a person of
disabilities with certain qualifications to get the home
bound program?

MS. DAVIO: I'm sorry. I can't discuss
the detailed reasons why someone would qualify and
someone wouldn't, but I will certainly check into that
for you.

SEN. VAN de PUTTE: Well, thank you. And
I am--I apologize for my mean tone, but understand how
frustrating it is--

MS. DAVIO: I understand.

SEN. VAN de PUTTE: -- when people call
our offices, they are trying to do the right thing.
They are trying to get an ID card, they have situations,
and then the people who are employed and hired from
state government to provide the information who are head
of the departments of this don't know of their own
programs. It's really disheartening.

And then if you would, please find out
from someone on the fiscal side so that we don't have
two opposing statements from DPS of the additional 11
offices that are scheduled to be closed, not this fiscal
year, but probably starting in 2012 and 2013. And then
if you would, please get back with us with the
information of what types of birth certificates would be
eligible to be used for someone seeking to obtain a
personal identification card.

Thank you very much, Mr. Chairman. I
don't have any other questions.

CHAIRMAN DUNCAN: The Chair recognizes
Senator Zaffirini.

SEN. ZAFFIRINI: Thank you, Mr. Chairman.

Ms. Davio, your title is Assistant
Director for Driver Licenses, Department of Public
Safety. Is that correct?

MS. DAVIO: Yes, ma'am.

SEN. ZAFFIRINI: And were you expected to
testify on all aspects of the bill or only what refers
to driver's licenses specifically?

MS. DAVIO: Only what refers to a driver
license specifically, as I understand it, in DPS.

SEN. ZAFFIRINI: When Senator Fraser laid out the bill, I asked a number of questions about the criminal justice impact statement. Is there someone available from DPS who can answer my questions related to the criminal justice impact statement?

MS. DAVIO: I don't believe that there's a resource witness here that can answer that currently.

SEN. ZAFFIRINI: And you cannot?

MS. DAVIO: I'm sorry. I can't.

SEN. ZAFFIRINI: That's all right. I assumed that you could not based on your title. But I would like to have someone answer my questions, if not today, maybe tomorrow.

And just to put a face on the issues that we have been discussing today, I happened to receive a letter from the County Judge of Frio County recently, and he explained to me that the office -- the DPS driver's license office in Frio County has been closed. And he wrote in his letter, "Signage on the door directs drivers needing their services to go to San Antonio, Hondo or Jourdanton."

Now, San Antonio is 55 miles from Pearsall, Hondo is 42, and Jourdanton is 41. That's an average of 46 miles. You said earlier that 77 counties do not have driver's license offices.

MS. DAVIO: Currently, yes, ma'am.

SEN. ZAFFIRINI: Do you know how far those residents of those counties have to drive to get a driver's license?

MS. DAVIO: I do not have the average for every single location. That would probably be pretty difficult to calculate, but, you know, that is something that we're looking at.

SEN. ZAFFIRINI: Well, certainly because if that's the average distance, double that for a round trip.

MS. DAVIO: Yes, ma'am.

SEN. ZAFFIRINI: That's a lot of mileage, especially for low-income persons, for persons with disabilities who have to get a ride, because that's a one-way distance that I just mentioned to you.

MS. DAVIO: Yes, ma'am. Driver licenses do have to be renewed every six years, once every six years. And if the option to renew online would be used, then they'd actually only have to go to the office once every 12 years.

SEN. ZAFFIRINI: Do you have mobile units that can go to these counties?

MS. DAVIO: We do not presently have mobile units. As I mentioned before, the amount of data that we're collecting with your photo, your
fingertips, your -- all the scans of your documents,
we have not been able to get that to work with an air
card or a DSL line, and we tried for several months.

SEN. ZAFFIRINI: Now, I can't speak for
the 77 counties, but I know that for the ones in my
district that have been closed or temporarily closed --
in fact, I mentioned earlier that in my district there
are -- there is one office that has wheelchair
accessible barriers, there are two counties that have no
offices, four counties in which the offices have been
temporarily closed and one that is open three days or
fewer per week.

Now, in the counties in my district, there
is a digital divide. So it's easy to say "renew
online," but when you're dealing with counties where
there is a predominantly low income, minority population
and there is a digital divide, imagine the impact. Do
you have any data relating to addressing those issues
and how to increase the accessibility of the residents
of those counties to your particular services?

MS. DAVIO: One of the elements of the
business intelligence analysis project that we're doing
is actually to try and get information to understand
where people have connectivity and aren't using that.
Maybe they don't know that they can renew online and
being able to encourage people to do that there, but
that would also give us information about where people
don't have accessibility.

SEN. ZAFFIRINI: Thank you. Judge Garcia
writes, "This has caused quite a bit of inconvenience

and consternation for our drivers and potential drivers
in this county when they need driver's license renewals,
driver's licenses," et cetera, and you can imagine the
consternation and the inconvenience that they are
suffering.

There's been some reference to how long
persons have had to wait to get their driver's license,
and I know that before we got our driver's license in
Laredo, the big joke -- and it wasn't really a joke. It
was a cruelty joke because it was so true -- is that
persons who were waiting for their driver's licenses
could stand in line, order pizza, receive it and eat it
and still be waiting for their driver's license.

Now, there has been some improvement in
that, but I wonder what kind of inconvenience we're
talking about when we're talking about these long, long
lines in the different counties. And if that isn't bad
enough, dealing with the issues related to the counties
that don't have any offices.

And you, I understand from your exchange
with Senator Van de Putte, do expect more offices to
close, at least temporarily -- is that correct -- in the

SEN. ZAFFIRINI: This has caused quite a bit of inconvenience
and consternation for our drivers and potential drivers
in this county when they need driver's license renewals,
driver's licenses," et cetera, and you can imagine the
consternation and the inconvenience that they are
suffering.

There's been some reference to how long
persons have had to wait to get their driver's license,
and I know that before we got our driver's license in
Laredo, the big joke -- and it wasn't really a joke. It
was a cruelty joke because it was so true -- is that
persons who were waiting for their driver's licenses
could stand in line, order pizza, receive it and eat it
and still be waiting for their driver's license.

Now, there has been some improvement in
that, but I wonder what kind of inconvenience we're
talking about when we're talking about these long, long
lines in the different counties. And if that isn't bad
enough, dealing with the issues related to the counties
that don't have any offices.

And you, I understand from your exchange
with Senator Van de Putte, do expect more offices to

close, at least temporarily -- is that correct -- in the
next fiscal year?

MS. DAVIO: If the equipment fails in our mobile offices, we will have to close those offices.

SEN. ZAFFIRINI: And have you looked at Senate Bill 1 thoroughly yet?

MS. DAVIO: I'm sorry?

SEN. ZAFFIRINI: Have you looked at Senate Bill 1, the appropriations bill, thoroughly yet?

MS. DAVIO: I have not done any detailed analysis of that, no, ma'am.

SEN. ZAFFIRINI: So you have no idea what -- how that budget will impact you at this point in time?

MS. DAVIO: No, ma'am. I know people at -- the experts at our agency are looking at it now.

SEN. ZAFFIRINI: Well, when you have that information -- I assume that you will -- would you share that with us, please?

MS. DAVIO: Yes, ma'am.

SEN. ZAFFIRINI: From your perspective.

Thank you very much.

Thank you, Mr. Chairman.

CHAIRMAN DUNCAN: Senator Williams?

SEN. WILLIAMS: Thank you, Mr. Chairman.

Just a couple of things that I wanted to clarify. And I guess, first of all, I wanted to thank Senator Gallegos and Senator Whitmire because I really wasn't that familiar with people who had their licenses confiscated or taken away because of the driver responsibility plan.

Now, by the way, if you have your license confiscated, what kind of traffic offense would you have had to have been involved in for law enforcement to take your -- confiscate your license? Do you know? It doesn't have to be an exhaustive list, but just --

MS. DAVIO: The major reason that people give those particular forms apart -- away, that law enforcement issues those, as I understand it, is for intoxication offenses where they've failed or refused to provide a specimen.

SEN. WILLIAMS: Okay.

MS. DAVIO: That's my understanding.

SEN. WILLIAMS: So if you refused to take a breathalyzer test or give blood, then they'll take your license away?

MS. DAVIO: That's my understanding, sir.

SEN. WILLIAMS: Okay. Now, that person can apply for a temporary license, a work permit, you know, to be able to get back and forth to work.

MS. DAVIO: They may be able to, yes, sir.

SEN. WILLIAMS: And they could come and get a state ID -- correct -- at no cost if they wanted to have it to vote?
MS. DAVIO: Yes, sir, they could.

SEN. WILLIAMS: Okay. And then what about if you had your license taken away because of -- what kinds of things under the driver responsibility? Are those also going to be a lot of speeding tickets? I guess it could be. Or more than likely it's going to involve a DWI since we have one of the worst records of any state in the country on that, I believe?

MS. DAVIO: It could be DWI. It could be driving while your license is invalid. It could be traffic offenses as you mentioned, driving without insurance.

SEN. WILLIAMS: So the bottom line is these law breakers would be inconvenienced by having to go get a free ID so they could go and vote if that's -- if they wish to exercise their constitutional responsibility. Is that correct?

MS. DAVIO: Yes, sir. They would be able to get an ID.

SEN. WILLIAMS: Okay. And then how often would -- once you had this state ID card and assuming that you were a citizen and you had met all the requirements that it took to get the license or the state ID card, how often would that be renewed? How often are they going to have to appear in person to get that renewed?

MS. DAVIO: The ID cards just like the driver licenses are good for six years, and it is possible to renew them online.

SEN. WILLIAMS: Okay. So it could be 12 years?

MS. DAVIO: Yes, sir.

SEN. WILLIAMS: So they would be able to vote with that ID card at least six and maybe 12 years?

MS. DAVIO: Yes, sir.

SEN. WILLIAMS: Okay. That -- okay. I just wanted to make sure that we had cleared that up. Thank you very much. I really appreciate you hanging in here with us tonight.

MS. DAVIO: Thank you.

SEN. WILLIAMS: I did have one last question. Excuse me, Mr. Chairman, if I could. The other thing I wanted to ask is, in a moment when we have the Secretary of State's Office up here, I'm going to talk to them, and I visited with you about it, I'm hoping that we can take your driver's license file and cross-match that with the voter registration files and try to find that group of people who are voting and registered to vote, but they don't have a driver's license or a state ID card so that we can focus our...
efforts on education on -- especially on that group.

Now, would you be able to do that, provide
that information to the Secretary of State's Office
with -- under the current resources that you have? And
I'm not going to ask you about the next biennium's
budget. We're just trying to get through this biennium
now. But under the current biennium, would you be able
to provide that information to the Secretary of State
with the resources?

MS. DAVIO: They already -- they already
have the information, and I believe they are working on
the analysis now.

SEN. WILLIAMS: Oh, okay. Great. Boy,
y'all are quick. Thank you.

CHAIRMAN DUNCAN: Okay. Thank you.

We have a few more -- a few more questions
from -- this witness has been going about an hour and
ten minutes.

Senator West?

SEN. WEST: Thankyou, Mr. Chairman. I'm
not going to be redundant. I just have a couple of
requests. Can your office provide an analysis of how
long the average wait in each one of the offices that
you have -- what is the average wait in order to get a
driver's license? I assume that you have that sort of
an analysis.

MS. DAVIO: Actually, sir, currently we do
not have that information. We have anecdotal
information, but we do not have wait times. We're in
the process of installing a queuing system in our 50
largest offices. And so in a matter of months I'd be
able to provide that information for you in our largest
offices, but I do not have any complete information for
wait times in our offices.

SEN. WEST: Give us the best guesstimate
that you have. I assume that there are conversations
about wait time that you have internally. And, you know
just make sure you just qualify it based on what you
have. It's not -- it's not a perfect example, a perfect
study or anything like that, but get us -- give us the
best estimates that you have concerning that. Okay?

MS. DAVIO: The average wait time?

SEN. WEST: Yes.

MS. DAVIO: In all of our offices?

SEN. WEST: Yeah, broken down by office,
so I don't just want a global -- to the extent that you
can. And what you may want to do is just contact the
offices and get an idea from the individuals that are in
the offices.

As you go about implementing this

particular identification procedure, have you given an
idea as to whether or not you are going to be using

TX_00001096

JA_001095
troopers or civilian employees to do this?

MS. DAVIO: There really aren't troopers in the driver license division anymore. That was a recommendation from the Sunset Commission. So there are no commissioned troopers in the driver license office.

SEN. WEST: So it would be civilian employees?

MS. DAVIO: Yes, sir.

SEN. WEST: All right. Thank you.

CHAIRMAN DUNCAN: Senator Gallegos?

SEN. GALLEGOS: Let me ask you, Rebecca -- and I'm sorry you drew the short straw. And Senator West asked the question I was going to ask you, but Senator Williams brought up an issue that, you know, I disagree with him. When you're stopped, it's an alleged -- you're not a law breaker, it's an alleged.

You know, I'm not the jury, and I'm not the judge. So that person that's stopped is not guilty until he or she has their day in court.

So when you confiscate the license, you have confiscated on an alleged offense. And until he or she has their day in court and they are convicted, then you can call him or her a law breaker. So I disagree with Senator Williams. Is that correct? I mean, am I wrong? Am I wrong? When you arrest that person, is he or she convicted right then and there?

MS. DAVIO: No, sir.

SEN. GALLEGOS: So you're telling me they are not guilty until they have their day in court. Is that correct?

MS. DAVIO: I believe that's the way the legal system works.

SEN. GALLEGOS: I didn't hear you. I'm sorry.

MS. DAVIO: I believe that's the way the legal system works.

SEN. GALLEGOS: Okay. So that person -- that person that has that temporary license is innocent until proven guilty. Is that correct?

MS. DAVIO: You're asking me to testify on something that's outside my area of expertise, sir. I don't -- I don't know the intricacies of traffic --

SEN. GALLEGOS: The document that your office gives these law enforcement agencies when somebody is stopped either on DWI or whatever issue, whatever issue when you confiscate a license, that person is innocent until proven guilty under the -- under the temporary license that I'm seeing here, that has your language on it, that you give to these law enforcement agencies when you stop these people. Is that correct?

MS. DAVIO: As I understand it, a DWI, if
they get a mandatory suspension, that does not start
until after their conviction.

SEN. GALLEGOS: After a conviction?

MS. DAVIO: Yes, sir, for a --

SEN. GALLEGOS: So when you stop that
person, that is not a conviction?

MS. DAVIO: Or DWI mandatory suspension.

SEN. GALLEGOS: That is not a conviction, though?

MS. DAVIO: Just shopping them I don't
believe is a conviction.

SEN. GALLEGOS: And you give they one of
these licenses. You have confiscated their license and
have given them a temporary. Is that correct?

MS. DAVIO: Law enforcement does that,
yes, sir.

SEN. GALLEGOS: Well, you gave them the --
(Simultaneous discussion)

MS. DAVIO: We simply give them the form.

SEN. GALLEGOS: You give the law
enforcement this paper. It has your language on it. Is
that correct?

MS. DAVIO: Yes, sir. That is our form.

Yes, sir.

SEN. GALLEGOS: Okay. Thank you.

CHAIRMAN DUNCAN: Senator Wentworth?

SEN. WENTWORTH: I'm going to be very
brief and thank you for your testimony this evening and
tell you that this probably happened before you arrived
here in June of last year. But there were some
considerable complaints from people in my district in
north Bexar County --

MS. DAVIO: Uh-huh.

SEN. WENTWORTH: -- about a driver license
office on Perrin Beitel Road --

MS. DAVIO: Uh-huh.

SEN. WENTWORTH: -- where I can testify
anecdotally, as you have, that it was an hour or
longer --

MS. DAVIO: Yes, sir.

SEN. WENTWORTH: -- about the wait.

MS. DAVIO: Yes, sir.

SEN. WENTWORTH: And there were enough
complaints over the years that you all let the lease
expire.

MS. DAVIO: Yes, sir.

SEN. WENTWORTH: And then you found a new
location on Pat Booker Road out near Randolph Air Force
Base, and my constituents are very pleased with that
improvement and were grateful that that improvement has
been made.

MS. DAVIO: Thank you so much.
SEN. WENTWORTH: Thank you.

MS. DAVIO: I appreciate that. It's nice to hear a good story.

SEN. WENTWORTH: You bet.

CHAIRMAN DUNCAN: Thank you, Senator Wentworth.

Are there any other questions of the resource witness?

(No response)

CHAIRMAN DUNCAN: All right. Thank you very much, Ms. Davio.

MS. DAVIO: Uh-huh.

CHAIRMAN DUNCAN: All right. The Chair calls Ann McGeehan, Secretary of State's Office. If you'll state your name and who you represent, please.

TESTIMONY BY ANN McGEEHAN

MS. McGEEHAN: Ann McGeehan, and I'm Director of Elections in the Texas Secretary of State's Office.

CHAIRMAN DUNCAN: All right. Thank you, Ms. McGeehan.

The Chair recognizes Senator Davis.

QUESTIONS FROM SENATE FLOOR

SEN. DAVIS: Hello. Good evening. Thank you so much for being here with us to provide answers for our questions. I know you've had a long day. I just want to ask you a few questions about the current state of voter education as it's taking place today in the Secretary of State's Office. Can you describe for us the use of the HAVA funds and how those are currently being used today?

MS. McGEEHAN: We received -- when Congress passed the Help America Vote Act, the state of Texas received a set amount of funds. And pursuant to the Help America Vote Act, there are certain purpose areas that we can use those funds for, and one of the purpose areas is voter education. So since two -- we have conducted three statewide education -- voter education programs, one in 2006, one in 2008 and one in 2010 using those federal dollars. And they have been -- we've worked with a public education firm to do research, and then they develop creative material. We run PSAs on TV, radio. In this last cycle, 2010, we used the Internet quite a bit as well.

SEN. DAVIS: And how many people do you think you reach through your voter education efforts right now? And how much have each of those cycles of voter education effort cost?

MS. McGEEHAN: The average cost is about $3 million for each one, around that amount. As far as the number of people we've touched through the campaign, we do have some reports on that. I don't have that.
number at my fingertip, but we have a report for each
one of the voter education campaigns that talks a little
bit about the effectiveness and how many people saw the
media spots and things of that nature.

SEN. DAVIS: And are the Help America Vote
Act funds funds that are continually given to the state
from the federal government, or was it a one-time
disbursement that's been used over the course of those
three cycles?

MS. McGEEHAN: It was authorized in that
one bill. We've received it in about three or four
separate payments. We don't contemplate that we're
going to be receiving any more.

SEN. DAVIS: And what was the total amount
that was given to Texas?

MS. McGEEHAN: Let me grab that. The
total amount for all the purpose areas is $224,092,477.

SEN. DAVIS: That's the amount that was
given to the state of Texas?

MS. McGEEHAN: Yes.

SEN. DAVIS: Okay. And so of that amount,
how much have we spent so far?

MS. McGEEHAN: Let's see here. We -- I
think we have spent $177,798,488.

SEN. DAVIS: Okay. And you described
spending about $3 million over the last three two-year
cycles. How have we spent the balance of that?

MS. McGEEHAN: Well, I mean, the bulk of
the money or about half of the money went to counties to
obtain HAVA compliant voting systems, electronic voting
systems that made -- that complied with HAVA and allowed
disabled voters to vote independently. So let's see.
$140 million went to the counties for that purpose.
The other program areas are for developing
a statewide voter registration system. We've spent
25 million on that. And then as far as the
administrative expenses, we've spent about 2.8 million
on that. For voter education, we've spent 9.5 million
so far.

SEN. DAVIS: And what are the -- setting
aside the requirements of the bill that's being
introduced today, what are the intended plans for the
balance of that money? Were this bill not to come
forward to your department, what would the intended use
for those funds be?

MS. McGEEHAN: I can't speak necessarily
for, you know, exactly what would be done in the next
general election cycle, but I would contemplate we would
do another statewide voter education program in 2012,
and if funds remained in 2014.

SEN. DAVIS: Is there a plan for ongoing
capital expenditures as you talked about, which was the
use of the bulk of the funds that we've received so far?

MS. McGEEHAN: Yeah. There are --

there's 24 -- roughly $24 million left in the -- in the
purpose area for grants to counties to obtain voting
equipment.

SEN. DAVIS: Okay. And so after you take
out that 24 million, what will the balance be that
remains for voter education efforts?

MS. McGEEHAN: Well, that's -- that's
already frozen as far as the -- in order to draw down
those funds, the state had to submit a state plan. We
had to meet with stakeholders, publish in the Register
and submit it to the Election Assistance Commission.

And so pursuant to that state plan, we had to define how
we were going to spend the money, and so these -- the
budget that I discussed is following that state plan.

SEN. DAVIS: Okay. And under that state
plan right now, what portion of funding remains for
voter education?

MS. McGEEHAN: For voter -- okay. And
actually to be more precise, what the -- the purpose
area for voter education is for voter education and also
for election official and poll worker training; that's
grouped. And the amount remaining is between 5 and
$7 million.

SEN. DAVIS: Okay. And that is expected
to extend us or to take us through the next how many
years under that plan?

MS. McGEEHAN: It will -- again, it's
going to depend how extensive our next few voter
education programs are because that's what the bulk of
the money has been spent on, voter education programs.
The average is about 3 million. So I guess the hope
might be for at least two other statewide voter
education programs.

SEN. DAVIS: Okay. And I'm sure you've
seen the fiscal note that was a part of this bill. And
by the way, I think it would be very helpful if you
would enter that state plan into the record as an
exhibit for our further use.

I'm sure you've seen the fiscal note that
came as a part of this bill in terms of the expected
expenditures. Part of that note talks about a fiscal
impact that's related to researching and developing ways
to inform the public of the new ID requirements. That's
$.5 million expenditure, an additional cost of
1.5 million for media advertisements, television, radio,
print and Internet. That's specifically to educate
voters about the new requirements under this bill.

What will go undone that's currently in
the state plan -- if we take 2 million of the 5 million
remaining, what will go undone that's currently in the
state plan in terms of voter education effort?

MS. McGEEHAN: I don't know that I have an
exact answer to that. If we're able to incorporate the
new voter ID requirements that would be required by this
bill into a voter education program, then maybe we
wouldn't need 2 million just for the voter ID. We could
parlay that into the -- basically the voter education
campaigns that we've done or the voter education
programs have been to educate voters on the basic rights
on how to vote, what you need to vote. So it may not be
such an extension to incorporate these new requirements
for voter ID, or they may. I mean, depending on the
research that we get back from stakeholders and whatnot,
but it's hard for me to say today exactly how much that
may take away from future voter education efforts.

SEN. DAVIS: When was the last time in the
state of Texas we made any changes of significance to
the voter rules?

MS. McGEEHAN: Probably the -- when we had
to implement the federal Help America Vote Act. That's
when provisional voting became a requirement. There
were significant changes to voter registration as to
what's required to become a registered voter, and that's
why we have these HAVA dollars for voter education.

SEN. DAVIS: And that began in '06.

Correct?

MS. McGEEHAN: Correct.

SEN. DAVIS: Okay. In '06, the Texas
evoter registration application form changed in
accordance with those requirements, it's my
understanding, and that's when we began to collect this
data that requested a driver's license number or a
social security number. Is that's correct?

MS. McGEEHAN: That's correct.

SEN. DAVIS: Okay. So we have data, I
guess, only from '06, and that would -- would that only
be then for new registrants from '06? If I had already
registered to vote prior to that, you wouldn't have that
information from me.

MS. McGEEHAN: That's right.

SEN. DAVIS: Correct?

MS. McGEEHAN: That's right. It was
voluntary before. So we have some TDLs and SSN numbers
from -- but it wasn't required until 2006.

SEN. DAVIS: So we've been able to gather
that information from that point in time for people who
are newly registering to vote in the state of Texas. Of
that group, how many people or what percentage of people
are answering one or both of those questions in response
to No. 8 versus signing the attestation clause in
Section No. 9?

MS. McGEEHAN: Are you asking the number
SEN. DAVIS: Let me -- let me break it down better.
MS. McGEEHAN: Okay. Okay.
SEN. DAVIS: So under Question No. 8, what percentage of people currently who are requesting a voter registration card, who are filling out the application starting in '06 with this new form, what percentage of people are providing their Texas driver's license in response to the questions on the application?
MS. McGEEHAN: Okay. I don't have the percent number, but the actual number is 2.3 million since 2006. Since January 1, 2006 through December 31, 2010, 2.3 million, when they registered, provided their driver's license number.
SEN. DAVIS: What's the total number of applications in that time period?
MS. McGEEHAN: And the total number -- I think it's going to be just under 3 million, and I'm doing math on the fly. I might have to -- I'd prefer to give that --
SEN. DAVIS: Can you provide that information --
MS. McGEEHAN: Yes.
SEN. DAVIS: -- to us?
MS. McGEEHAN: Yes.
SEN. DAVIS: That would be appreciated.
So what's the number of people who are not filling out either the driver's license number or the social security number in Section 8 but instead are going to Section 9 and signing the attestation clause of Section 9?
MS. McGEEHAN: And that's the attestation clause saying they have not been issued either form of ID?
SEN. DAVIS: (Nodded)
MS. McGEEHAN: Yeah, that number is 34,506.
SEN. DAVIS: Okay. Do we have any -- any estimate of the number of people who are currently registered today? If we've only been gathering that information since 2006, do we have any kind of an estimate of the number of people who are currently registered to vote today who do not have a driver's license number to provide?
MS. McGEEHAN: Well, if we -- if we look at our entire statewide file, we have 5.2 million voters that did provide a driver's license number or an ID number. We have 2.1 million voters that present -- that provided a social security number. 4 million of them provided both. And then the numbers that have neither -- or the voters that hadn't provided either one
SEN. DAVIS: But the question wasn't asked. It was -- I guess as you said, you could voluntarily provide that information prior to '06.

MS. McGEEHAN: Well, it was asked, but it was optional. It was on the form.

SEN. DAVIS: Uh-huh. Okay. So we really don't know how many of that group were answering the question voluntarily because they have the number versus those who were not answering it, not because they chose to, but because they did have their driver's license number?

MS. McGEEHAN: Yes, you are correct. That's right.

SEN. DAVIS: So when we're putting together an estimate of what the cost to educate our voters is going to be and when we think about how significant the changes are that are addressed in this bill, what's your -- what's your process been to try to determine how many people will be impacted and what that voter education is going to need to look like?

MS. McGEEHAN: Well, we -- I mean, to be very honest, we haven't done much planning yet. We prepared this fiscal note on Friday. That would be obviously a very important component is trying to identify who the appropriate audiences are, who you need to get the information out to.

Senator Williams had approached us earlier today to see if we could do some comparisons to try and further focus in on who those registered voters are that don't have -- or have not been issued a driver's license or a personal ID number. So we're trying to run some of those numbers right now.

SEN. DAVIS: I guess a confusion for me is how we came up with the $2 million fiscal note for that and yet we don't really know, as you said a moment ago, we don't really know how many people will be impacted by it and what that statewide voter education effort is going to need to look like. So where did the $2 million number come from?

MS. McGEEHAN: Well, the $2 million number came from the way the bill is written because the bill simply says "a statewide voter education effort." So there's not too much detail in the bill as to what's required. Our assumption is that our previous voter education programs might be the model, and they've been around 3 million. And plus, we also noticed that last session the Senate put a $2 million fiscal note on it.
So we thought, well, maybe that's some representation of legislative intent as to what an appropriate voter education program might cost, but --

SEN. DAVIS: So we've had voter education efforts in the past that have cost about $3 million each time we've engaged in the voter education effort. We're talking today about making some sweeping changes to what's required in order to vote in the state of Texas.

Why is the number to educate -- on such a sweeping change for what will likely be a much larger group of impacted people in the state of Texas, why is that number so much lower than the $3 million number that's currently being spent for voter education?

MS. McGEEHAN: Well, if the -- if a $2 million program is added into an existing $3 million program, then you've got a $5 million program. I mean, our voter education under HAVA is directed to all registered voters. And so, you know, a new voter -- a new photo ID requirement would also need to be directed to all registered voters because it's a change for all voters.

SEN. DAVIS: So we're talking about -- I'm sorry to interrupt you. We're talking a $2 million addition to the $3 million that was already intended for voter education in this next two-year cycle.

MS. McGEEHAN: Possibly, possibly. I mean, we -- you know, we've got a communications director that would have some input on that. This fiscal note represented what we thought might be a reasonable fiscal note. If we have, you know, legislative direction to take it a different way or do additional outreach, that's fine. But based on the way the bill was written and based on the fiscal note filed last time, we thought that was a reasonable number.

SEN. DAVIS: So let's say we spend about a total of $5 million in the next two years with our intended voter education effort that's already been planned and with an additional cost for educating on the requirements of this proposed new law. That's about the balance of the voter education fund right now. Is that correct?

MS. McGEEHAN: Well, it's about -- we've spent 9 million. I think the balance -- yeah, the balance is between 5 and 7 million. That's correct.

SEN. DAVIS: Okay. So that will take us through about what -- how long of a period of time will that take us through?

MS. McGEEHAN: If we used 5 million to do a voter -- a general voter education plan and then another 2 million to do a detailed photo -- photo identification plan, that might -- that might use it up.

SEN. DAVIS: And if it uses it up, what
will we do in future years to educate our voters about
these requirements?

MS. McGEEHAN: Well, frankly -- I mean, state law has never appropriated state funds to educate voters. So, you know, these federal funds have been really nice to have them to do that. We never had that kind of funding before. So if there's a desire to do voter education programs of this -- of this type, then we would need state appropriation.

SEN. DAVIS: So these federal funds will take us basically through a one-time voter education drive on the requirements of this new law, but it's not going to take us further than that?

MS. McGEEHAN: Not if we use it all, not -- it could possibly use up the remainder of the voter education funds.

SEN. DAVIS: Okay. So we've talked about the voter education. Talk to us a little bit about the costs of training the poll workers and the registrars.

MS. McGEEHAN: We currently have several training programs for -- well, we have training programs for the county election officials and then other training programs for the poll workers. We have an online training program. We have a video. We have handbooks. So we would have to update all of those -- all those different formats of training.

SEN. DAVIS: And what's the anticipated costs for updating all those forms of training?

MS. McGEEHAN: We don't usually put a fiscal note when there's a change in state law and we have to change and update training like that because at least it's always been considered that is part of our mandate in election administration. So when we get appropriation under the election administration umbrella, our statutory mandate is to train and assist election authorities.

SEN. DAVIS: And what's happened to your -- your budget, not only in this current biennium that we're in, but the proposed budget going forward?

MS. McGEEHAN: We're still digesting that as far as on the House side. I don't know about the Senate side yet. But on the House side, I believe we took about a 14.5 percent budget reduction on the House -- HB 1 bill.

SEN. DAVIS: So we're talking about a fairly dramatic budget cut for your agency while at the same time we are talking about adding some very significant requirements in terms of the changes that you would need to make to your training programs and materials for purposes of educating election workers and county administrators on the new rules that would be implemented in this bill?
MS. McGEEHAN: That's correct.

SEN. DAVIS: And there's no fiscal note currently estimated for what that cost might be?

MS. McGEEHAN: It's my understanding that when we've been asked to prepare fiscal notes for these kinds of issues, we have not added a fiscal impact for something that's already a statutory duty. As we analyze HB 1, maybe we're going to have to revise that, but at least our standing policy was if it was a statutory duty that we're already charged to do, that we don't put an additional fiscal note on it.

SEN. DAVIS: Are you concerned that you're going to find yourselves fairly flatfooted in terms of not being prepared with the resources that you need, to train election workers and to train county administrators on the requirements of this new law facing the budget cuts that you're facing without a fiscal note that's going to add resources to your department for purposes of carrying out these requirements?

MS. McGEEHAN: I think all state agencies in the state have concerns about providing the services they are charged to provide in light of significant budget cuts. But on the issue of training, the analysis was that that was not going to cost anything additional as to what we've already been appropriated.

SEN. DAVIS: And do you agree with that, that it's not going to cost anything additional for your agency to provide the training for the significant changes in the law that will be imposed if this bill is passed into law?

MS. McGEEHAN: Well, after every session, we have to change all our materials. And, you know, maybe I can talk to our fiscal officer and maybe we'll start putting in fiscal notes for these kinds of things, but it has been our policy not to add a fiscal note for something we're currently doing under state law and funded for.

SEN. DAVIS: And so the change in materials is all that would occur? If I'm an election worker in the state of Texas and I'm facing some pretty significant changes -- and I have to tell you I've read this bill numerous times, and I'm still confused in terms of what it would require of me as an election worker. Is that the only costs that we assume will be incurred, is the cost of the change of the material? Isn't there some training -- active training that has to occur to be able to make sure that the election workers and the county administrators who are tasked with carrying out this new law will understand exactly what's expected of them in terms of its implementation?

MS. McGEEHAN: We do -- we do, I think,
pretty extensive training right now. I mean, in an odd numbered year, we hold four seminars, and we have very good attendance from our county election officials. So I would be certain that our August county election official seminar will be heavily -- if this passes will heavily emphasize these new rules.

To go back to the federal funds, which we know are limited, the grant for voter education also includes election official training and poll worker training. So if there are any remaining HAVA dollars in that category that we don't use on voter education, we could perhaps use to additional -- to develop additional training materials.

SEN. DAVIS: Yes, and we talked about that a moment ago, and you did state on the record that that category of 5 to $7 million that's remaining is the entirety of the federal resource that you have available to you right now, both for voter education and for training purposes. And we've also talked about the fact that the expectation and the demand on that particular fund for public education is going to take the significant balance that remains there. Correct?

MS. McGEEHAN: Right. Well, just to be clear, the remaining balance in the HAVA is all we have for voter education, but there are some state funds -- I don't think it's a lot -- but that would go towards updating handbooks and video and things like that that we normally produce as training materials.

SEN. DAVIS: When the Help America Vote Act was implemented and in '06, as you said, that was the first significant change that's been made or it's the most recent significant change that's been made in election laws in the state of Texas in terms of the requirements of your agency and the training of your agency, did the costs that your agency realize as a result of the training component for HAVA increase as a result of those new requirements?

MS. McGEEHAN: We -- what we did do was develop an online training component. So we used a portion of the HAVA dollars to develop an online training component, which was in addition to our other training. I could get -- I don't know the cost of that, but I could get you the cost.

SEN. DAVIS: It would be a helpful number to have.

There's also a discussion in terms of the fiscal note on this bill, including a coordinated voter registration drive or other activities that would be designed to expand voter registration. What would the costs of such a registration drive be? It's on Page 2 of the fiscal note.
MS. McGEEHAN: Okay. I think that what
that is referring to is that at the end of Senate
Bill 14, there's a reference that says county voter
registrars can use Chapter 19 funds to defray costs in
conducting a voter registration drive. But I don't see
anything -- and I may have missed it -- but I don't see
anything in Senate Bill 14 that requires a voter
registration drive. I think it's -- what that section
in the bill is doing is trying to make clear that these
funds, which are -- go to county voter registrars to
enhance voter registration could be used to do voter
registration drives, but I don't see anything that
requires a voter registration drive in Senate Bill 14.

SEN. DAVIS: What resources currently are
expected of our local governments in carrying out the
training and the public awareness programs under our
election code.

MS. McGEEHAN: The -- there's no state law
requirement to do voter education by the county
officials. Most of them do it as a public service
because they want to, but there's not a mandate under
state law to do that.

Under Senate Bill 14, there's required
training of poll workers on the new photo ID
requirements. And I may have missed part of your
question.

SEN. DAVIS: And that required training is
to be done at the county level. It's expected that the
county will fulfill that requirement through their own
resources?

MS. McGEEHAN: Well, they are required to
use the Secretary of State materials. I think that the
election code gives them discretion as to how they
implement it and how they conduct their training.

SEN. DAVIS: So it's foreseeable that at
the county level increased costs will be realized as a
consequence of the expectations of this bill?

MS. McGEEHAN: Most counties conduct
training today. So they would just be incorporating
another component into their training program.
Depending on how they handled it would impact how
significant the fiscal impact would be in that county.

SEN. DAVIS: If I'm a voter today and I
want to go to the bill itself in terms of making sure I
understand what would be expected of me under today's
rules versus under the rules of the new bill, if I'm a
voter today and I come in to vote and I don't have my
voter registration card, instead I have an ID, I have a
state issued ID, I have a valid driver's license, and my
driver's license shows a different name than is
currently on the roll because I've married or I've
divorced, how is that situation handled today?
MS. McGEEHAN: State law doesn't directly address it. So I think that as a practical matter what's happening is the poll workers are making judgment calls as they qualify those voters for voting.

SEN. DAVIS: But they are not being given guidance or rules or requirements in terms of how they are to deal with that situation today?

MS. McGEEHAN: No.

SEN. DAVIS: It's within their discretion?

MS. McGEEHAN: At this point. I mean, state law is silent on it, and our office has not issued any guidance on it. So we're hearing a lot about that today. That's definitely something we'll probably need to look into, but right now there is no rule or statute on that issue.

SEN. DAVIS: Okay. And today if I go to vote and my identification that I use for purposes of voting has a different address on it than is listed on the precinct roll, I think it's the interpretation today under 2004 Secretary of State opinion that I am asked for my correct address, and I am to be believed if I say that my address is the address that's on the precinct list as opposed to what might be on my ID?

MS. McGEEHAN: I think that's basically correct. The purposes -- you know, showing ID today is only for purposes of proving who you are. It's not to prove where you live. So independent from the requirement to show ID, either certificate or one of the other authorized ID, there's a separate requirement in the code where the election -- where the poll worker has to ask every voter "Have you moved," so regardless of what ID they show. And if they say yes, they've moved, then they have to sign a statement of residence and update their information. If they say no, they haven't, they still live at the address on the list of registered voters, then they are permitted to vote.

SEN. DAVIS: And what is your understanding of whether -- how or whether that would change under the requirements of the new bill if everyone now is going to come in with a state-issued ID or a driver's license? If the address on that ID does not match the address that's on the voter file, how is that to be handled going forward if this bill were to pass into law?

MS. McGEEHAN: My current understanding is that that process wouldn't change, that the purpose of SB 14 is, again, just to prove up ID, not prove where you reside.

SEN. DAVIS: And what steps would the Secretary of State's Office engage in to assure that the ID wasn't being used to establish an understanding of the voter's residency?
MS. McGEEHAN: Would definitely, I think, be included in our training materials to emphasize that.

SEN. DAVIS: Currently, is there any information that the Secretary of State's Office gathers that breaks down by category voters in the state? And when I say "by category," I mean by race, by gender, by disability, by age.

MS. McGEEHAN: We have some information. We have -- we have age for sure. On gender -- we have some information on gender, but it's not conclusive because gender is now -- it used to be a required element on the voter registration application. In 1995, it was taken -- or it became optional after the National Voter Registration Act. So we have some data on gender, but, again, it's not complete.

Regarding ethnicity, we really -- we don't have any information like that because it's not collected when a person applies to register to vote. The only data that we do have is we do have the number of voters that have an Hispanic surname. And so we can run the list of registered voters against this list of Hispanic surnames that is provided by the census department.

SEN. DAVIS: I'm sure you understand that one of the sensitive issues that will arise as a consequence of this legislation will be a question as to whether the implementation of this law creates a disproportionate impact on minorities, on seniors, on the disabled, on women. How will the Secretary of State's Office work to be able to answer those questions when they are asked if we currently don't track that data? And is there an intention to track it going forward?

MS. McGEEHAN: When we changed the voter registration application in '94, '95, due to the National Voter Registration Act, there was a long discussion regarding this issue of whether the state application should request a voter's race. The determination at that time, based on feedback from all the stakeholders, was not to do it because the thought was that might be intimidating to a minority voter, "Why are you asking, you know, what my ethnicity is? It doesn't impact whether I can register or not."

We can revisit that issue because in order to provide data, you know, if the legislature wants data like that from the Secretary of State's Office, we have to have some way to collect it. So we could revisit putting that question or adding that as a question to the voter registration application. I'd be happy to visit on ways where we could try and collect that, but right now we would not have the tools that we would need to be able to collect that data.
SEN. DAVIS: It seems rather important as implementation of this law advances that information be made available for the Justice Department review as well as any judicial review that might occur in terms of the impact of the implementation of the law. I believe that's all the questions I have for you. Thank you so much.

MS. McGEEHAN: Thank you.

CHAIRMAN DUNCAN: The Chair recognizes Senator West.

SEN. WEST: Thank you very much, Mr. Chairman. Many of the questions Senator Davis has already asked, but have you had a chance to look at the bill as introduced?

MS. McGEEHAN: Yes.

SEN. WEST: Okay. Do you happen to have it there in front of you?

MS. McGEEHAN: Yes, I do.

SEN. WEST: Okay. Great. Before I get into it, does this bill provide you any rulemaking authority?

MS. McGEEHAN: No.

SEN. WEST: Okay. So in interpreting the -- let me back up. Are you often called upon by county registrars to answer questions concerning issues that arise in local counties?

MS. McGEEHAN: Yes.

SEN. WEST: How do you normally decide those questions? Do you just look at the black and white law? Do you issue opinions? How is that -- what's that process?

MS. McGEEHAN: We issue opinions in a couple of different ways. We have a toll-free number. One is dedicated just for county officials. So if it's a fairly straightforward, simple question, we give a quick answer over the phone. If it's a -- if it's a less involved question, we might get an email. We'll give a response via email. If it's something that's hard or we're really interpreting several different laws or it's a new law and we feel like it has statewide impact, we want to make sure that everyone is operating under the same understanding, we'll issue an advisory.

SEN. WEST: Okay. And so an advisory or just depending upon the circumstances maybe an email opinion or something like that?

MS. McGEEHAN: Well, advisories are usually a little more -- it's like the most formal that we do.

SEN. WEST: Right.

MS. McGEEHAN: Yeah. Okay.

SEN. WEST: All right. Let me ask you to go to Page 4 of the bill.
MS. McGEEHAN: Okay. Can you tell me the section? Because I think I have a different format.

SEN. WEST: Okay. It's Section 7, and Section 7(c) and (d).

MS. McGEEHAN: Okay.

SEN. DAVIS: Let me know when you get there.

MS. McGEEHAN: Yes.

SEN. WEST: Okay. It's my understanding that the election officer that's being referred to in Section (d) is -- is the individual working at the poll. Is that right?

MS. McGEEHAN: Yes.

SEN. WEST: Okay. That person will be called upon in Section (d) to determine if the voter's name is on the precinct list of registered voters, and the voter's identity can be verified from the documentation presented. Is that correct?

MS. McGEEHAN: Yes.

SEN. WEST: Okay. In advising on that, will that be a strict interpretation? Let me -- this is what I mean. I think that some of the hypotheticals that were provided by Senator Davis may be illustrative of what I'm asking. My last name is West, W-e-s-t. And say that there's a typographical error where my name is spelled W-e-s on the voters' roll, precinct list, and then my -- but my identity I'm using my driver's license and it has "t" on it. How does a poll -- an election officer in that situation resolve that problem?

MS. McGEEHAN: That's a good question, and I don't think the bill necessarily defines what verification --

SEN. WEST: I know. Senator Fraser said I'd have to ask the Secretary of State that question. That's why I'm asking you that question.

MS. McGEEHAN: I think -- you know, based on the way the bill is written now and if we had to develop training materials for the poll workers on how to implement this, we would look to the best practices of the states that have implemented. I heard Indiana testify earlier today that they have written some guidelines. We'd look to that and try and incorporate the best practices on reasonable methods to verify the ID document against the list of registered voters.

SEN. WEST: Okay. But you would agree with me that in interpreting Section (c) and (d) without some sort of guidance would lend itself to a great deal of subjectivity; thus inconsistent application throughout the state?

MS. McGEEHAN: It could, yes.

SEN. WEST: Okay. As it relates to --

let's see. What page is it on? The next page, which
will be (h), it's in the same section.

MS. McGEEHAN: Okay.

SEN. WEST: Would you read Section (h) and tell me how you interpret that as the chief administrator of the election laws in the state of Texas next to, needless to say, Secretary of State?

MS. McGEEHAN: (h) reads, "The requirements for identification prescribed by Subsection (b) do not apply to a voter who: (1) presents the voter's voter registration certificate on offering to vote; and (2) was 70 years of age or older on January 1, 2012, as indicated by the date of birth on the voter's voter registration certificate."

The way I had -- until earlier this afternoon when Senator Ellis asked the question, I had assumed that anybody that is 70 years of age or older would not have to provide the photo ID. I think the wording is less than perfect. I think that's the intent, and I heard Senator Fraser, I think, answer that his intent is it would apply. You know, even if a person became 70 after January 1, 2012, they could still take advantage of this exception.

SEN. WEST: Okay. But would it be your suggestion that we need to reword that language to make certain that whether you're there or someone else -- I understand that you're here and you heard the discussion, but if for some reason you're not in the same position you're in right now, there's going to be someone else, and they won't have -- they will not have had the benefit of this discussion. So, therefore, do you think it would be advisory to -- advisory to reword that to make certain it's perfectly clear?

MS. McGEEHAN: I think so. If people are reading it inconsistent, it would probably help it if it were.

SEN. WEST: Okay. Now, a couple of other questions. As it relates to the counties, it's my understanding that you -- that your agency and maybe either yourself or someone working for you put together the fiscal note. Is that correct?

MS. McGEEHAN: Yes. Our agency put it -- I helped.

SEN. WEST: Okay. Did someone under your supervision contact local governments to determine the impact, the fiscal impact, that implementation of this will have?

MS. McGEEHAN: No, we did not.

SEN. WEST: That was done by someone else?

MS. McGEEHAN: I think LBB does that. We just -- we just --

SEN. WEST: Provided the information?

MS. McGEEHAN: Yeah. Right.
SEN. WEST: And based on your experience when these types of changes -- let me back up. How much experience have you had in this particular area, that is, the election laws, in administration of election laws?

MS. McGEEHAN: I have been working in the elections division for 21 years.

SEN. WEST: So you've had a little experience, huh?

MS. McGEEHAN: Yes.

SEN. WEST: Okay. All right. As it relates to when changes are made in state law of this nature, is there an impact, a fiscal impact, on local units of government when they have to make changes to comply with these types of changes or laws that are being suggested?

MS. McGEEHAN: I think it really depends on what the change is. You know, if there's a new mandate for a county or if the county has to do something different, then obviously there would be a fiscal impact.

SEN. WEST: Well, will -- and, again, drawing on your expertise, will counties have to do something different to implement this particular law?

MS. McGEEHAN: They will have to -- they are going to have to post information on their website notifying the public what the new photo ID requirements are.

SEN. WEST: Right.

MS. McGEEHAN: When they issue voter registration certificates, they are going to have to mail out -- which they have to mail out every two years under current law. The new certificates will have new language, but -- informing voters of the voter ID requirements, but that should be cost neutral because they are already mailing out the voter registration certificates.

The piece that I think might have a fiscal impact is the training. If the counties have to change up their training procedures much or do more training because they want to make sure the word is out to all their -- that might increase their training costs.

SEN. WEST: Okay. So there are some factors that need to be taken into consideration as to whether or not counties will be burdened with additional cost to implement this law. Is that correct?

MS. McGEEHAN: Yes.

SEN. WEST: Okay. And would it be a fair statement to say that the larger the county, the more of the burden -- of the financial burden -- well, that's not a fair question. Would it be a fair statement to say that...
the larger the county, the larger the potential financial obligation that they would have to encounter in order to implement the law?

MS. McGEEHAN: I think that's true, but I can hear small counties say that it might be proportional, you know, since their budgets are -- I mean --

SEN. WEST: Right. It's all relative to what your budgets are.

MS. McGEEHAN: Yeah.

SEN. WEST: But the fact is that that--

do you -- is there any -- you've read the fiscal note associated with this bill?

MS. McGEEHAN: Yes.

SEN. WEST: The $2 million that's in the fiscal note, does any of that go to the county to -- counties in order to implement this legislation?

MS. McGEEHAN: No.

SEN. WEST: So any cost that is not covered by the state for counties would be -- have to be borne by the counties. Right?

MS. McGEEHAN: Yes, yes.

SEN. WEST: Okay. Now, as it relates to -- is there any way that the Secretary of State's Office can give us -- do an analysis or get with the various counties to determine exactly what the fiscal impact of implementing this legislation would be?

MS. McGEEHAN: We could -- we could certainly solicit that information from counties and ask them what -- how they see this impacting them fiscally.

SEN. WEST: You could do that for each and every one of the counties?

MS. McGEEHAN: We can do it.

SEN. WEST: Mr. Chairman, I'd like to request that the Secretary of State's Office provides the Senate an analysis of -- I shouldn't say an analysis -- at least solicit from the various counties what the fiscal implication is going to be in order to implement this bill.

CHAIRMAN DUNCAN: Okay. I think, Senator, that will be an individual request from you, and then it can be distributed to all members of the Senate --

SEN. WEST: Okay. -- whenever it's done.

You know, I doubt that that will be done by the time we rise and report to the Senate.

SEN. WEST: Okay. We can't get it tonight?

(Laughter)

SEN. WEST: I'm just joking with you.

CHAIRMAN DUNCAN: You won't be a very popular guy if the --
SEN. WEST: I'd like --
(Laughter)
SEN. WEST: I'd like to get it as soon as possible, though.

Let's see. No further questions. Thank you very much.

MS. McGEEHAN: Thank you.

CHAIRMAN DUNCAN: Thank you, Senator West.

Senator Gallegos?

SEN. GALLEGOS: Let me ask you, I don't know if you heard my question earlier to Senator Fraser and he referred to you or the Secretary of State's Office to answer it. My concern was in the fiscal note that we ranked number two in the country in population. And Missouri ranks number nineteenth, and to implement their voter ID program, they came up with -- they only have 5.9 million people. We have 25 million. They came up with a fiscal note of 6 million in the first year and then 4 million in the second year for a total of 10 million second and third. That's $10 million. And you just -- I think earlier testimony with Senator Davis, you said once the 2 million runs out, that's it. Is that what you said?

MS. McGEEHAN: For -- yeah, the amount of money we have for voter education is limited. So when that runs out, that's all we have.

SEN. GALLEGOS: I guess my concern is if Missouri only has 5.9 million people, just to implement their voter ID program they start with 6 million in the first year and 4 million in the second and third year for a total of $10 million, for just 5.9 million folks, what are they -- you know, I don't -- what are they doing as far as when they are reading the bill? I heard that you said you're going by the bill, and that's how you came up with your fiscal note. Is that correct?

MS. McGEEHAN: Yes.

SEN. GALLEGOS: Okay. Well, then what are they doing that we're not or, you know, how can you -- you know, for $10 million for 5.9 million people and we're only going to spend 2 million, I mean, what's the difference?

MS. McGEEHAN: I am not familiar with the Missouri voter identification bill, and I did hear you ask that earlier today, but I've been trying to listen to all the questions. So we can -- we can research it and see. Some states actually provide more to their local county governments and print ballots and things like that. I don't know if that's the situation in Missouri, but I honestly don't know the answer to that question because I don't know what the Missouri voter ID law requires.

SEN. GALLEGOS: Well, it's a substantial
more amount of money than we're looking--

MS. McGEEHAN: Yeah.

SEN. GALLEGOS: -- at the fiscal note that

you have -- that you've given this committee on Senate

Bill 14. And I just -- it concerns me that that amount

of money, if somebody is doing -- in the formula or

methodology that you came up with that number -- I mean,

is that a true number? I mean, you know, as far as are

we really doing voter education that should be done, you

know, on 25 million people as opposed to what Missouri

is doing with only 5.9? I mean, it just -- I mean, that

would send up a red flag to me. Wouldn't it you?

MS. McGEEHAN: Sure. I would like to

understand those numbers because they are very

different.

SEN. GALLEGOS: You know, I -- if we're

going to mandate to Texans, you know, and then do it --
do a good educational program and Missouri is spending

$10 million on their folks and we're only spending

2 million on ours, I'd like to know what the -- what the

difference is. Are their people better than ours? You

know, do they deserve, you know, more education? You

know, I just -- you know, with the population as opposed

to our population, you know, I don't -- you know, I'm a

little concerned there. You know, are we cutting our

folks short? Are we really going to do what you're

telling us that you're going to do as far as educating

the public out there on this bill?

And it just concerns me that, you know, we

see -- and I haven't even taken a comparison of the

other states. And we're number two, and Missouri is 19,

and they are spending 10 million bucks. You know, that

would concern me, and I would hope it would concern any

of the other Senators on this floor. Are we, you know,

really going to do -- in implementing this bill, are we

going to educate those folks out there?

Now, you know -- and I'd like that answer.

I mean, you can't answer it now, I understand, but I

would like an answer to that.

MS. McGEEHAN: We'll get you an answer.

SEN. GALLEGOS: And a comparison on what

really your states that have implemented voter ID, how

much are they paying, you know, to implement the program

and what they do.

Now, on the fiscal note, it says you're

going to do TV and radio and some other things. I mean,

can you explain to this body the process on TV, or is it

going to be in different languages, or how are you going

to -- how are you going to split up the money? Who gets

the most? You know, I mean, it's not -- it's not

explained to us in the fiscal note how you're going to

spread the money around. And is that going to be

TX_00001118

JA_001117

21 accessible to us or how the process is going to be, or
22 how much money are you going to spend in Harris County
23 as opposed to Lubbock, Texas or wherever?
24  
25 MS. McGEEHAN: Yes, that would be

1 previously, we have detailed records that show, you
2 know, where the media ran, and so we would -- that would
3 be a part of any program going future.
4  
5 The way -- the way it has worked thus far,
6 the three statewide voter education programs that we
7 have done, is we've gone out for bid for a public
8 education firm. And then the first thing that firm does
9 is research, and they meet with stakeholders, and then
10 they craft the creative proposal. And then they turn
11 that into the actual media and do the media buys for TV,
12 radio and cycle, Internet and also print.
13  
14 For the PSAs -- and I'm not the expert on
15 this -- but I understand that we pay for a certain
16 amount, and then we get some earned credit where TV
17 stations will run them for free. If you pay them, you
18 know, to run it once, they'll run it three times and
19 only charge you for once, something along those lines.
20  
21 SEN. GALLEGOS: And is that going to be --
22 is there going to be access as far as different
23 languages in than budget?
24  
25 MS. McGEEHAN: Oh, yes. We -- our current
26 programs are in English and in Spanish, and in Harris
27 County, we've had a component for Vietnamese.
28  
29 SEN. GALLEGOS: Okay. Now, on Page 2 of
30 the bill under what y'all are going to do under voter --

1 under 31.012, Voter Identification, Senator West brought
2 it up about -- it says here you and -- your office and
3 the voter registrar of each county that maintains it
4 shall provide notice of the ID requirements as
5 prescribed by this change.
6  
7 Now, my concern there is, is at the county
8 level -- you know, I think Senator West brought it up --
9 is how much is going to be incumbent on each county, you
10 know? I and others here on this floor represent the
11 largest county, Harris County, and Harris County is
12 already starting to lay off, and they have a shortfall,
13 and they are laying off as we speak right now. So, you
14 know -- and I see what it says in the bill, you know,
15 that you're going to get together with them. I mean,
16 are they going to have the money? Or where is the -- if
17 they don't have the money, where is the other money
18 going to come from? Other than the 2 million you
19 already have prescribed here and any federal matches
20 that come in, where is that money going to come if those
21 counties cannot provide?
22  
23 MS. McGEEHAN: I think that the bill
24 assumes that counties have a website, and so this

requirement is that they post, you know, the information
about the new photo ID requirements that the Secretary
of State's Office will actually prescribe. So we will
send that out to the counties, and then they'll have to
post it on their website.

Now, in light of the fiscal
circumstances -- and Senator West has asked us to do a
survey -- we'll probably get some very detailed
information, you know, as far as the counties' fiscal
circumstances, if they are going to have to take down
their websites or, you know, where they are going to
have to cut.

SEN. GALLEGOS: Well, you know, with all
due respect, I mean, we can presume a lot of things, and
I could presume a lot of things, you know, just on
anything, but I can tell you right now -- I'm not
presuming -- I know that they're laying off in Harris
County right now. That's not a presumption. That's a
fact; that's a fact. And they're also furloughing in
the City of Houston.

So, I mean, it just concerns me that this
section here that says you're going to work hand-in-hand
with each registrar in each county, and if those
counties are already going through a budget shortfall
like we are, then how can you presume that they're going
to have -- I'm just saying that this bill presumes that
they're going to have a website and they're going to
have people to handle the education.

You can't presume anything if they're
laying off right now as we speak, and that's a fact.
Like I said, that's not a presumption. That concerns
me. And what I'm asking is that if that can't happen in
Harris County or any other county in this state, where
is the extra money? If they don't have, obviously, the
funds to provide what is prescribed under Senate Bill
14, where is that money going to come from?

MS. McGEEHAN: Well, you know, Senate Bill
14 doesn't make an appropriation to the county, so I
don't know the answer to your question on that because,
like I said, the bill -- I think the assumption is that
counties have a website. So if they're not going to
have a website --

SEN. GALLEGOS: But the bill prescribes
that you will work in conjunction with the county
registrar. Is that what I'm reading --

MS. McGEEHAN: Yes.

SEN. GALLEGOS: -- or am I reading the
wrong bill?

MS. McGEEHAN: Maybe I'm not -- the way I
read that was that we would provide them the wording,
the language that they would put up on their website.

SEN. GALLEGOS: Well, you're going to
provide them with that. But what about the bodies and
any other education that's prescribed by this bill? If
they don't have the bodies -- they're laying off bodies
right now.

MS. McGEEHAN: Yes.

SEN. GALLEGOS: Okay. And you see where
I'm going here?

MS. McGEEHAN: No, I understand.

SEN. GALLEGOS: And if you provided a
fiscal note, you know, that we're going by and that's on
every website in the State of Texas, everybody that has
a computer, then really what I'm asking you, is this a
true fiscal note or is it misleading to the voters out
there, that it's going to cost more than what you're
showing here if other counties are having budget
shortfalls like we are?

MS. McGEEHAN: Well, when we're asked to
submit a fiscal note to LBB, they want to know what the
state impact is. So generally we don't solicit what the
impact is to local government. And I'm not exactly sure
who within LBB does that, if that's LBB or the
Comptroller. But I can tell you -- and maybe we've been
doing them wrong, but the way we've understood our
requirement in responding to a fiscal note request was
to state what the state impact was. It's specifically
for the agent -- you know, like for our agency for the
Secretary of State's office.

SEN. GALLEGOS: Okay. So what you're
telling me is that outside of the $2 million that's in
the fiscal note and that under this section that you're
going to work with the registrar in each county, then we
just have to roll the dice and hope that the money is
there. Is that what you're telling me?

MS. McGEEHAN: Yes. Well, I think this fiscal
note that LBB did put -- does indicate that there may be
some county costs. You know, they did put some numbers
in for Tarrant County and for Bexar County. So, you
know, it's not -- I don't think it's the number you're
looking for. It's not a comprehensive number, but I
think that the fiscal note does indicate that there may
be a fiscal impact on counties.

SEN. GALLEGOS: There may be a fiscal
impact. You don't know how much?

MS. McGEEHAN: No, I don't.

SEN. GALLEGOS: So what we're looking at
in your fiscal note is just an open-ended fiscal note.
Is that what you're telling me?

MS. McGEEHAN: The fiscal note is really
showing the impact on the Secretary of State's office.
I can't really speak to how the portion of the fiscal
note that concerns impact on local government, how
SEN. GALLEGOS: All right. Then let me rephrase my question.

MS. McGEEHAN: Okay.

SEN. GALLEGOS: So the $2 million that you're showing is what the state is going to be impacted. And the language that is showing you're going to work in conjunction with the counties, you know, you cannot speak to that, so we really don't know. Is that what you're saying? It could or could not be impacted for a million, two million, three million, whatever the number. I don't know the numbers that you gave Bexar County and Tarrant County. I have not been privy to those numbers. But what I'm saying is, I really would like to know that if my county is going to be impacted, if at all, it's going to be in here, you know. Do you see what I'm saying?

MS. McGEEHAN: Well, yes, I understand what you're saying. And we are going to be sending out a survey to try and gather that data from all the counties.

SEN. GALLEGOS: You know, I don't like the mandate to my county, something that this bill said that they will do and then find out that they don't have the funds to do it. You know, to me, that's an unfunded mandate in really telling Texans that are looking at this debate on computer and that are looking at this bill online, that this $2 million fiscal note that you've provided is only an impact to the state, not the counties, not each county. Is that correct?

MS. McGEEHAN: That's correct.

SEN. GALLEGOS: Okay. Thank you very much.

CHAIRMAN DUNCAN: Thank you, Senator Gallegos.

Senator Van de Putte.

SEN. VAN de PUTTE: Thank you, Mr. Chairman.

Ms. McGeehan, you've been an excellent resource witness for us, and there are just two questions that I need to ask to get into the record with regard to a survey.

Does Texas participate in the Election Administration and Voting Survey?

MS. McGEEHAN: Yes.

SEN. VAN de PUTTE: When was this survey completed, the last survey was completed? Was it after the 2008 election?

MS. McGEEHAN: Yes.

SEN. VAN de PUTTE: So we have that survey available?
MS. McGEEHAN: Yes.

SEN. VAN de PUTTE: Okay. The question that I have goes to the data on the survey that goes, I think, to all -- and this is the federal commission --
dealing with the number of provisional ballots in the State of Texas. As far as you know, how do we rank in the number of provisional ballots that are used with regard to our voting population?

MS. McGEEHAN: My general recollection is that as far as the total number cast, we're on the lower end. But as far as the number of provisional votes, meaning that not as many people cast a provisional vote in Texas as in some other states, but as far as the number of provisional ballots that are counted --

SEN. VAN de PUTTE: Yes.

MS. McGEEHAN: -- we have one of the lower rates among the states as to the number of provisional ballots that are counted. It is my understanding that in the state chart, that we have very high rejection provisional ballot rates. So, in other words, even right now under this system that we have, that the number of provisional ballots that are cast, we have some of the highest rejection rates for those provisional ballots in all of the country.

SEN. VAN de PUTTE: At least that's what I understand from the report.

MS. McGEEHAN: That's correct.

SEN. VAN de PUTTE: Thank you. I know that we have the datasets that were put in for 2008, and so hopefully that we will be able to get this and make sure that as we monitor the bill as it progresses and the bill as it's implemented, we certainly don't need to get to the bottom of the bottom of the bottom on rejection of provisional ballots.

Thank you.

CHAIRMAN DUNCAN: Thank you, Senator Van de Putte.

SEN. FRASER: Thanks for being here today and waiting all day. I would like to clarify a point before you sit down. I think you're aware this morning that we had entered into a record -- the Secretary of State had a letter addressing the $2 million in the HAVA funds that was put into the record. Our understanding, from talking to the Secretary, the way the HAVA funds work, and also her relationship with the county, that she has very broad discretion, assuming that the HAVA people approve the using of this. The $3 million that you're talking about in voter education, it doesn't necessarily mean that...
it's three plus two. It's possible that there's an
overlap, that this two million could be folded in --
possibly into the three. But that discretion goes back
to the Secretary and they make a determination. Is that
not true?

MS. McGEEHAN: That's exactly right.

SEN. FRASER: The other thing that I want
to clarify that there is a lot of discussion about, what
time might go to Houston or what expense might go to
Bexar. Right now there is not clear, because I think
there's a lot of discussion going on of whether is that
Bexar expense or is that Secretary of State expense?
And we've got to determine what those
dollars are being spent on. Can we use Secretary of
State dollars and HAVA funds for that? So I think we're
premature of a county saying they've got "X" amount of
expenses, because it's possible that some of those
expenses flow from the Secretary of State's office, they
do not flow to the county, and they could handle that
with available people within the county and budget. Is
that not correct?

MS. McGEEHAN: That's correct. And just
an example of that, the cost that Bexar County put in
the fiscal note was -- I think their assumption was that
the certificate, the voter registration certificate
would have to increase in size. And I don't see
anything in the bill that requires that. And the
Secretary of State prescribes the form. So once that's
explained to the county, they might withdraw that
fiscal --

SEN. FRASER: I want to make sure that
that's clear, is that some of these assumptions are
possibly the-sky-is-falling assumptions that this is --
you know, this expense is going to be put on us, and I
don't think that's been discussed. And some of this, I
think, can be done by ruling of the Secretary of State,
directing them. And there is a real good chance that a
lot of these expenses go away that can be absorbed
through the Secretary of State. And that is correct,

MS. McGEEHAN: Yes.

SEN. FRASER: Okay. I wanted to clear
that up. Thank you so much.

CHAIRMAN DUNCAN: The Chair recognizes
Senator Williams.

SEN. WILLIAMS: Thank you, Mr. Chairman.

Ms. McGeexh, I want to add my thanks for
you hanging in here with us all day. There's about
three things that I would like to clear up with you. I
just want to understand unequivocally, HAVA funds can be
spent for things like training poll workers. Is that
correct?
SEN. WILLIAMS: Okay. Thank you. Then are you familiar with the voter ID bill that went into -- in Utah recently? Have you taken a look at that?

MS. McGEEHAN: No, I haven't looked at that.

SEN. WILLIAMS: Okay. I just think it's noteworthy, in light of Senator Van de Putte's comments, because the Salt Lake County Clerk's office -- I've got a news report here -- it's confirmed that there were only 13 cases of voters having to pick up their provisional ballots because they didn't have the proper identification to vote when they put this new law into effect. So it seems like it's had a great -- again, one more state where the impact has been really minimal. I'm not sure why we're having these other issues, but I don't think it's because of this.

And then finally I wanted to ask you, we had talked earlier about the project that I asked you to do, to cross-reference the driver's licenses and the voter registration. How is that coming along? I know I only asked today, but I just --

MS. McGEEHAN: Yes.

SEN. WILLIAMS: -- but what is a reasonable expectation for us to get that information?

MS. McGEEHAN: I would hope by the end of the week. One thing that our IT folks and our election experts are trying to struggle with is like matching criteria --

SEN. WILLIAMS: Right.

MS. McGEEHAN: -- you know, which we won't have a TLD number, so we're working through some of that. But I would expect by the end of the week we would have it, if not earlier.

SEN. WILLIAMS: Okay. So do you need any further direction from us? For instance, if we wanted to target that universe of people that we know are out there and maybe make a little extra effort to make sure that they understood they were going to have a new requirement when they went to vote as far as getting a photo ID, if they didn't already have one -- and we've identified who they are -- if we gave legislative intent as a part of the bill tomorrow, would that be sufficient for you-all and the Secretary of State's office to take that direction and know that that's something that we wanted to have done in your training plans and voter education plans?

MS. McGEEHAN: Yes. I think if there were a statement of legislative intent, we would certainly follow that.

SEN. WILLIAMS: That would be sufficient.
Okay. Thank you very much. Appreciate your help.

CHAIRMAN DUNCAN: All right. Members, are there any other questions of Ms. McGeehan?

Okay. The Chair hears none. Thank you, Ms. McGeehan.

The Chair calls David Maxwell, Deputy Director of Law Enforcement, Texas Attorney General’s Office.

Mr. Maxwell, would you approach and state your name and who you represent, and then we'll open it up for questions.

TESTIMONY BY DAVID MAXWELL

MR. MAXWELL: I have a written statement that I would like to put into the record, sir.

CHAIRMAN DUNCAN: Well, we haven't been doing that.

MR. MAXWELL: Okay.

CHAIRMAN DUNCAN: If you would just go ahead and --

SEN. WEST: Mr. Chairman?

CHAIRMAN DUNCAN: We'll see.

There is a proper way to get that in. And if --

MR. MAXWELL: My name is David Maxwell.

I'm a resource witness.

CHAIRMAN DUNCAN: Would you state your name and who you represent.

SEN. WEST: Mr. Chairman?

CHAIRMAN DUNCAN: Just let him state his name, and then I'll take your inquiry.

Mr. Maxwell.

MR. MAXWELL: My name is David Maxwell.

I'm the Deputy Director of Law Enforcement for the Texas Attorney General’s office.

CHAIRMAN DUNCAN: All right. Senator West, for what purpose?

SEN. WEST: Mr. Chairman, I would like to introduce an exhibit. I think it's Exhibit 10.

CHAIRMAN DUNCAN: Oh, okay. Exhibit 10. Do we have Exhibit 10 up here? Do you have copies ready for distribution?

SEN. WEST: Yes, I think you have the exhibit up there. And, members, what Exhibit 10 is, is a letter from the members of the Congressional delegation: Sheila Jackson Lee, Eddie Bernice Johnson, Charlie Gonzalez, Lloyd Doggett, Gene Green, Rubén Hinojosa, Sylvestre Reyes and Al Green, asking that we -- opposing Senate Bill 14 and stating the reasons why they oppose Senate Bill 14.
Case 1:12-cv-00128-RMC-DST-RLW Document 207-2 Filed 06/20/12 Page 57 of 142

11 (Exhibit No. 10 marked and admitted)
12 CHAIRMAN DUNCAN: Okay. Are there any
13 questions for Mr. Maxwell?
14 All right.
15 The Chair hears none.
16 (Off-the-record discussion)
17 CHAIRMAN DUNCAN: All right. Are there
18 any questions of Mr. Maxwell?
19 (Brief pause)
20 CHAIRMAN DUNCAN: All right. The Chair
21 hears none.
22 Thank you, Mr. Maxwell. Appreciate you.
23
24
25
0494
1 PUBLIC TESTIMONY
2 CHAIRMAN DUNCAN: Okay. We are now ready
3 to go into the public witness phase of the hearing
4 today. According to our pre-set procedure, I’ll call
5 the names of the first five witnesses and they will be
6 brought down to the Senate floor, and then we’ll call
7 them in their order.
8 First is John Patrick, Anita Pruitt,
9 Jessica Gomez, Terri Burke, and Clifford Gay.
10 (Brief pause)
11 SEN. VAN de PUTTE: Mr. Chairman?
12 CHAIRMAN DUNCAN: Yes.
13 SEN. VAN de PUTTE: Inquiry, Mr. Chairman.
14 I have a statement here from one of our constituents
15 representing the Southwest Voter Registration Education
16 Project to put into the record. What appropriate time
17 would you accept this or would it be appropriate to put
18 this into the record? This is someone who wants to put
19 something into the record but is not here to testify.
20 CHAIRMAN DUNCAN: It can go in at your
21 request as a part of the record. But it’s not a sworn
22 statement. Is that correct?
23 SEN. VAN de PUTTE: That’s correct.
24 CHAIRMAN DUNCAN: I think the process that
25 we discussed earlier on was that any senator could put
0495
1 anything in the record that was -- you know --
2 SEN. VAN de PUTTE: Mr. Chairman, may I be
3 allowed to enter into the record the statement prepared
4 and presented by Lydia Camarillo, Southwest Voter
5 Registration Education Project Vice President?
6 CHAIRMAN DUNCAN: As exhibit what? Number
7 what? Be number 11?
8 SEN. VAN de PUTTE: No. 11.
9 CHAIRMAN DUNCAN: Is there any objection?
10 The Chair hears none. It will be
11 received.
12 (Exhibit No. 11 marked and admitted)
CHAIRMAN DUNCAN: Okay. And while our first five public witnesses will be approaching, let me go ahead and announce the names of the next five witnesses.

Catherine Engelbrecht, Carol Kitson, Placido Salazar, Roman Pena and Rosa Rosales.

Okay. If you'll approach. The first witness that we have is -- I don't have those cards -- here we go -- witnesses and panel of -- you will have three minutes. You'll get a -- I guess a 30-second warning, is a yellow light, that it comes on. We will not interrupt you. And then after you're finished, then the members may ask you questions.

All right. Go ahead and approach the bench, Mr. Patrick. State your name and who you represent.

TESTIMONY BY JOHN PATRICK

MR. PATRICK: My name is John Patrick. I'm the Secretary-Treasurer of the Texas AFL-CIO.

Members of the Senate, Mr. Chairman, as an officer of the Texas AFL-CIO, I talk to workers we represent around the state. Those employees include refinery workers, teachers, plumbers, nurses, steelworkers, theatrical workers, correctional officers, firefighters, flight attendants, state workers, rubber workers and countless other trades and professions.

From my experience at this point in time, three issues concern our Texas union members above all others. First, jobs; second, jobs; third, jobs. Quite frankly, from my perspective and from the perspective of the AFL-CIO, jobs should be the emergency issue before this legislative session, not the voter ID bill. Senate Bill 14 will be the first bill considered by a committee in the Texas Senate during this legislative session. The Governor has designated this bill as an emergency item. Unfortunately, I'm not aware of any mention of the word "jobs" or "employment" in Senate Bill 14. Senate Bill 14 would no longer allow someone to vote with a voter registration certificate alone but would require an official photo ID. The stated reason for the issue is alleged voter fraud.

Thousands of education employees around this state, as well as state employees and other local government employees, are concerned about budget cuts being considered by this state legislature. Those individuals would prefer that this body consider legislation that addresses our budgetary concerns rather than debating voters' photos.

Thousands of private sector employees are also concerned about jobs, as well they should be. Rather than obsessing about voters' photos, they would probably prefer that you consider legislation that
establishes a preference for state and local governments
to buy American products and services.

CHAIRMAN DUNCAN: Thank you, Mr. Patrick.

Your time has expired.

Members, are there any questions of the
witness?

All right. The Chair hears none.

We appreciate your appearance.

The Chair calls Anita Pruitt -- or
"Privitt."

Ms. Pruitt.

TESTIMONY BY ANITA PRUITT

MS. PRUITT: I'm Anita Pruitt. I
represent the League of Women Voters of Texas.
For the 90-plus years since women gained
the right to vote nationally, LWV has educated and
agitated for active, informed participation of all
citizens in government. No form of participation is
more important than voting. We oppose any requirement
that imposes needless difficulties on voters or tends to
discourage legitimate voters from going to the polls and
casting a ballot.

Texas voters know that identification is
already required. To close what is characterized as a
potential loophole for fraud, SB 14 would restrict
acceptable identification a voter must present to a
limited list of photo IDs and provide for criminal
penalties. The real voting problem in Texas is not
potential voter impersonation but low voter turnout.
Texas was 46th among the states in turnout of the voter-
eligible population for 2008 and 50th for the 2010
general election. No state had a lower turnout.

In each election cycle, League of Women
Voters fields hundreds of questions from voters around
the state. These questions show that Texas voters are
often confused about requirements and discouraged from
voting when they don't understand the process. SB 14
would add uncertainties for voters and for election
workers. The bill would make it more difficult for many
legitimate voters to cast a ballot and tend to
discourage many more legitimate voters from even going
to the polls.

Student voters would be among those
adversely affected. Many students registered to vote in
Texas or eligible to register to vote under Texas law
might not have any of the voter IDs specified for SB 14.
Those who register to vote where they attend school may
fear that they will be turned away at the polls because
their documents don't match.

In a few years we will celebrate the 50th
anniversary of landmark civil rights legislation. Now
we wonder how it could be so hard to have gotten that...
legislation passed. I'm wondering now, if we pass this
time legislation in Texas, how future generations will look
back at us. Will they wonder why we did this or was it
a legitimate thing that we did?

The League of Women Voters of Texas
believes that this legislation is a backwards step, and
we ask you to oppose it.

CHAIRMAN DUNCAN: Thank you, Ms. Pruitt.

Are there any questions of Ms. Pruitt?

All right. The Chair hears none.
We appreciate your appearance here today.
The Chair calls Jessica Gomez.

Please state your name and who you
represent.

TESTIMONY BY JESSICA GOMEZ

MS. GOMEZ: Thank you, Mr. Chairman. My
name is Jessica Gomez, and I'm here as a voting rights
specialist with Advocacy Incorporated, the protection
and advocacy system for people with disabilities in the
State of Texas.

I'm here today testifying in opposition on
behalf of Advocacy Incorporated, as well as the
Disability Policy Consortium, because of the large and
onerous burdens Senate Bill 14 would place on the number
of Texans with disabilities that do not have the photo
identification required by this bill.

An estimated 10 percent of people with
disabilities do not have photo identification. In
Texas, that equals 257,800 voting age persons with
disabilities who do not have the photo identification
required by this bill. People with disabilities are
less likely to have photo ID because many do not drive
and rely on others to assist them with activities such
as banking, that requires photo ID.

I will not go through all of the burdens
upon people with disabilities to obtain an ID, since my
colleague, Chase Bearden, already outlined those for
you. But I did want to urge all of you to consider an
exemption for people with disabilities in the State of
Texas who do not have an ID.

And this bill will likely pass, in light
of the burdens that it places on people with
disabilities. I would urge you all to consider
throughout this session other ways that you might ease
the voting process for people with disabilities. For
instance, a permanent mail-in ballot application,
 enforcement of the National Voter Registration Act which
requires all state agencies, not just the Department of
Public Safety, to offer voter registration
opportunities, and expansion of the number of people a
person can assist in filing a late ballot on the basis
of a disability.
I stand ready to assist all of your offices in thinking about the ways that this bill might impact people with disabilities and ways that it can be revised to benefit them.

Thank you.

CHAIRMAN DUNCAN: Thank you, Ms. Gomez.

Are there any questions for the witness?

All right. The Chair hears none.

We appreciate your appearance here today.

Oh, I'm sorry, Senator Zaffirini. I didn't see it.

QUESTIONS FROM SENATE FLOOR

SEN. ZAFFIRINI: That's all right. Thank you, Mr. Chairman.

Thank you so much for your testimony. Did you hear Mr. Bearden's testimony earlier?

MS. GOMEZ: Yes, ma'am, I did.

SEN. ZAFFIRINI: And you heard my question when I asked him if he had specific amendments for this particular bill that would help us cure it and make it more positive, have a positive impact on persons with disabilities who want to vote?

MS. GOMEZ: Yes, I did.

SEN. ZAFFIRINI: Do you have additional suggestions or only the suggestions that you just articulated?

MS. GOMEZ: Well, those are suggestions that would be in addition to this bill. These would be separate bills filed by senators. In terms of an exemption or an amendment for this bill, I would suggest an affidavit that people with disabilities could sign that would provide criminal penalties if they were to lie on that affidavit.

To further secure that process, you could also require a fingerprint so that if that person did vote fraudulently and then another person, the real voter came in, you could run the fingerprints and prosecute the original voter.

I would not support any amendments that would require verification of the disability status, because that would just again place another burden on people with disabilities to prove their status in order to vote.

SEN. ZAFFIRINI: It would also add an expense, wouldn't it?

MS. GOMEZ: Sorry?

SEN. ZAFFIRINI: It would also add an expense?

MS. GOMEZ: Absolutely. And for many of the reasons that Mr. Bearden outlined in his testimony, because of the expenses of traveling and obtaining the necessary documentation.

TX_00001131
JA_001130
SEN. ZAFFIRINI: Well, how do you respond to the person who will say, well, persons with disabilities don't have to drive or get a ride to a driver's license office or to DPS in particular, the agency itself, to get a voter -- I mean, a photo ID, they can simply register on-line? How do you respond to that suggestion?

MS. GOMEZ: I don't believe that there is a process to make that readily available. And, in addition, there is such a high number of people with low income who have disabilities that many of them might not have access to computer or the Internet that would be required to do that on-line.

SEN. ZAFFIRINI: So you would worry about a digital divide for persons with disabilities?

MS. GOMEZ: Absolutely.

SEN. ZAFFIRINI: Okay. Thank you very much.

MS. GOMEZ: Thank you.

CHAIRMAN DUNCAN: Thank you, Senator Zaffirini.

Are there any other questions of Ms. Gomez?

The Chair hears none. Thank you very much.

The Chair calls Terri Burke.

TESTIMONY BY TERRI BURKE

MS. BURKE: Good evening, senators. I'm Terri Burke. I'm the Executive Director of the ACLU of Texas.

I'm here to talk about SB 14 in the context of provisional ballots. But I want to be certain you know that we believe that Texas is overdue for an overhaul of its election law, and we would certainly support a comprehensive look at that.

More than two years ago, Attorney General Abbott pledged to root out what he called an epidemic of voter fraud in Texas. He established a special unit in his office. He tapped $1.4 million in federal crime-fighting grant money and dispatched legislators -- "legislators" -- yes, maybe that, too -- investigators.

In '08, the last time we heard about this, General Abbott had prosecuted 26 cases, all involving blacks or Hispanics. All were committed by absentee ballot, not in-person voting. So how would photo voter ID have addressed those lives? SB 14 is still as it was in '09.

It is still a solution in search of a problem.

Provisional ballots are one of the legislative priorities of the ACLU of Texas this session. We believe that these ballots were developed to give the opportunities to voters to cast a provisional ballot. They were envisioned as fail-safe
23 voting protection for the voter to remedy faulty voter
24 lists. What we're discovering in researching those in
25 Texas is that we have an extremely high rate of ballot
0506
1 rejections. The average rate of rejection nationally is
2 20 percent; yet, in Texas, it's nearly 80 percent of the
3 provisional ballots cast, at least in the '08 election.
4 In other words, 42,000 Texas voters who cast provisional
5 ballots in 2008 saw most of those were not accepted.
6 9,400 were counted.
7 If passed, SB 14 will no doubt increase
8 the number of provisional ballots that are cast at the
9 polls and also will increase the number of votes that
10 are rejected, due to new identification requirements.
11 This bill would cost more Texas voters their legitimate
12 right to vote. 32,000 Texas voters were rejected in
13 2008. That so many were rejected is a threat to our
14 representative democracy. Texas ranked, as you've
15 heard, 50th in registered voter turnout for 2010. We
16 cannot continue placing undue burdens on eligible voters
17 and keep a healthy democracy.
18 Thank you for your attention and thank you
19 for what you're doing for the State of Texas.
20 CHAIRMAN DUNCAN: Thank you, Ms. Burke.
21 Are there any questions for Ms. Burke?
22 Okay. The Chair hears none. We
23 appreciate your appearance here today.
24 All right. The next group of persons who
25 will need to be called into the chamber are Alfredo
0507
1 Esparza, Marcelo Tafoya, Barbara Baxter, Hector M.
2 Flores and Sergio Castillo.
3 All right. Our next witness is Catherine
4 Engelbrecht.
5 Ms. Engelbrecht, state your name and who
6 you represent.
7 TESTIMONY BY CATHERINE ENGELBRECHT
8 MS. ENGELBRECHT: Hi. My name is
9 Catherine Engelbrecht. I'm with King Street Patriots
10 and True the Vote. Thank you-all, senators, for the
11 privilege of being able to speak with you this evening.
12 I stand before you today to testify in
13 support of Senate Bill 14. I'm President of King Street
14 Patriots, and I said earlier True the Vote, two
15 non-profit groups, both based out of Houston. King
16 Street Patriots is a volunteer organization of concerned
17 citizens, and True the Vote is a citizen-led initiative
18 to protect the right to vote and the integrity of the
19 election process.
20 True the Vote volunteers work to educate
21 citizens and train other citizen volunteers to be poll
22 workers and poll watchers for their party, candidate or
23 issue. Now, the reason that that is important is
24 because in the last election cycle, we put out trained

TX_00001133
JA_001132

25 volunteers over 1,000 volunteers. And through the
1 course of the election cycle, they turned back in over
2 700 what we call incident reports. Those incident
3 reports categorically were indications of election laws
4 being broken. But many of the abuses stemmed from the
5 lax and ambiguous forms of identification currently
6 accepted at our polls.
7 These types of abuses would have been
8 mitigated had we had benefit of legislation like SB 14.
9 We witnessed numerous instances in which voters were in
10 possession of more than one registration card. For
11 example, a voter came in with a registration card and
12 turned it over to the election judge, who looked at the
13 poll book and said, "Oh, I'm sorry. You're already
14 voted." And he reached into his other pocket and said,
15 "Oh, well, how about this card?"
16 "That's a good card. You can vote that
17 one."
18 Another instance where a woman came in to
19 vote and was told she had already voted. And she said,
20 "Well, that's not the case. I haven't." And she looked
21 at the poll book and there was staring back at her a
22 signature that she did not recognize.
23 Without photo identification, there is no
24 way to verify that a person is who they say they are, if
25 they are that person on the registration card, a utility
0509
1 bill or the check. These examples are clearly
2 violations of election code law, but there is no
3 realtime recourse for a poll worker. Poll workers are
4 obliged to allow these individuals to vote, to cast a
5 regular ballot, because the system does not prevent it.
6 Without photo identification, the evidence
7 of impropriety is limited only to a signature
8 comparison, which is typically considered insufficient
9 to warrant any further review. And so when we often
10 ask, "Well, where are the prosecutions?" it's because
11 more often than not, they end with the signature
12 comparisons, and that's all we have.
13 So as these scenes play out in polling
14 places across our communities over and over again,
15 election cycle after election cycle, the message
16 communicated to both poll workers and to voters is: The
17 rules don't really matter. And if the rules don't
18 really matter, then how do we know that our election
19 results are right? We are on a very slippery slope.
20 And the surest way to regain our footing is to restore
21 common sense to our election code.
22 CHAIRMAN DUNCAN: Thank you,
23 Ms. Engelbrecht.
24 MS. ENGELBRECHT: Thank you so much.
25 CHAIRMAN DUNCAN: Senator Williams, do you
have a question?

QUESTIONS FROM SENATE FLOOR

SEN. WILLIAMS: No. I just wanted to
thank her for being here and for all the effort that her
group put into the last election cycle. I really
appreciate what you guys are doing.

MS. ENGELBRECHT: Thank you.

CHAIRMAN DUNCAN: Thank you.

Any other questions?

Senator Patrick.

SEN. PATRICK: Yes. Thank you,

Mr. Chairman.

Catherine, thank you. Senator Williams
said you did what so many people really wanted to have
done, and that was to put eyes on the election. You
trained poll workers. They stood there -- poll
watchers -- they identified; they reported. You-all
stood up as citizens, fair and unbiased, and we
appreciate your work and your effort.

I met you just about a year ago, and you
were just a citizen, just a mom who, with your husband,
own your own business, that said, "I want to make a
difference," and I appreciate you and all the work that
those unheralded volunteers did. Thank you very much.

MS. ENGELBRECHT: Thank you. Thanks to

all of you.

CHAIRMAN DUNCAN: Hold on a minute. We've
got another questions.

Senator Van de Putte, did you have a
question?

SEN. VAN de PUTTE: I sure did. Thank
you, Mr. Chairman.

Thank you very much for coming and
especially for waiting so long. But I wanted to
understand, because I'm from Bexar County and not from
Harris County where --

MS. ENGELBRECHT: Sure.

SEN. VAN de PUTTE: -- we love the people
to be involved. But on the reports that we had from --
at least from the press, the group that you represent,
the King Street Patriots, it was an article about voter
intimidation. And so I wanted to ask you, were the
districts, were the voting polling places that your
group believed were having the numerous amount of fraud,
where you were accusing several places of having voter
intimidation, mainly occur in minority district that
have been directed at Latinos and African-Americans, as
reported in the press?

MS. ENGELBRECHT: That is all
unequivocally incorrect.

SEN. VAN de PUTTE: And so there --

MS. ENGELBRECHT: May I? I'll explain
very quickly. When we started the early election,
within just a few hours of the polls opening, we were
informed that a conference call, a press conference call
had been called by the Texas Democrat party, already
charging that there were 14 counts of voter
intimidation, with no backing whatsoever. Well, the
press ran with that, and it was all over the place.
The county attorney later said -- and,
unfortunately, that didn't make it out to the press --
that there was, in fact, no voter intimidation. And our
efforts were equally served over all 37 of the early
election polling places, so we did not single out any
community.

SEN. VAN de PUTTE: So this was at all --
you had groups at all of the early voting places, it
wasn't just in the places that had minority, mainly
Latino or African-American?

MS. ENGELBRECHT: That's correct. We
had --

SEN. VAN de PUTTE: Thank you for the
clarification.

MS. ENGELBRECHT: Thank you.

CHAIRMAN DUNCAN: Thank you, Senator Van
de Putte.

Are there any other questions of the
witness?

All right. Ms. Engelbrecht, thank you for
your testimony today.

The Chair calls Carol Kitson.

Ms. Kitson, please state your name and who
you represent.

TESTIMONY BY CAROL KITSON

MS. KITSON: My name is Carol Kitson, and
I basically represent myself and, quite frankly, my
daughter.

This past November election, I was
appointed as an alternate judge in Harris County
precinct. And we had the presiding judge, two clerks.
We did have two poll watchers at that location, and a
translator.

In the late afternoon, the presiding
judge's husband, who was acting as election clerk and
responsible for giving each voter a numerical code, to
allow activation of a voting machine, commented to the
poll watcher that the voter he had just given this code
to had voted earlier in the day at our location. The
poll watcher agreed with this.

And I, too, had noted this same particular
name or what voter card he used. And because we could not possibly identify him -- we're not allowed to ask for a photo ID -- he was able to vote for a second time.

This man was recognizable, but most people would not be. We would have no way of knowing during a busy election how many people were coming back through. It's absolutely impossible.

Requiring all voters to present a photo ID would prevent individuals from voting more than once. This is important because even a few votes per precinct passed fraudulent can affect the outcome in an election. In Falls County where there's 9,392 registered voters, they had a 42 percent turnout. In the Governor's race, the difference was only 86 votes.

In Val Verde County, where they have 27,801 registered voters, they had a 26 percent turnout, and the difference was only 377 votes.

And in Bexar County, a very large county, registered voters of 905,859, they have 622 precincts, and they had a 34 percent turnout. The difference was 1,671 votes between the two candidates for Governor. That's less than three votes per precinct.

Each fraudulent votes cast diminishes all of the valid votes cast. Every legal voter in Texas deserves to know that his or her vote was counted correctly, and we need to know that the winner of our elections is truly the winner and not elected because some voters used illegal means to get their candidate elected. We owe this to ourselves and to the future generations of Texans.

Thank you very much for letting me be here today.

CHAIRMAN DUNCAN: Thank you, Ms. Kitson. Are there any questions for Ms. Kitson?

All right. The Chair hears none.

You're excused. Thank you very much.

The Chair calls Placido Salazar.

Thank you, Mr. Salazar. You have three minutes. State your name and who you represent, please.

TESTIMONY BY PLACIDO SALAZAR

MR. SALAZAR: Yes, sir. Good evening. first of all, to all of you and thank you for serving our state. My name is Placido Salazar. I'm a Vietnam veteran, 20-year man, and I'm the Civil Rights chair for the Dr. Hector P. Garcia American GI Forum Organization of Texas.

And I would like to say that this whole thing about voter ID as well as other measures currently trying to be pushed through the state and federal legislation is xenophobia at its worst, fearing that immigrants will vote. And I'm also a present chair in Universal City, and we have enough trouble getting even
the registered U.S. citizen voters to the polls. Last
election, out of a city of almost 20,000, and mostly
veterans who you would think would appreciate the
title to vote, like myself, we had 60 Democrats and
75 Republicans, and we are worried about illegal
immigrants coming to vote. That's ludicrous.

The Dr. Hector P. Garcia American GI Forum
Organization of Texas, let it be known for the record
that we are totally opposed to the artificial emergency
grandstanding by Governor Rick Perry regarding the
non-issue of the Texas voter ID and other conveniently
selected self-promoting legislation. This senseless and
costly voter ID legislation will not just affect
Hispanics but also students, seniors and others who are
unable to get around; people living in nursing homes,
for example.

This is nowhere nearly as important nor
affecting every citizen of our Great State of Texas as
the ballooning budget deficit of up to $27 billion and

the ridiculous cuts in education funding, especially
when Texas is almost at the bottom of other states in
the education ratings and cannot afford to fire any
teachers. Our teachers invested too much time and money
to fulfill their dreams of teaching our children. Stop
playing politics with our students' and our teachers'
lives and funding. Governor Perry, you were elected to
be governor of Texas. Be a sensible, responsible
governor of Texas.

Some schools in Texas have a drop-out rate
of 70 percent; yet, our governor is running around the
country promoting his book, Fed Up. Rick Perry, we are
fed up with the shameful number of student drop-out. He
can't even take care of business in Texas; yet, he wants
to promote himself to Washington D.C.? Give me a break!
We already had enough of that nonsense with your
predecessor. He left Texas' financial situation in
shambles, then he really fixed our wagon in D.C.

Too many of our Hispanic-American troops
gave their lives and too many MIAs may never come home,
fighting for the democracy and the freedom, or so-called
freedom, of other peoples in other countries around the
world for this great veterans organization, the AGIF, to
allow Rick Perry or any other political leader to
trample over our civil rights.

CHAIRMAN DUNCAN: Mr. Salazar, your time
has expired. I'll give you a little bit --
MR. SALAZAR: Get rid of this legislation.

Thank you.

CHAIRMAN DUNCAN: Thank you for your
testimony and for your wait here today. Wait A minute.
There may be some questions. I don't know.
Are there any questions of the witness?
9 All right. The Chair hears none.
10 Thanks again for your appearance and your
11 testimony.
12 MR. SALAZAR: Thank you, sir.
13 CHAIRMAN DUNCAN: The Chair recognizes
14 "Riman" Pena.
15 Roman. Okay. It looks like an "i" to me.
16 State your name correctly, please, and who
17 you represent.
18 TESTIMONY BY ROMAN PENA
19 MR. PENA: Mr. Speaker, thank you for your
20 kindness.
21 Senator Uresti -- my senator -- Senator
22 Van de Putte and senators and ladies and gentlemen, good
23 afternoon -- well, it's good night now.
24 My name is Roman Pena, also known as Vic
25 Pena. And I am here today -- rather tonight --
0519
1 representing LULAC and the American GI Forum, who was
2 born of LULAC to represent soldiers returning from World
3 War II and wars thereafter.
4 As Vice Commander of the American GI
5 Forum, C.P. Garcia Chapter, and Texas LULAC Veterans
6 Affairs Chairperson, I'm very saddened as I sit here
7 listening to the author of this bill, Senator Fraser,
8 responding to your questions that he knows nothing of
9 how this new law will impact voters in Texas. Many
10 years ago, then Senator Navarro wrote Sam Houston about
11 the Know Nothing party, and it wasn't nice.
12 Mr. Speaker, what is the real reason
13 behind this legislation? To disenfranchise voters?
14 Which voters? Fifty years ago, my generation -- and
15 some of you included -- had a vision to make Texas and
16 the United States of America a better place to live and
17 be happy and share the American dream. And, my fellow
18 Texans, we succeeded, because we walked in the valley of
19 darkness and feared no evil, for great men and women
20 like yourselves said, "Enough is enough," ya basta!
21 Today some members of your generation are
22 trying to return Texas back to those dark ages. I beg
23 of you to defeat this mean-spirited legislation, let not
24 the flesh overcome the spirit for it is said that the
25 fulfillment of the prophecy is at hand.
0520
1 Thank you, and have a good day. And tear
2 down this bill, Mr. Speaker.
3 CHAIRMAN DUNCAN: Well, thank you,
4 Mr. Pena.
5 Sen. Van de Putte, do you have a question?
6 CONDOLENCES FROM SENATE FLOOR
7 SEN. VAN de PUTTE: Just for the witness.
8 Mr. Pena, we understand that you have just
9 experienced a personal loss.
10 MS. PINZUR: Yes, I sure have.
SEN. VAN de PUTTE: So on behalf of the Texas Senate, let me offer condolences on the death of your wife, and so recently, and your patriotism and belief in your government to come and testify when you yourself had such a personal loss so quickly. Please note our condolences on the passing of your beautiful wife.

MR. PEN A: I accept your condolences, Senator.

Thank you very much. Is there any questions?

CHAIRMAN DUNCAN: Any more questions?

The Chair hears none.

Thank you, Mr. Pena. Appreciate it. And sorry for your loss.

MR. PEN A: Thank you.

CHAIRMAN DUNCAN: The Chair calls Rosa Rosales, National Alliance for Education and Equity, and LULAC.

State your name, please, and who you represent.

TESTIMONY BY ROSA ROSALES

MS. ROSALES: Honorable senators, ladies and gentlemen, my name is Rosa Rosales. I'm here today representing the National Alliance for Education and Equity -- and Equality -- and, of course, as an immediate past national president of the League of United Latin American Citizens, the oldest and the largest Latino organization in the nation that was founded to eradicate discrimination of any shape and form.

I am here today to voice strong opposition to SB 14, voter ID. At a time when the State of Texas is having to deal with a $27 billion deficit and, therefore, having big cuts in social services, health care, education -- and higher education, this voter education bill should not be a priority. This is not a quality-of-life legislation for the State of Texas for all of us.

As a matter of fact, the bill will actually create unnecessary barriers for the elderly, minorities and the working poor. Texas has a history of voter discrimination, as you have heard it here by many that have testified. If the law is enacted, it would primarily affect minorities and the elderly. The bill would actually regress the State of Texas to the days of the poll tax. Voters, especially the working poor and the elderly and women, will return -- or not return to the county department, the voter registration county, to provide the required identification within six days to cure the provisional vote and the problem that we've had with provisional votes here in the State of Texas. Most
of them, a very high percentage, are rejected to begin
with.

The implementation of this bill will cause
the State of Texas a substantial amount of money. It's
been estimated $2 -- $2 million. That money could
actually be put to a better use, to address the
immediate needs of the State of Texas where every single
dollar is put into education. You know, higher
education, health care, nursing homes, social services,
instead of a voter ID bill, especially the State of
Texas, I have been told, is in the last place of all the
states in the United States when it comes to education.
What a shame.

Finally, this SB 14, voter ID, is most
likely to violate Section 5 and Section 2 of the Federal
Voting Rights Act. LULAC is ready and prepared to take
any action, whether it be legal action tomorrow, if it
does violate the Voting Rights Act.

Thank you so much.

CHAIRMAN DUNCAN: Thank you very much.

Are there any questions for Ms. Rosales?
The Chair hears none.

Thank you for your testimony.

All right. We're ready for our next
panel. But before that, let me announce the last group.

Amalia Martinez, Fidel Acevedo, Ray Rodgers, Gordon
Quan, Rachel Delgado and Sandra Crenshaw.
Okay. The Chair calls Alfredo Esparza
with LULAC.
State your name and who you represent,
please.

TESTIMONY BY ALFREDO ESPARZA
MR. ESPARZA: My name is Alfredo Esparza. I'm
for LULAC, District 15, San Antonio, Texas. I'm on
behalf of senior citizens in Bexar County, which I
represent.

And the reason that I'm here today, I
think this SB 14 is a bill that's very bad for senior

And we come in as LULAC to help our senior
citizens. Now, just think, there is a hardship for
senior citizens to go and get a new ID just to vote. A
lot of senior citizens vote, but this bill will make it
difficult for them to go around.
After you pass 60 or 65 like me, you think about where you're going and where you need to be. And I don't know about you, but I know as a fact that here in Texas, it's not proper for bills like this to pass, and that's why I'm here to testify about it.

Thank you very much.

CHAIRMAN DUNCAN: Thank you, Mr. Esparza. Are there any questions for Mr. Esparza? The Chair hears none. Thank you for your testimony today. The Chair calls Marcelo Tafoya.

TESTIMONY BY MARCELO TAFOYA

MR. TAFOYA: My name is Marcelo Tafoya. Good afternoon. I am the District 12 director for LULAC, the League of United Latin American Citizens. I also represent the CCC, the Coalition of Community Concerns. And the biggest concern we have is discrimination, especially in voting.

A couple of years ago, I was pleased to join some gentlemen that came down from the Justice Department looking into voter fraud and voter discrimination. They found no voter fraud, but they found six cases of voter discrimination against the Hispanic community. In cases where an Hispanic individual came up, and they gave them 45 minutes, because they had nobody there, to interpret for them on the voting process. A lady sat there for 45 minutes in a wheelchair waiting for somebody to come down from the county.

This is only one. There were several others that were turned away because they said that they had broken in front of the line. You know, I don't understand a lot of the issues that was brought up at the time, but it just happened to be a Spanish when all these things were occurring.

Now, as far as being handicapped, I find an issue with cost. Okay? I'm on a fixed income. I'm pretty fortunate that I have my driver's license for a long time ago so I get it through the mail. Okay? I don't have to go take a test anymore. Maybe later on, they find out that I testified, they will probably call me in to go take a test, check my eyes, do the whole process. Right? But I don't care. I'm willing to do that or whatever it takes to defeat a bill that is unnecessary. Why do you have to try to fix something that is working?

No. 2, why do you take this bill on today when our children are failing in school? Look, I'm worried about my grandchildren, my great-grandchildren that are not getting educated, that we're lacking the
money that it takes to educate our children properly.
Why don't you take something up like that instead of
worrying about somebody getting you elected again in
this process? So please defeat this bill, let's get
busy with the rule, let's get some money into the
caucus. Let's don't be spending it uselessly, spending
it for no reason whatsoever and start putting it where
it belongs, the education of our children and the
welfare of our community.

I want to thank y'all very much. God
love!

CHAIRMAN DUNCAN: Thank you, Mr. Tafoya.

Hold on just a second.

Are there any questions for Mr. Tafoya?

All right. The Chair hears none.

Thank you for your testimony.

The Chair calls Hector M. Flores.

Mr. Flores, please state your name and who you
represent.

TESTIMONY BY HECTOR M. FLORES

MR. FLORES: Governor, Mr. Chairman,
members of the Senate, my name is Hector Flores. I'm
from Duncanville, Texas, and I'm here to represent the
Texas League of United Latin American Citizens known as
LULAC, and I'm here to give opposition to this bill.

With a budget shortfall and many other
issues confronting Texas during these hard economic
times, we cannot understand why voter ID is such an
urgent matter for the Texas Legislature. LULAC has
voted unanimously to oppose this bill, and we ask you
also to protect the voting rights of all citizens of
Texas but also ask you to protect the voting rights of
the Latino voters, as mandated by Section 5 and Section
2 of the Voting Rights Act.

Specifically, LULAC argues against the
passage of any voter identification bill until such time
as Texas can guarantee zero tolerance of voter
discrimination and implement all protection of the Civil
Rights Act as ordered by the Supreme Court. Given the
history of Texas, this will be a long time in coming.

In 2005, 2006 and 2007, the Voting Rights
sections of the Department of Justice filed 10 separate
lawsuits against Texas. All 10 suits were for
discrimination against Mexican-Americans, and one of the
suits involved discrimination against Mexican-Americans
and African-Americans combined.

There was also a separate lawsuit in
Harris County for discrimination against Vietnamese-
Americans. All suits were successful against Texas, and
Texas entered into consent -- agreements to correct
discriminations.

During the same period, several suits were
brought by LULAC and MALDEF against Texas and also against several government entities, in particular in my hometown of Dallas, in Farmers Branch and in Irving, Texas. And, obviously, in LULAC vs. Perry, the Supreme Court found that Texas purposely discriminated against Mexican-Americans in Congressional District 23 in San Antonio where I come from.

I have five pages, but I will only try to synopsize. In light of the fact that the proposed bill brought forward by the Texas Legislature -- the Senate, it's likely to violate both Sections 5 and Section 2 of the Federal Voting Rights Act. LULAC urges you not to adopt the proposed bill as is. And, as you know, LULAC has participated in over 400 court-ordered elections in Texas since adoption of the Voting Rights Act, and we will vigorously challenge any voter ID bill. We're also, as has been mentioned earlier, ready to pursue an objection before the Voting Rights section of the Department of Justice, if necessary. But we hope that there are many options that you can take, but the first one you can take is not to support this bill.

I thank you very much for listening to me tonight, and I hope you will do the right thing.

CHAIRMAN DUNCAN: Senator Gallegos, do you have a question?

QUESTIONS FROM SENATE FLOOR

SEN. GALLEGOS: Yes.

MR. FLORES: Absolutely.

SEN. GALLEGOS: You heard his testimony?

MR. FLORES: Yes, I did.

SEN. GALLEGOS: Okay. Let me ask you, hearing his testimony and the history of discrimination against Mexican-Americans as far as voting here in the State of Texas, do you agree with his testimony?

MR. FLORES: Yes, I do. In fact, the first time that I voted, I had to go get a poll tax to vote, when I turned of age. And so I had to decide whether I was going to go to the movies that weekend or go vote. And so, you know, it's a way to keep people from voting, in my opinion. And, of course, that's one of the reasons we did away with the poll tax in Texas.

SEN. GALLEGOS: So in your opinion, the incidents that Prof. Tijerina pointed out in his testimony -- and you've heard all of them; you heard all of them -- that it leads up to discrimination that is
part of the history of the State of Texas to present.

How would you compare that to Senate Bill 14 that's on
the floor today?

MR. FLORES: Well, I'm not only expert on
the bill, but I understand that there's still much
desired to be done to fix this bill so perhaps it might
comply into the future. Obviously, this is going to be
just an obstacle for the elderly, for handicapped
people, but also for minorities who may not have an ID
to begin with. And I would venture to say that both my
grandmothers -- and I'm a fifth generation Tejano --
both of my grandmothers didn't go around with their ID.
And, you know, this is going to be a problem and it's
going to keep people from voting. I don't think it's
the right way to go for Texas.

SEN. GALLEGOS: Mr. Flores, thank you for
coming to testify. Thank you.

MR. FLORES: Thank you, Senator.

CHAIRMAN DUNCAN: Senator West, for what
purpose?

SEN. WEST: Just one question.
Hector, how you doing?

MR. FLORES: I got up at 4:30 this
morning. They sequestered me over there. They told me
I might be here till 8 o'clock in the morning like the
last time. I said, "Absolutely not. I got to go work
in the morning."

SEN. WEST: Well, thank you very much for
coming down. I really do appreciate it.

MR. FLORES: My pleasure.

SEN. WEST: You know, during the earlier
conversation that I was having with Senator Fraser, he
was saying that people in our district are supportive of
this voter ID bill. Now, you've lived in that district
for as long as I have.

MR. FLORES: Thirty-eight years.

SEN. WEST: In fact, we kind of live
pretty much around the corner from one another?

MR. FLORES: Yes, sir.

SEN. WEST: And you have worked in that
district as an activist for years. Is that correct?

MR. FLORES: Yes, sir.

SEN. WEST: So you have opportunities to
talk to people in the district. Is it a fair
statement -- is that a fair statement that was made by
my friend, Senator Fraser, that the bulk of people in
the 23rd senatorial district favor this voter ID bill?

MR. FLORES: I don't think so.

SEN. WEST: Okay. Thank you very much.

MR. FLORES: Thank you, sir.

Mr. Chairman.

CHAIRMAN DUNCAN: Thank you for your
testimony.

Are there any other questions of the witness?

All right. The Chair hears none.

Appreciate your testimony today.

MR. FLORES: Thank you very much.

CHAIRMAN DUNCAN: Fidel Acevedo.

TESTIMONY BY FIDEL ACEVEDO

MR. ACEVEDO: Thank you, Mr. Speaker, senators. My name is Fidel Acevedo, and I'm here to testify on Senate Bill 14. It seems like a long way from the last time we had to do this, but we have to do it all over again. It seems like history repeats itself. We can't just get away from it right away. We just have to keep right on doing it until we do the right thing.

I think the GOP has the right idea about doing some things repeatedly. Certainly this senate bill is not one of them. I have to tell the senate chamber here today that I have to excuse myself from -- refrain from using some harsh language that's coming from San Antonio District 14, the Fighting 14, and my senator, they're listening to me, I have to be respectful to each and every one of you.

However, it does merit saying that this bill, as the gentleman testified earlier as an expert, it is discriminatory to say the least. It will continue the tradition here in the State of Texas of doing just that. "Some way, somehow, we're going to keep Mexican-Americans from voting." It is not like if, over there in Horseshoe Bay, that the Mexicans are just getting ready to go over there and remove Senator Fraser. Huh? I don't think so. That's not going to happen.

But as I slow down just a little bit, just to think of what tremendous work you guys do, let's put the priorities right. I have to tell you -- and I must say this -- that our priorities are wrong here in the chamber right now. Education, education, jobs, jobs, the economy. The photo ID can wait if we must have to go that route. But it's jobs, education for our children. That is the priority.

I think maybe somebody had heartburn and the Governor had to say, "We have to have an emergency session for this particular one," or maybe perhaps the Lt. Governor had to follow up and say, "Hey, look! This is a valid emergency. We ought to put it in the priority first time out, first thing out, have to come out of the chute is this bill."

Please help defeat this bill. I know that's an impossibility, but at least it's -- I'm an optimist, and I hope that you guys can do the right thing.
Chairman Duncan: Thank you.

Are there any questions for the witness?

All right. The Chair hears none.

We appreciate your appearance here today.

Mr. Acevedo: Thank you.

Chairman Duncan: Members, we have some cards of some persons who registered that they would like to testify but did not respond to the call, but I'll read their names once again. Ray Rodgers, Gordon Quan, Rachel Delgado, Sandra Crenshaw, Clifford Gay, Barbara Baxter, Sergio Castillo, Amalia Martinez of Austin, Texas, LULAC 12.

The doorkeeper will check once again. These cards will be placed in the record, that they have appeared and they have registered their position. Is there anyone else who would wish to testify on, for or against Senate Bill 14?

All right. The Chair hears none.

Senator West?

Senator West: Mr. Chairman, I would like to put in Exhibit No. 13, which is the League of United Latin American Citizens' objections and arguments against the voter identification bill.

Chairman Duncan: What's the exhibit number?

Senator West: Twelve.

Chairman Duncan: Twelve. Exhibit 12. Is there any objection?

Exhibit 12 will be received.

Chairman Duncan: There being no public testimony coming forward -- or no additional public testimony coming forward, the public testimony is closed.

Senator Fraser, you're recognized for a motion.

Motion by Senator Fraser

SEN. FRASER: Mr. President, I would now move that Senate Bill 14 be reported to the Senate, with a recommendation that it do pass and be printed.

Chairman Duncan: The Secretary will call the roll.

Roll call for vote on Senate Bill 14

Secretary Spaw: Birdwell?

SEN. BIRDWELL: (Indicated "yea" vote)

Secretary Spaw: Carona?

SEN. CARONA: (Indicated "yea" vote)

Secretary Spaw: Davis?

SEN. DAVIS: (Indicated "nay" vote)

Secretary Spaw: Deuell?
SEN. DEUELL: (Indicated "yea" vote)
SECRETARY SPAW: Duncan?
CHAIRMAN DUNCAN: (Indicated "yea" vote)
SECRETARY SPAW: Ellis?
SEN. ELLIS: (Indicated "nay" vote)
SECRETARY SPAW: Eltife?
SEN. ELTIFE: (Indicated "yea" vote)
SECRETARY SPAW: Estes?
SEN. ESTES: (Indicated "yea" vote)
SECRETARY SPAW: Fraser?
SEN. FRASER: (Indicated "yea" vote)
SECRETARY SPAW: Gallegos?
SEN. GALLEGOS: (Indicated "nay" vote)
SECRETARY SPAW: Harris?
SEN. HARRIS: (Indicated "yea" vote)
SECRETARY SPAW: Hegar?
SEN. HEGAR: (Indicated "yea" vote)
SECRETARY SPAW: Hinojosa?
SEN. HINOJOSA: (Indicated "nay" vote)
SECRETARY SPAW: Huffman?
SEN. HUFFMAN: (Indicated "yea" vote)
SECRETARY SPAW: Jackson?
SEN. JACKSON: (Indicated "yea" vote)
SECRETARY SPAW: Lucio?
SEN. LUCIO: (Indicated "nay" vote)
SECRETARY SPAW: Nelson?
SEN. NELSON: (Indicated "yea" vote)
SECRETARY SPAW: Nichols?
SEN. NICHOLS: (Indicated "yea" vote)
SECRETARY SPAW: Ogden?
SEN. OGDEN: (Indicated "yea" vote)
SECRETARY SPAW: Patrick?
SEN. PATRICK: (Indicated "yea" vote)
SECRETARY SPAW: Rodriguez?
SEN. RODRIGUEZ: (Indicated "nay" vote)
SECRETARY SPAW: Seliger?
SEN. SELIGER: (Indicated "yea" vote)
SECRETARY SPAW: Shapiro?
SEN. SHAPIRO: (Indicated "yea" vote)
SECRETARY SPAW: Uresti?
SEN. URESTI: (Indicated "nay" vote)
SECRETARY SPAW: Van de Putte?
SEN. VAN de PUTTE: (Indicated "nay" vote)
SECRETARY SPAW: Watson?
SEN. WATSON: (Indicated "nay" vote)
SECRETARY SPAW: West?
SEN. WEST: (Indicated "nay" vote)
SECRETARY SPAW: Whitmire?
SEN. WHITMIRE: (Indicated "nay" vote)
SECRETARY SPAW: Williams?
SEN. WILLIAMS: (Indicated "yea" vote)
SECRETARY SPAW: Zaffirini?
SEN. ZAFFIRINI: (Indicated "nay" vote)
SECRETARY SPAW: Wentworth?
SEN. WENTWORTH: (Indicated "yea" vote)
SECRETARY SPAW: West?
SEN. WEST: (Indicated "nay" vote)
SECRETARY SPAW: Whitmire?
SEN. WHITMIRE: (Indicated "nay" vote)
SECRETARY SPAW: Williams?
SEN. WILLIAMS: (Indicated "yea" vote)
SECRETARY SPAW: Zaffirini?
SEN. ZAFFIRINI: (Indicated "nay" vote)
SECRETARY SPAW: Governor Dewhurst?
PRESIDENT DEWHURST: (Indicated "yea" vote)
CHAIRMAN DUNCAN: There being 20 ayes, 12 nays, Senate Bill 14 will be favorably reported to the Senate, with the recommendation that it do pass and be printed.
The Chair recognizes Senator Wentworth for a motion.
SEN. WENTWORTH: Mr. President, I move that the Committee of the Whole Senate rise and report -- Mr. Chairman, I should say.
CHAIRMAN DUNCAN: Is there any objection to the motion?
The Chair hears none. It's so ordered.
PRESIDENT DEWHURST: Good job. Thank you.
(Conclusion of hearing before Committee of the Whole at 9:19 p.m.)

CERTIFICATE

STATE OF TEXAS )
COUNTY OF TRAVIS )
WE, Kim Pence, Aloma J. Kennedy and Lorrie

5 A. Schnoor, Certified Shorthand Reporters in and for the
6 State of Texas, do hereby certify that the above-
7 mentioned matter occurred as hereinbefore set out.
8
9 WE FURTHER CERTIFY THAT the proceedings of
10 such were reported by us or under our supervision, later
11 reduced to typewritten form under our supervision and
12 control and that the foregoing pages are a full, true
13 and correct transcription of the original notes.
14
15 IN WITNESS WHEREOF, WE have hereunto set
16 our hand and seal this 7th day of February 2011.

18
19 Kim Pence
20 Certified Shorthand Reporter
21 CSR No. 4595 - Expires 12/31/11
22 Firm Registration No. 276
23 Kennedy Reporting Service, Inc.
24 8140 North Mo-Pac Expressway
25 Suite II-120
26 Austin, Texas 78759

28
29 Aloma J. Kennedy
30 Certified Shorthand Reporter
31 CSR No. 494 - Expires 12/31/12
32
33 Firm Registration No. 276
34 Kennedy Reporting Service, Inc.
35 8140 North Mo-Pac Expressway
36 Suite II-120
37 Austin, Texas 78759

39
40 Lorrie A. Schnoor
41 Certified Shorthand Reporter
42 CSR No. 4642 - Expires 12/31/11
43 Firm Registration No. 276
44 Kennedy Reporting Service, Inc.
45 8140 North Mo-Pac Expressway
46 Suite II-120
47 Austin, Texas 78759