<table>
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<th>253</th>
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<tbody>
<tr>
<td>1 a photograph, does not qualify as a substantial burden</td>
<td>1 A lot of talk about fiscal notes, even though we have a</td>
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<td>2 on most voters’ right to vote or represent a significant</td>
<td>2 letter from the Secretary of State that states that</td>
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<td>3 increase over the usual burdens of voting. And I think</td>
<td>3 there are going to be HAVA funds that will be available</td>
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<td>4 that’s interesting that that was noted.</td>
<td>4 to help with the voter education, and I think we’re</td>
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<td>5 And those provisions that we have are</td>
<td>5 going to have testimony in a few moments.</td>
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<td>6 essentially -- in your bill, there are very similar</td>
<td>6 And I tried to clarify that early on that</td>
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<td>7 provisions with respect to those matters. Correct?</td>
<td>7 the cost of issuing for the state three free ID cards is</td>
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<tr>
<td>8 SEN. FRASER: They -- yes, and I want to</td>
<td>8 less than $2. It’s a very minimal cost, and with almost</td>
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<td>9 clarify. The Crawford case went to the U.S. Supreme</td>
<td>9 16 million people that we have who have a driver’s</td>
</tr>
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<td>10 Court. And those observations were made in the -- the</td>
<td>10 license or -- or an ID card now, it seems unlikely that</td>
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<tr>
<td>11 majority opinion.</td>
<td>11 there’s going to be a whole lot of people out of that</td>
</tr>
<tr>
<td>12 SEN. WILLIAMS: Now, they go on to say</td>
<td>12 13 million that actually don’t already have a driver’s</td>
</tr>
<tr>
<td>13 that it’s generally applicable, nondiscriminatory voting</td>
<td>13 license or a state ID card.</td>
</tr>
<tr>
<td>14 regulation, it’s universally applicable, it’s minimally</td>
<td>14 In fact, Senator Fraser, I spoke last</td>
</tr>
<tr>
<td>15 reasonable because the burden of acquiring, possessing,</td>
<td>15 night with the Department of Public Safety and today</td>
</tr>
<tr>
<td>16 and showing a free photo identification is not a</td>
<td>16 with the secretary of State and just asked them if it</td>
</tr>
<tr>
<td>17 significant increase over the usual voting burdens, and</td>
<td>17 would be possible for us to target those voters who are</td>
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<tr>
<td>18 the State’s interest are sufficient to sustain whatever</td>
<td>18 below age 65 and have -- don’t have an ID card, a</td>
</tr>
<tr>
<td>19 those minimal burdens are.</td>
<td>19 driver’s license or an ID card issued by the state; and</td>
</tr>
<tr>
<td>20 So we know there’s some inconvenience, but</td>
<td>20 they said, yes, it would be possible for us to direct</td>
</tr>
<tr>
<td>21 we’ve done everything we can to make that inconvenience</td>
<td>21 our voter education to those people specifically so that</td>
</tr>
<tr>
<td>22 as insignificant as possible. Is that --</td>
<td>22 we could step it up and let them know before your bill</td>
</tr>
<tr>
<td>23 SEN. FRASER: I will actually go with that</td>
<td>23 takes effect -- not till, when, in January? Is that --</td>
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<tr>
<td>24 in the -- the Crawford/Indiana case.</td>
<td>24 am I remembering that correctly?</td>
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1 final comments as -- before we go to take testimony, I |
2 just think that it’s noteworthy to look back at what the |
3 opponents of this legislation have said on the floor |
4 thus far today, and what I’ve heard is very little |
5 debate about the actual content of your legislation. |
6 And I think that speaks to the fact that it’s |
7 unequivocally a good idea that people ought to be able |
8 to be positively identified as who they say they are |
9 when they come to vote. |
10 What I’ve heard today is a lot of talk |
11 about procedures, even though what we’re doing is very |
12 normal for a Committee of the Whole, and it’s the same |
13 procedure that we used the last session when we |
14 considered this. Is that correct, Senator Fraser? |
15 SEN. FRASER: It is, and I think it’s very |
16 difficult for a member to argue the merits of the bill |
17 when it’s so straightforward when you ask someone in |
18 their district do they think that someone should -- |
19 should have -- be required to show a photo ID when they |
20 vote, that you’ve got near 94 percent of the population |
21 across the state of Texas. Again, every one of these |
22 members, it’s hard to argue of the merits -- argue the |
23 merits of the bill. |
24 SEN. WILLIAMS: Yeah, the other thing that |
25 I’ve heard that I think is interesting is fiscal notes. |
CONSIDERATION OF SENATE BILL 14 1/25/2011

SEN. SHAPIRO: Thank you, Mr. Chairman.
I would just like to ask one question because we're getting mixed signals, and I just want to make sure. It's just going to take a yes-or-no answer, and I think that will be the easiest.

In Section 7 of your bill, which is actually on Page 5, the requirements for identification prescribed for people who do not have to have a vote -- a photo ID, where it references their age, does the bill require that people 70 or older present a voter registration card and that they be at least 70 years of age on January 1st, 2012?

SEN. FRASER: My understanding and this is, again, something probably the Secretary of State will address, but I believe your age is -- is on the card. So if someone is 70 on January 1, 2012, they will not be asked to show a photo ID.

SEN. SHAPIRO: Okay. And this is something that the Secretary of State has put into this bill?

SEN. FRASER: No. No, I --

SEN. SHAPIRO: This is something that you inserted it into the bill. It'd be your interpretation --

SEN. FRASER: -- and that they can identify themselves --

SEN. SHAPIRO: -- inserted it into the bill. It'd be your interpretation --

SEN. FRASER: -- but it's not intended that they would -- I believe they're --

SEN. SHAPIRO: Separate.

SEN. FRASER: Yes.

SEN. SHAPIRO: It's not intended to be separate. It's intended --

SEN. FRASER: Fo.

SEN. SHAPIRO: -- to -- to make sure --

SEN. FRASER: Identify whether it's at hand?

SEN. SHAPIRO: -- that they can identify themselves --

SEN. FRASER: Okay.

SEN. SHAPIRO: -- but it's not intended that they would -- I believe they're --

SEN. SHAPIRO: Separate.

SEN. FRASER: Yes.

SEN. SHAPIRO: It's not intended to be separate. It's intended --

SEN. FRASER: Fo.

SEN. SHAPIRO: -- to be the same document.

SEN. FRASER: Yes, as long as they're --

SEN. SHAPIRO: Okay.

SEN. FRASER: -- you know, 70 on January 1, 2012.

SEN. SHAPIRO: And the date of birth is on our current voter registration cards?

SEN. FRASER: You need to ask that of the Secretary of State.

SEN. SHAPIRO: Okay. And my recollection is it is. Thank you.
CONSIDERATION OF SENATE BILL 14 1/25/2011

1 perfect as we can get them but with integrity, right, 2 and with voter confidence.
3 So as you prepared the bill and as you 4 look at the bill -- and the Supreme Court has told us 5 that there are legitimate interests, and they define 6 those for us -- So as you prepared the bill and you look 7 at Senate Bill 14 today, do you think that it addresses 8 the relevant and legitimate concerns of deterring and 9 detecting voter fraud? And I know you've been asked 10 this question a lot.
11 SEN. FRASER: Absolutely.
12 SEN. HUFFMAN: Right. Do you think that 13 it -- that it's important in that the bill will help to 14 improve and modernize the election procedures of Texas? 15 SEN. FRASER: Yes.
16 SEN. HUFFMAN: Do you think that there's a 17 larger scheme nationwide through the Help America Vote 18 Act and the National Voter Registration -- Registration 19 Act to do just that, to make elections come up to modern 20 times?
21 SEN. FRASER: Absolutely.
22 SEN. HUFFMAN: Do you think that Senate 23 Bill 14 will help to prevent voter fraud and actually 24 help to ensure that only the votes of eligible Texas 25 voters are counted in these crucial elections that

1 happen in the state of Texas?
2 SEN. FRASER: That is our intent, and we 3 believe the bill does that.
4 SEN. HUFFMAN: And do you believe that 5 once we have established these safeguards, that the 6 voters will feel more confident about their vote being 7 counted and only the votes of registered Texans who can 8 vote to be counted?
9 SEN. FRASER: Yes, that is our belief.
10 SEN. HUFFMAN: Do you think that once 11 that's established, that it will actually encourage the 12 democratic process and that it will encourage more 13 voters to go to the polls?
14 SEN. FRASER: The thing we've seen in 15 other states that have implemented photo ID, the -- the 16 voter turnout actually increased. And so, yes, we 17 believe the confidence in the voters will increase, and 18 we believe it will actually increase the voting 19 percentages.
20 SEN. HUFFMAN: Now, we've heard comments 21 today from many senators, Senator Whitmire, Senator 22 Davis, Senator Uresti, about hypothetical burdens that 23 may be placed on some hypothetical voter. But taking 24 that into account and looking at and trying to balance 25 it, do you feel like we have a bill here that -- that

1 presents and moves forward our legitimate interest in 2 Texas as it regards voting?
3 SEN. FRASER: Without a doubt.
4 SEN. HUFFMAN: All right.
5 SEN. FRASER: We believe it does.
6 SEN. HUFFMAN: Thank you very much.
7 Senator Fraser.
8 SEN. FRASER: Thank you, Senator.
9 SEN. HUFFMAN: Thank you.
10 CHAIRMAN DUNCAN: Chair recognizes Senator 11 Wentworth.
12 SEN. WENTWORTH: Thank you, Mr. Chairman.
13 Will the gentleman yield?
14 SEN. FRASER: I will yield.
15 SEN. WENTWORTH: Senator, I want to 16 compliment you on your long hours of being on your feet 17 in responding to these questions. I just wanted to 18 touch on a couple of things.
19 One is we had -- we had some testimony 20 here two years ago on a very similar bill, and I just 21 wanted -- since it's been raised earlier today, the 22 issue about whether or not maybe passage of this bill 23 would reduce voter participation. There are only a 24 couple of other states, Indiana and Georgia, where these 25 sorts of bills have been passed. One of the witnesses

1 in March of '09 said to us: Not only does voter ID help 2 prevent fraudulent voting, but where it has been 3 implemented, it has not reduced turnout. There is no 4 evidence that voter ID decreases the turnout of Voters 5 or has a disparate impact on minority voters, the poor, 6 or the elderly. The overwhelming majority of Americans 7 have photo ID or can easily obtain one.
8 Now, this is in the record from the 2009 9 hearing, which we've already adopted, but I just wanted 10 to recall some of the testimony that we had.
11 Another quote was: Recent election 12 results in Georgia and Indiana also confirmed that the 13 suppositions that voter ID will hurt minority turnout 14 are incorrect.
15 In addition -- and I'm not sure whether 16 this was part of the record in '09, but there is a study 17 of Indiana's photo ID law that was conducted by a 18 University of Missouri professor. He found that 19 requiring identification doesn't have much impact on 20 voter turnout rates. His name is Jeffery Milyo. He's 21 professor of economics and public affairs at the 22 University of Missouri. A part of the Institute of 23 Public Policy of the Harry S. Truman School of Public 24 Affairs.
25 And his conclusion is -- if I can find it
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1 quickly -- it's a many-page study, and his conclusion is
2 that the findings that emerge from his analysis are that
3 photo ID is associated with an overall county level
4 turnout increase of almost 2 percentage points -- and
5 this is just in Indiana. This isn't Georgia as well --
6 an insignificant increase in relative turnout for
7 counties with a greater percentage of minority and poor
8 population; no consistent or significant impact on
9 relative turnout in counties with a greater percentage
10 of less educated or elderly voters; and finally, a
11 significant relative increase in turnout for counties
12 with a higher percentage of Democrat voters.
13 I was just wondering if you remembered
14 those things that were testified to two years ago or
15 whether you were familiar with this university
16 professor's study.

SEN. FRASER: Thank you for bringing that
17 forward. It -- yes, I -- now, as you mention it, I do
18 remember it. The other thing that comes to mind that
19 was through the testimony two years ago is in the '08 --
20 I'm sorry -- the '08 president election or '09, that
21 even though the president was from Illinois, the
22 adjoining state, Indiana, had doubled the increase of
23 voting next door in the state -- in Indiana where they
24 had put in photo ID. Illinois did not have it, but the
25 increase was double the amount of increase next door.

1 so it certainly didn't show that they were hurt by the
2 implementation of the --

SEN. KENTWORTH: Where Indiana has a photo
3 ID law --

SEN. FRASER: Illinois does not.
4
5 SEN. KENTWORTH: Thank you very much.
6
7 Senator.
8
9 SEN. FRASER: Thank you, Senator.
10
11 CHAIRMAN DUNCAN: Okay. Members, we
12 have -- that completes all of the Members who want to
13 ask questions of the author. You can sit down for a
14 second, Senator, if you want to. Take a rest.
15 We have a little bit of housecleaning.
16 There's a few witnesses that -- or a few exhibits that
17 may want to go in that we have now made copies of. I
18 think. Senator Van de Putte, you had -- Senator
19 Zaffirini had Exhibit 6 which was a map of the DPS, and
20 we've now had that copied and available to distribute.
21 Do you want to go ahead and offer it into the record?
22 SEN. VAN de PUTTE: Yes, I will.
23
24 CHAIRMAN DUNCAN: Okay. It'll be
25 received.

1 (Exhibit No. 7 marked and admitted)
2
3 CHAIRMAN DUNCAN: Are there any other
4 exhibits that --

SEN. FRASER: Mr. President?
5
6 CHAIRMAN DUNCAN: -- were discussed that
7 we'd like to include? Senator Fraser?
8
9 SEN. FRASER: And I had one that I
10 mentioned that I was going to enter in that I have not
11 yet. It is the Lighthouse Opinion Poll. This is the
12 most current poll that is taken and has a very good
13 breakout of not only across the state, the regions, but
14 also has a breakout, Republican, Democrat, and it breaks
15 out for the African American, Hispanic, and --
16
17 CHAIRMAN DUNCAN: Do you have copies of
18 that to distribute?
19
20 SEN. FRASER: I have one copy.
21
22 CHAIRMAN DUNCAN: Okay. Well, Exhibit 8
23 will be received, but if you'll go ahead and get copies
24 so that we can distribute those at this time.
25

1 (Exhibit No. 8 marked and admitted)
2
3 CHAIRMAN DUNCAN: Senator Gallegos, for
4 SEN. GALLEGOS: Mr. President?
5
6 CHAIRMAN DUNCAN: What purpose?
7
8 SEN. GALLEGOS: I have also some diagrams,
### CONSIDERATION OF SENATE BILL 14 1/25/2011

1. Amendments. I mean, do they need to be entered now or 2. at the time of the amendment?
   
3. CHAIRMAN DUNCAI: I don’t see any problem
4. with entering them at the time when it’s relevant to 5. what you’re trying to do.
   
6. SEN. GALLEGO: Yes.
7. CHAIRMAN DUNCAI: You can put them in the 8. record at that time --
   
9. SEN. GALLEGO: Okay.
10. CHAIRMAN DUNCAI: -- when we’re --
11. SEN. GALLEGO: Then I’ll wait till --
12. till the time of the amendment. Thank you,
13. Mr. President.
14. CHAIRMAN DUNCAI: All right. Members, the 15. next phase is the invited testimony.
16. And Senator Var de Putte and Senator
17. Fraser, if you could come up to the -- make sure we’ve 18. got everybody in the right order.
19. And while they’re coming up, I want to
20. announce that it’s my intention to -- we have about
21. 17 -- 17. registered witnesses for public
22. testimony, and I would like to accommodate those
23. witnesses if we could. So remember that when you’re
24. questioning and -- that we have some folks that would
25. like to testify here later or.

---

**Testimony by Jerry Bonnett**

All right. Members, let’s go ahead and 1. move into the invited testimony.

The first witness will be Jerry Bonnett, 2. general counsel, Indiana Secretary of State.

Mr. Bonnett? Mr. Bonnett, you’ll have ten minutes the 4. timer I. right before you_ You’ll get a yellow light at 5. 30 seconds, I think. And then we’ll strictly hold you 6. to the time, and then open it to questions at that time. 7. You’ll not be interrupted during your testimony.

**Witness:**

I want to thank Senator Fraser and 9. supporters of Senate Bill 14 for inviting me to be here
10. today.

CHAIRMAN DUNCAI: Would you state your 12. name and --

MR. BONNETT: Yes. My name is Jerry
14. Bonnett. I’ve served as general counsel for the Indiana
20. Secretary of State Todd Rokita from 2005 to the end of
22. 2010 when he completed his second term in office. I am
22. currently serving as general counsel to Indiana’s next
23. Secretary of State and Chief Election Officer, the 24. Honorable Charles White.
25. Since 2005, my duties as general counsel

---

26. I have involved assisting with the implementation of
27. Indiana’s photo ID law, including working with multiple
28. players in Indiana’s election process, which is included
29. the Bureau of Motor Vehicles, county election boards,
30. poll workers, our Help America Vote Act, and support
31. agencies in coming up with the procedures and rules to
32. administer our photo ID law.
33. I’ve also been responsible for statewide
34. monitoring of election day activity in elections in our
35. statewide and primary -- primary general elections in
37. complaint from the -- regarding voting submitted to the
38. Secretary of State, the Indiana Election Division, the
39. Indiana Election Commission, the Department of Justice,
40. our Help America Vote Act, and other county election
41. boards.
42. I’ve also assisted the Indiana Attorney
43. General and the Indiana Solicitor General with the
44. discovery trials appeals and ultimately Supreme Court
45. review in the state courts and in the U.S. Supreme Court
46. of Indiana’s photo ID law.
47. Prior to the first statewide election in
48. Indiana under the photo ID law, there was no shortage of
49. organizations claiming that we smell a rat of some sort
50. and that the law has some illegal discriminatory effect
51. or political subtext. My job has been to look for
52. exactly any application of the law that was illegal or
53. overburdensome.

---

Despite the intense scrutiny of the law
that has been locally -- local, state, national, and
even international, in my impression, Indiana has
been -- and our courts who have been very open to giving
a fair and complete hearing to anyone feeling agreed or
disenfranchised by our voter ID laws. In the five years
and eight statewide primary general elections I’ve been
involved with, there’s been scant evidence of
disenfranchisement or discrimination in Indiana. If the
naysayers and conspiracy theorists and armchair social
scientists were correct in their prognostications,
Indiana would have experienced hundreds of thousands of
disenfranchised voters after the laws passed in 2005,
but hardly any group or individual or circumstance has
been found that has genuinely disenfranchised or
inconvenienced a voter beyond what the Supreme Court has
held to be the reasonable, orderly regulation of
elections.

Did Indiana fix something that wasn’t
broken? Was it a law in search of a crime? Admittedly,
there’s been little evidence of in-person voter fraud in
Indiana, but that’s been of little consolation to
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1 citizens who have come to Secretary of State's office 1 vote. In Indiana, voters can confirm their voter
2 with concerns about the confidence in our elections. registration up through election day to the IDs that
3 What Indiana has experienced were they have.
4 manipulation of voter registrations with thousands of 4 Other state agencies have reached out to
5 voter registrations submitted just prior to the closing anyone identified who has been experiencing problems of
6 of registration which have confounded the orderly obtaining photo IDs. In Indiana, it's not a money
7 registration of voters. Indiana has experienced issues 7 issue. And an ID is reviewed by social service agencies
8 with voter list maintenance where -- where partisan 8 in Indiana as key to other social services and other
9 activists have refused to update voter registration 9 benefits of citizenship, and there's been an interest in
10 lists. Insisting the U.S. Department of Justice to 10 working with individuals who had difficulty obtaining
11 intervene and require voter list maintenance in Indiana. 11 photo ID. Also, in the Indiana Election Day Handbook,
12 Indiana has seen inconsistent agency-to-agency 12 in bold print, it says, on -- in several locations, that
13 cooperation in the sharing of information. There have 13 lack of ID or problems with an ID is not a cause for
14 been times when the Social Security office was unable to 14 someone -- for a voter to be turned away.
15 provide verifications of voter registrations, times when 15 After five busy years of monitoring
16 other state agencies were not able to exchange 16 primary general elections in Indiana, working with
17 information that would assist in verifying voter 17 deputies, reviewing complaints, I can say that Indiana's
18 registrations. 18 photo ID law is not only constitutional as it is written
19 There have been reports of people in urban 19 but as it has been applied in routine use -- it is applied
20 areas being bussed around from poll location to poll 20 and become routinely used in good faith and in -- and in
21 location. There is evidence, after the act, of dead 21 an accommodating matter in the state.
22 voters having registered or of dead voters having voted. 22 Now, keeping to its principal and intent,
23 There was also a report of a well-intentioned high 23 Indiana's law, subject to all matter of partisan,
24 school civics teacher who was intent on having every 24 nonpartisan, state, national scrutiny, has not been
25 year old that came into her class register to vote and 25 applied with the rigid inflexibility and consequences

1 every 18 year old vote even though there were some
2 students of hers who are not students -- who are not
3 U.S. citizens, but they were shamed into going through
4 the registration process and that resulted in illegal --
5 an illegal vote being cast and also confounded those
6 students eventual efforts to become naturalized U.S.
7 citizens.
8 In my position, I am in a position to say
9 that the law has not been applied -- has been applied in
10 the strict and unbending manner that the dissenters have
11 suggested.
12 After the 2005 photo ID law was enacted
13 but before the first election was held, the Secretary of
14 State and the election division and interested groups
15 developed procedures to deal with the issue of the
16 conformity of names on an ID to voter registration
17 lists. Rules were developed that would allow for a
18 voter named Mary Ellen Smith to -- who might appear on
19 the voter registration in as many as ten different ways
20 to -- to proceed to vote.
21 Also, Indiana -- rules were adopted by the
22 Election Division in Indiana so that if a voter had
23 married between the time of the voter registration, at
24 the polls on election day, they could update their voter
25 registration by signing the poll book and proceed to

1 predicted by detractors. After exhaustive review in the
2 state and federal courts involving the application of
3 the law as applied -- instance of the law and in -- and
4 in Indiana's informed public opinion. Indiana's photo ID
5 has earned broad acceptance, even from skeptics, as
6 become -- as having become integral component of voter
7 confidence and law that honors the privilege and the
8 dignity of American's right to free and equal
9 participation in elections.
10 So I honor you for the difficult work
11 you're doing here today. I assure you that the work
12 won't be done if and when you pass Senate Bill 15. I
13 can certainly tell you that the sun came up in Indiana
14 after Indiana's photo ID was passed. It continued to
15 come up and continues to come up after each election
16 that we have. So I'm ready to address your questions,
17 please.
18 CHAIRMAN DUNCAN: Thank you, Mr. Bonnett.
19 So we'll have our first questions.
20 Senator Van de Putte, you're recognized.
21 QUESTIONS FROM SENATE FLOOR
22 SEN. VAN de PUTT: Thank you very much.
23 Mr. Chairman.
24 And thank you very much, Mr. Bonnett, for
25 travelling from Indiana. I know on such short notice.

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1 We appreciate you being here to help us with your expert testimony as we deliberate this very, very important issue.

4 I had a few questions that -- that I wanted to ask because here in Texas, we looked at the Indiana law, and we're looking toward -- this is -- as our bill author has said, it's kind of a Texas bill, which we think is more restrictive than yours. And we have heard from testimony that there is increased turnout, and you haven't found any instances in where the burden of the new Indiana law was placed upon anybody. And -- and I think in your testimony and in answered that it is working and even in your Supreme Court case, no party or amicus cited -- well, of course, there were no cases of impersonation at the polls in Indiana. So I have some confusion because in the 17 bill that you passed, we had reports in Marion County in 2007 that 32 vote -- voters cast ballots that could not be counted because of the voter ID law, and I want to ask you about them because just a couple of them really brought to mind some difficulties, and yet you cited that there were no cases of impersonation at the polls in Indiana but that these nuns were disenfranchised. And the irony was that I believe in that purposefully or --

3 about another case. One of them was Lauren McCallick, who was an 18-year-old freshman at Saint Mary's College in South Bend, Indiana, ten retired nuns were barred from voting in the 2008 Indiana democratic primary. Some of them were in their 80s and 90s. They no longer had driver's license. They lived at the convent, and the convent actually had the polling place in their convent. The irony was that I believe in that 4 case, the election judges were actually other nuns who lived with these nuns, but they were barred from casting a ballot even though they had previously voted in at least ten elections in Indiana but that these nuns were not able to because they did not have an ID, even though the election judges live with them. And so can you tell us? I mean, what happened to these nuns?

12 MR. BONNETT: I can't speak to the -- the instances, yet we had these reports. And so could you tell us? I mean, what happened to these nuns?

16 MR. BONNETT: I can't speak to the -- the 18 Marion County voters that you referenced to, although I think that was covered in the Indiana League of Women Voters v. Rokita case that was heard by the Indiana Supreme Court.

22 In the case of the -- the -- the nuns, in Northern Indiana, the -- it's my understanding and that -- that situation was also discussed in -- in the Crawford case -- the -- the runs did have passports.

25 Crawford case -- the -- the runs did have passports.

They did have a form of ID that was acceptable, but they refused to present that. They were eligible for other exceptions under the law, absentee voting exception, and it was really a media event because the media had been brought to the scene before. And they also refused to vote provisionally. I did not -- I believe they were brought in a van to a polling location that was not -- 28 not, I understand, any time that they were voting at the place that they lived.

27 SEN. VAN de PUTT: So --

29 MR. BONNETT: That incident was -- seemed to be discredited as a -- as a legitimate case of disenfranchisement.

31 SEN. VAN de PUTT: So you're saying these nuns were in a -- in a fraudulent matter, that these nuns all got together? But even though they're --

12 from the report what was reported, they lived at the convent, and they were all in their 80s and 90s. So I don't know. You know, maybe they had passports, maybe they didn't. But you're saying that this was orchestrated by these devious nuns to actually prove up Indiana law, and really, they intended to mess you up purposefully or --

23 MR. BONNETT: Yes, Your Honor.

25 SEN. VAN de PUTT: Oh, thank you.
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1 a -- some sort of a -- it wasn't a senior assisted, but
2 it was some sort of a temporary, like rehab, where
3 people go after strokes or after a motor vehicle
4 accident, and that they weren't allowed. I mean, I can
5 understand your story about the nuns because, you know,
6 I'm a Catholic and sometimes they get really organized,
7 and they make their point. But what --
8 MR. BONNETT: I am too.
9 SEN. VAN de PUTTIE: What -- what about the
10 people who were living in the -- again, in Marion
11 county, in a -- not their full residence --
12 MR. BONNETT: Uh-huh.
13 SEN. VAN de PUTTIE: -- but for a certain
14 period of time because they had a disability, they had
15 had a stroke, and they were living in this. What
16 happened to those folks?
17 MR. BONNETT: Well, and I don't know the
18 specifics without more information, but every -- every
19 reported case has been investigated and reviewed. The
20 state election division, the state social service
21 agencies, and Bureau of Motor Vehicles Division have
22 been quite willing to assist voters who have -- have had
23 difficulties obtaining an ID.
24 The largest group of voters in Indiana had
25 some form of ID, a -- a -- of what was left over, the

1 exceptions covered many of those voters, and the --
2 ultimately, you know, anyone registered to vote who
3 didn't have the ID, that group was small and has not
4 been identifiable in such a way that the state has been
5 able to even identify them, and certainly efforts have
6 been made in litigation to try and identify a group.
7 But I -- I believe the state would develop
8 administrative procedures to assist anyone having
9 trouble with an ID faster than the litigation would
10 proceed through the courts to try and validate the law.
11 SEN. VAN de PUTTIE: Well, I appreciate
12 your answer, but you can understand my concern.
13 Particularly in the district that I represent, we have,
14 that I know of, six convents, the sisters of Divine
15 Providence with their mother house with over 120 retired
16 nuns living there from orders all over; the society of
17 Mary, which they're Marianist priests, and after they
18 finish at the University of Dayton and live right there
19 at Saint Mary's University. We have over 56 nuns from
20 Incarnate Word and that community, and they're, you
21 know, in their 80s, 90s. And, in fact, we even have a couple
22 that are over a hundred, and while on and on, you see my
23 problem.
24 And when I read things about Indiana and
25 1 having the religious who don't live outside in homes but
26 who all have the same residences and who come back to
27 that convent or retirement home run by the nuns or run
28 by the priests, it's -- it's very difficult, and so I
29 have some concerns because I have so many voters that
30 are retired religious, and that's why I wanted to clear
31 that up.
32 But let me ask you about something else.
33 MR. BONNETT: If I may, before you change
34 the subject, I will note that Indiana, for example, has
35 a Mennonite population that objects to being
36 photographed, and our law provided an exception for
37 individuals for religious reasons who objected to being
38 photographed; and there is an exception for disabled
39 individuals who live within a state licensed
40 convalescent or care center. So Indiana has developed
41 exceptions for identifiable groups.
42 SEN. VAN de PUTTIE: Oh, well, I think
43 that's wonderful that Indiana did that, but you may not
44 know that that's in our Texas bill.
45 MR. BONNETT: Uh-huh.
46 SEN. VAN de PUTTIE: And so why this is
47 more restrictive than Indiana is we don't have the
48 protections that you do in Indiana under this bill, for
49 those who live in religious communities, for those who
50 1 are disabled.
51 And that's the other thing I wanted to
52 talk to you about because I understand that, you know,
53 this is about the other thing that you said about
54 increased turnout. But I really wanted to talk to you
55 about -- because, I mean, let's face it, isn't the
56 turnout from 2008 November election because we had a
57 highly contested primary season, but it was because we
58 had this wonderful, wonderful, very, very active
59 electorate in electing between now President Obama and
60 John McCain. I mean, it was fabulous. I mean, so you
61 really can't compare turnout to turnout because the
62 turnout was wonderful in November, and we're all very
63 excited about that. So I wonder a little bit because, I
64 mean, everybody's turnout went up.
65 MR. BONNETT: May I respond to that?
66 SEN. VAN de PUTTIE: Absolutely, please.
67 MR. BONNETT: If you compare the turnout
68 in the 2006 election, which was a nonpresidential
69 off-election year but -- for statewide primary and
70 general elections to the 2010 election last year, there
71 was also an increase between 2006 and 2010 in -- in
72 voter turnout in Indiana, which would be more comparing
73 the apples -- apples to oranges.
74 And you're right, in 2008, Indiana voted

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1. It's electoral votes for a Democratic presidential 1. Indiana code that has not complied with -- and I think 2. candidate for the first time in over 30 years. Also, in 2. that Indiana code 3-7-33-4.5 -- on election day must 3. the 2006 state Congressional races after the photo ID 3. present one of the following documents to the -- and it 4. was enacted, three of Indiana's nine Congressional seats 4. says, "A current and valid photo ID." or it says, 5. switched from Democrat -- or from Republican to 5. "current utility bill, bank statement, government check, 6. Democrat, which tended to dispute the theory of the 6. paycheck, government document that shows the name and 7. political subset of the law. 7. addresses of the voter." And yet we've been told that 8. SEN. VAN de PUTTE: Thank you. There -- 8. Indiana only has a photo. 9. there are a couple of other questions that I wanted 9. So what -- what is this section referring 10. to -- to -- 10. to? Is it a provisional ballot or is it a first-time 11. MR. BONNETT: Th-th-th. 11. voter or -- or does Indiana allow for the photo ID, but 12. SEN. VAN de PUTTE: -- check on Indiana 12. 13. law. Can you tell me -- your law has a free voter ID 14. mean -- 14. card issued by the state or the county. Are there 15. MR. BONNETT: I don't want to misstate -- 15. restrictions or affidavits or a means test for access to 16. misspeak that. It's on the Bureau of Motor Vehicle 16. a free voter identification card from Indiana? 17. MR. BONNETT: I don't want to misstate -- 17. 18. affidavit of indigency or -- or anything required, at 18. 19. If they don't have the photo ID, can they use other 19. least from what I looked at your law. But I'm not sure. 20. forms? 20. That's why I wanted to ask. 21. MR. BONNETT: I'm not aware that Indiana 21. 22. mean -- 22. accepts any alternative than a photo ID. That might -- 23. SEN. VAN de PUTTE: Well, I think that 23. 24. MR. BONNETT: -- test. 24. 25. SEN. VAN de PUTTE: Well -- 25.

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1 very much for your travel here to help us on this
2 important deliberation. Thank you.
3 MR. BONNETT: Thank you.
4 SEN. VAN de PUTT: I don't have any other
5 questions, Mr. Chairman.
6 CHAIRMAN DUNCAD: Chair recognizes Senator
7 Davis.
8 SEN. DAVIS: Thank you, Mr. Chair.
9 Mr. Secretary, thank you so much for
10 traveling to be with us today and to help inform us
11 about the work that you've done in Indiana on this
12 issue. I just want to make sure that I clearly
13 understand because today there's been a great deal of
14 discussion about your bill, as you can imagine, as the
15 reason why the bill that's being proposed in the Texas
16 Senate today would be able to withstand constitutional
17 scrutiny. So I want to make sure that we have a clear
18 record in terms of how the bill that Indiana has
19 introduced, or the law that you've introduced, mirrors
20 or does not mirror what we are -- are discussing on the
21 Senate floor today.
22 So I think I heard you say that you do
23 allow women who have been married or divorced to come in
24 to vote and to provide some affidavit that they -- their
25 name has changed and is different from is on the ID that
26 they have because of marriage or divorce. Is that
27 correct?
28 MR. BONNETT: That's correct. That's by
29 administrative directive. It's not part of the statute.
30 And I'll say that when the -- when the Indiana courts
31 reviewed, or the law that you've introduced, reviewed
32 in the context not just of the statutory
33 language but other administrative procedures that were
34 developed after the law was passed, after the framework
35 of registration correction or an affidavit that there is a
36 religious exception to being photographed, that an ID
37 cannot be obtained without -- without cost. There may
38 be another. That's provided for in the Voter Bill of
39 Rights which is posted at each poll site, and then
40 voters who vote provisionally are given a paper receipt,
41 to speak, with the instructions on how to verify
42 their provisional ballot and have it cast, how and
43 where.
44 SEN. DAVIS: Thank you. That's very
45 helpful.
46 And I believe you also have a provision in
47 Indiana, do you not, that allows for the use of an
48 expired driver's license for a certain period of time.
49 Is that correct?
50 MR. BONNETT: Yes. And I believe if it --
51 if it goes back to the beginning of the -- the opening
52 of registration for the election which is generally 30
53 days from the prior election. So it's generally about a
54
55 1 that in the -- the language that's presented to a voter
56 in terms of their right to vote in Indiana, in bold
57 language, you have clarified for voters there that not
58 having a photo ID will not in and of itself be
59 sufficient cause for them not to be able to vote. Is
60 that correct?
61 MR. BONNETT: Yes. That -- that directive
62 clarified procedures for poll workers in -- in viewing
63 IDs for conforming names.
64 SEN. DAVIS: And then I believe you said
65 20 alternatives to means to -- to verifying a provisional
66 vote to allow --
67 SEN. DAVIS: And can you discuss what
68 those several alternatives are, please?
69 MR. BONNETT: Well, generally, providing
70 the -- the ID or providing the -- the voter
71 registration correction or an affidavit that there is a
72 religious exception to being photographed, that an ID
73 cannot be obtained without -- without cost. There may
74 be another. That's provided for in the Voter Bill of
75 Rights which is posted at each poll site, and then
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88 of registration for the election which is generally 30
89 days from the prior election. So it's generally about a
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1 year, year past.
2 SEN. DAVIS: Okay. Have you done any work
3 in Indiana to track or to attempt to track the
4 percentage of persons based on categories, whether it be
5 senior status, whether it be minority status, whether it be
6 indigent status, where people have claimed that
7 somehow their right to vote has been interfered with as
8 a result of this particular law?
9 MR. BONNETT: I'm not familiar with the
10 state doing that research. Certainly there -- there are
11 interest groups that have -- have made a concerted
12 effort to identify individuals, groups, or
13 characteristics, identify them and locate beyond the
14 theoretical basis; and generally, it's not been
15 something that's been accomplished. There's been a
16 tremendous separation between the theoretical concerns
17 and what's actually been experienced in our elections
18 over the last five years.
19 SEN. DAVIS: When you started your
20 comments this afternoon, you began by saying that there
21 had been scant evidence of disenfranchisement, and scant
22 to me means that there must have been some. So can you
23 talk a little bit with us about what that's looked like
24 for Indiana?
25 MR. BONNETT: There -- there was a single

1 religious purposes. We talked about the fact that if a
2 person comes to the polling location without an ID, they
3 can vote a provisional ballot so long as they attest as
4 one of the -- the reasons for voting that provisional
5 ballot, that they had to pay a fee in order to -- to get
6 a photo ID and they were unable to pay that fee. You
7 talked about the special rule that's been created to
8 handle the situation where women have been married or
9 divorced and their -- their name would be different than
10 what is on their ID.
11 Are there other -- and excuse me -- you
12 also talked about the expiration of a driver's license
13 not being a reason to immediately turn that -- that
14 voter away so long as it's within that --
15 MR. BONNETT: Uh-huh.
16 SEN. DAVIS: -- period of time that you
17 described earlier.
18 Are there any other conditions that were
19 implemented, either through the statute or through
20 administrative rule, that you feel we should know about
21 in terms of reflecting a sensitivity to trying to
22 preserve the enfranchisement of your voters as much as
23 possible?
24 MR. BONNETT: Yes. College -- college
25 students at some state universities have -- it came

1 media report prior to the 2010 election, a few days
2 prior to the election. It was not officially reported
3 to the state, but the media account was a gentleman
4 of -- in a particular county of 40-something years, due
5 to some unusual circumstances did not have a birth
6 certificate. I think it involved him having been
7 discharged to foster care through state programs,
8 et cetera. But it also was evident that the Bureau of
9 Motor Vehicles Division has a special group -- team that
10 works with individuals who have particular problem to
11 address those needs. And the -- the report did not
12 result in -- in a complaint, and there was no indication
13 the state got that the person wasn't able to vote
14 under -- under one of the exceptions.
15 There have been some reports, also, that
16 generally upon investigation, the individuals were able
17 to vote under -- under some provision.
18 SEN. DAVIS: And you mentioned that -- a
19 moment ago, that through both administrative rule and
20 through the statute itself, in the state of Indiana,
21 you've tried to be cognizant of this disenfranchisement
22 issue through some of the -- the rules that you've
23 enacted along with it. We talked about the fact that
24 you have a religious exception for -- for people who
25 cannot be photographed or refused to be photographed for

1 about, they have IDs that don't have an expiration date,
2 and through arrangements with -- with state colleges,
3 the universities provided through some type -- I believe
4 it was a secure online facility -- a way for the polling
5 locations to -- to verify the expiration date
6 independent of the actual ID. And so arrangements were
7 made, then, for students with -- with a university ID
8 that did not have the expiration date but where the
9 college was able to provide that information
10 independently to go ahead and vote on election day.
11 SEN. DAVIS: Very good. Are there any
12 other?
13 MR. BONNETT: Not that come to mind.
14 SEN. DAVIS: Okay. Thank you.
15 Mr. Secretary. I appreciate it.
16 MR. BONNETT: Uh-huh.
17 CHAIRMAN DUNCAN: There being no further
18 questions, Mr. Bonnett. Thank you for your testimony
19 today and for traveling here.
20 SEN. WEST: Mr. Chairman?
21 CHAIRMAN DUNCAN: Senator West, you're a
22 little late on the light there.
23 SEN. WEST: I thought it was on.
24 anyway.
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And it may have already -- you may have already addressed this, and I just may not have heard it. As it relates to the provisional ballots in your state --

MR. BONNETT: Uh-huh.

SEN. WEST: -- an individual can, in fact, cast a provisional ballot. Is that correct?

MR. BONNETT: Yes.

SEN. WEST: Okay. And they have to -- what's the process? Once they cast the ballot, in order for the ballot to count, they have to come back within a certain number of days?

MR. BONNETT: Within ten days.

SEN. WEST: And what do they have to do?

MR. BONNETT: They can correct any -- any issue with -- with voter registration. For example, if a person appears at a poll and they're simply not registered at all, they can still cast a provisional ballot. You know, there may be some administrative issue in the -- with kind of registration board about why they didn't show up in the precinct where they believe they needed to vote. That -- that can be corrected, and the Election Board is free to correct that through and beyond the election. They can bring in the identification, and they can certainly seek assistance with obtaining the identification that's required.

SEN. WEST: Okay. So there's a process in place.

MR. BONNETT: Yes. The county election boards submit that information with their -- with their poll results data to the Election Division, and it's -- it's published online for every election. The -- the number of provisional ballots and the disposition and the counties actually are also required to send copies of the affidavits to the Secretary of State's office, which then can be examined for the reason. For example, some provisional ballots, you know, there are some instances where a person would go to a precinct and not be registered to vote a provisional ballot and then be directed to, and the poll workers are advised to have someone go ahead and vote that provisional ballot.

SEN. WEST: Is that information disaggregated by ethnicity?

MR. BONNETT: No. I'm not -- I do not believe that there's an indication on the provisional ballot affidavit.

SEN. WEST: Do you really don't -- I mean, in terms of the provisional ballots, the tallies, in terms of provisional ballots, is it disaggregated by ethnicity; that is, the number of Hispanics, African Americans that are voting?

MR. BONNETT: It's not, although the copies of the affidavits are -- are public information, and there have been some social scientists who have been studying and attempting to write about the -- the provisional ballots and determine if there's any -- any meeting or conclusions that can be gathered from the provisional ballots and determine if there's any, any studies done in Indiana?

MR. BONNETT: I have looked at one study from a adjunct law professor. It did not appear to provide any -- any academic or statistically sound conclusions. It was more a discourse on the issue of photo ID, in general, but it made some reference to some statistics that were, you know, tallies of the number of photo ID, in general, but it made some reference to some statistics that were, you know, tallies of the number of provisional ballots.

SEN. WEST: Has there been any -- any such studies done in Indiana?

MR. BONNETT: I'm not aware of an aggregated report. The data exists, and it's -- it's online. I'm not aware of an aggregated analysis of how many.

SEN. WEST: Do you happen to have the cite for that particular professor's study or article?

MR. BONNETT: I'll be happy to get it to you or get it to the committee.

SEN. WEST: To the chairman and the staff? I'd appreciate that.

As it relates to provisional ballots, is there any type of report on the number of individuals or the percentage of individuals that come back and go through the process to make certain their vote count?

MR. BONNETT: I'm not aware of an aggregated report. The data exists, and it's -- it's online. I'm not aware of an aggregated analysis of how many.

SEN. WEST: Is that information disaggregated by ethnicity?

MR. BONNETT: No. I'm not -- I do not believe that there's an indication on the provisional ballot affidavit.

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But then they may later in the day be directed to the right precinct, and then the -- you know, so there can be more than one provisional ballot.

There's also some of the scholarship related to the issue that if the outcomes of elections have been determined by substantial margins, then individuals may not feel a need to go back and verify the provisional ballots if the election were not so close that --

SEN. WEST: Richt.

MR. BONNETT: -- that the votes were meaningful. So it's not really what -- what -- clear what the meaning of the numbers of provisional ballots and the ones that are verified means, as far as I'm aware.

SEN. WEST: But there's no statewide study or report that's done on an annual basis that looks at the percentage of individuals that cast provisional ballots that actually go back and verify their ability to --

MR. EONNETT: That data is reported in --

but I'm not aware of analysis of it. The number by county of provisional ballots, probably by precinct, that were cast and their ultimate disposition is -- is reported in -- in election return statistics. Analysis of it is not something that I'm aware of, though.

MR. BONNETT: Yes, it is a state-issue ID.

SEN. GALLEGOS: It is valid?

MR. BONNETT: Uh-huh.

SEN. GALLEGOS: And any supplements of that Indiana license, is that also a form of ID? What I mean supplements is, if it -- if a driver's license is confiscated and you get a temporary, is that also a valid -- a valid form of ID?

MR. BONNETT: If the -- I don't believe that the state driver's license is specified in the legislation. It's specified more generically, a state-issued ID with photograph with an expiration date or government-issued ID.

It's my understanding when a driver's license is confiscated that the Bureau of Motor Vehicles will immediately issue another form of ID that is a -- for example, driving is restricted.

SEN. GALLEGOS: And that is a valid form of ID?

MR. BONNETT: Uh-huh.

SEN. GALLEGOS: Okay.

MR. BONNETT: I don't believe the -- I remember when I lived in Texas and in Louisiana sometimes the police would take away your ID and give you a piece of paper that was sort of -- to cover for you, and that type of document would not be.

SEN. GALLEGOS: Yeah. But that is a valid form of ID in Indiana?

MR. BONNETT: It would be required to have -- the ID would be required to have a picture and have the expiration date. And so something other than that would not be allowed for voting. It would still be required to have a picture.

SEN. GALLEGOS: Thank you.

MR. BONNETT: Does that answer your question?

SEN. GALLEGOS: Yeah.

CHAIRMAN DUNCAN: Thank you, Mr. Bonnett.

We appreciate your appearance here today.

TESTIMONY BY LUIS FIGUEROA

CHAIRMAN DUNCAN: The Chair calls Luis Figueroa -- Figueroa, Mexican American Legal Defense Education Fund, or MALDEF. Would you state your name, please, and who you represent?

MR. FIGUEROA: Absolutely. My name is Luis Figueroa. I'm the legislative staff attorney with MALDEF. Thank you very much for this opportunity to testify before the Senate on this important legislation.

MALDEF works to promote and protect the
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1 rights of Latinos, including voting rights and in the
2 state of Texas and across the nation. We have an
3 extensive history in the Voting Rights Act and in
4 protecting voting rights across the nation and, of
5 course, here in Texas, going back to the case of White
6 v. Register and most recently in LULAC v. Perry
7 challenging the redistricting implementation from the
8 last decade for last -- from the last session.
9
10 We stand here opposed to SB 14 because it
11 lacks the safeguards to ensure that eligible voters will
12 not be disenfranchised at the polls. If SB 14 was
13 enacted, it would be the most restrictive photo ID
14 requirement in the nation, more restrictive than
15 Indiana, more restrictive than Georgia, more restrictive
16 than Arizona. They would allow for voter identity
17 documents, less time to cure for provisional ballots,
18 and it would be even more difficult to cure than any of
19 the other states.
20
21 Studies after studies have shown that
22 voter ID and additional identification requirements at
23 the polls do have an impact on minority voters and on
24 other protected classes. The study from voter ID
25 requirements and disenfranchisement of Latino, black and
26 Asian voters by Barreto, Nine & Sanchez states
27 "Controlling for age, income and education, we find the
28 1 to have driver's license problems. Less than half,
29 40 percent, of Milwaukee County African-American adults
30 and 43 percent of Hispanic adults have a valid driver's
31 licenses compared to 85 percent of white adults in the
32 balance of the state."
33 The Brennan Center, in their report
34 "Citizens Without Proof, A Survey of Americans'
35 Possession of Documentary Proof of Citizenship and Photo
36 Identification," stated, "Citizens with comparatively low
37 incomes are less likely to possess documentation proving
38 they are citizens. As many as 11 percent of United
39 States Citizens, more than 21 individuals, do not have
40 government-issued photo identification." It goes on to
41 state that "25 percent of African-American voting-aged
42 citizens have no current government-issued photo ID
43 compared to 8 percent of white voting-aged citizens."
44 Study after study has shown that Latinos,
45 African-Americans, elderly, the poor, students are less
46 likely -- the disabled community are less likely to have
47 the photo identification requirements required under
48 the photo identification requirements required under
49 SB 14.
50 It is important to note that Texas under
51 current law has a voter ID requirements. It has an ID
52 requirement that -- it requires that you bring a voter
53 registration certificate or additional forms of

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1 What we found in Arizona when we litigated 310
2 was that the most common problem was a driver’s license 311
3 that did not match an address, that did not match a
4 voter registration certificate. We know that Latinos, 5 African-Americans and low income are the most mobile
6 populations often moving from a rental apartment, moving
7 from home to home, and as a result are most likely to
8 have matching -- most likely have identification that
9 doesn’t match their voter registration certificate.
10 We know that providing a free personal
11 identification certificate does not solve the problem if
12 the documents needed to get a personal identification
13 certificate are the same ones that the study show the
14 minorities don’t have. And we know that if people are
15 required to bring birth certificates and other
16 documentation that they are unable to get a current
17 driver’s license, that they are not likely to get the
18 free personal identification if they lack those same
19 documents.
20 We believe that there are ways to
21 create -- there are ways to ensure that people who are
22 voting are who they say they are. There are ways to do
23 it without disenfranchising voters. What we need are
24 appropriate safeguards in a photo identification law.
25 We need to expand the current list of documents that are
312
1 provided in SB 14, and most importantly we should
2 incorporate a signature affidavit similar to Michigan
3 and Florida to ensure that people who lack the
4 identification requirements are still able to cast a
5 ballot and have their vote count. It’s about finding
6 the right balance between security and access.
7 SB 14 only focuses on voter impersonation
8 fraud while ignoring voter intimidation, deceptive
9 practices and poll worker error. There are ways to
10 ensure that voters who say they are -- are who they say
11 without disenfranchising voters. Finding that right
12 balance includes including two forms of nonphoto
13 identification, requiring signature affidavit attesting
14 to name, address and eligibility, including voter
15 integrity task force, allowing for same-day election
16 voter registration with an ID requirement, free ID that
17 is not limited to the current requirements that require
18 the same documents that are required to get a driver’s
19 license right now, training for poll workers and voter
20 education.
21 When we find the right balance between
22 access and security, we will ensure that we have the
23 voter confidence in our system, a system that is not
24 predicated on trying to disenfranchise voters, a system
25 that is not so insecure that we don’t have faith in our

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SEN. RODRIGUEZ: So given that, is it your opinion that this law, this bill that we’re considering, 6 would be much more likely to disenfranchise voters than these other states’ laws?

MR. FIGUEROA: I do think the more -- the more requirements you put, the more limits on identification, the more likely you are to have an impact on the working poor and Latinos and African-Americans and other -- and other voters.

SEN. RODRIGUEZ: Could you go over some of the implementation challenges or issues that were confronted when the Arizona law was being implemented to give us a sense of what we might expect? And particularly you might -- if you could focus on how it may have impacted the Latino voters in Arizona.

MR. FIGUEROA: Absolutely. Our studies did find -- our expert did find a disparate impact in Arizona on Latino voters, and I grant you this was even more pronounced than Arizona. Section 5 state.

SEN. RODRIGUEZ: And if so why?

MR. FIGUEROA: Texas has one of the lowest voter turnouts in the nation. Latino voter turnout is the lowest in the nation. I believe it may actually be the lowest in the nation. Latino voter turnout is 12 percent.

MR. FIGUEROA: Yes. And ironically the long-standing history has engendered mistrust on the part of the Latino voters as far as coming out and voting.

SEN. RODRIGUEZ: If so why?

MR. FIGUEROA: Yes. And ironically the history of voter discrimination in Texas, which is why we’re a Section 5 state under the Voting Rights Act. It is precisely because of our history and the all-white primaries, poll tax, disenfranchising voters through cracking and splitting and redistricting that we are a Section 5 state.

SENS. RODRIGUEZ: I see. Finally, let me ask you just for the record here -- I think we know the answer -- but have Latino voters generally experienced discrimination on the voting side of Latinos, and there's a long history of discrimination on the voting side of Latinos, and there is this feeling among many Latinos that there is a continual effort to prevent our ability to elect our candidates of choice and our ability to vote. So we need to work on our confidence on the access side, particularly with the Latino community.

SEN. RODRIGUEZ: Could you tell us whether Texas has a long history of voter discrimination in Texas, which is why we’re a Section 5 state under the Voting Rights Act. It is precisely because of our history and the all-white primaries, poll tax, disenfranchising voters through cracking and splitting and redistricting that we are a Section 5 state. And I believe that there’s going to be a witness here today that’s going to talk about that.

SEN. RODRIGUEZ: Do you feel that this bill would even have a stronger impact than Arizona. What we found in Arizona was -- the most significant impact were poll workers who tried -- who claimed that the address had to match the voter registration certificate to the driver’s license.

Poll worker training has got to be a key component of this. It’s not clear from SB 14 about what to do if a driver’s license doesn’t match the voter registration certificate, whether that's because a recently married woman has a different last name, because there’s a misspelling on the voter registration certificate, whether the address doesn’t match or the date of birth doesn’t match. There’s any number of possibilities of a mismatch between the voter registration and the licenses that are going to be required. Are poll workers going to use that to disenfranchise voters? Well, we would hope not, but we’ve been here before.

SEN. RODRIGUEZ: All right. Thank you.
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SEN. HUFFMAN: And didn’t the Supreme Court of the United States reject your assertions that voter photo ID laws unduly burden the right to vote? MR. FIGUEROA: What the Crawford decision said was it was one, not a voting rights case. It wasn’t a section 5 case or a section 2 Voting Rights case. It was a 14th Amendment undue burdens case. And what they essentially held was the burdens that it imposes on voters was not significant enough to cause a violation of the 14th Amendment.

SEN. HUFFMAN: Thank you.

MR. FIGUEROA: I would state that this bill is more restrictive than the Indiana bill, though.

CHAIRMAN DUNCAN: Thank you, Mr. Figueroa.

SEN. GALLEGOS: Thank you, Mr. Chairman.

MR. FIGUEROA: That’s right.

SEN. GALLEGOS: And also -- or inside the

SEN. HUFFMAN: And didn’t the Supreme Court of the United States reject your assertions that voter photo ID laws unduly burden the right to vote? MR. FIGUEROA: What the Crawford decision said was it was one, not a voting rights case. It wasn’t a section 5 case or a section 2 Voting Rights case. It was a 14th Amendment undue burdens case. And what they essentially held was the burdens that it imposes on voters was not significant enough to cause a violation of the 14th Amendment.

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MR. FIGUEROA: That’s right.

SEN. GALLEGOS: And also -- or inside the
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1. Where similarly the DPS departments were not in the 2. inner city, so I do think it is a factor that they will 3. consider in preclearance about how accessible is it to 4. obtain that free identification. And in the rural 5. counties of Texas, the inner cities, if it shows that it 6. does have extreme difficulties for minorities to access 7. those free IDs because of the inability to get to a DPS 8. office, the amount of time it takes, the money it takes, 9. the documents it requires to get that free 10. identification, I think that does play an important part 11. of it.

12. SEN. GALLEGOS: So what you're saying 13. is -- your testimony is that it definitely is a factor. 14. And then like -- other than the area that I mentioned 15. in my district and Fort Worth and Dallas, let's say an 16. area like Senator Dreti's area where in some cases 17. they've got to go 200 miles, you'll have to catch -- 18. you'll have to either rent a helicopter or get a 19. Southwest Airlines flight to go, and even though we're 20. offering free ID, you know, the issue is how to get 21. there.

22. MR. FIGUEROA: Yeah.

23. SEN. GALLEGOS: And what I described to 24. you on those instances where, you know, these people 25. cannot provide themselves with -- especially the elderly

1. In these areas, you know, with transportation or don't 2. have the money to provide it. I mean, we can tell them 3. that we have free voter ID available to them if they can 4. get there.

5. MR. FIGUEROA: Right.

6. SEN. GALLEGOS: Is that -- is that what 7. your testimony is here?

8. MR. FIGUEROA: Yes. If they can get 9. there, if they have the means to get there, if they have 10. the documents to get the documentation, absolutely.

11. Free isn't necessarily free.

12. SEN. GALLEGOS: All right. Thank you.

13. CHAIRMAN DUNCAN: Are there any other 14. questions of the witness?

15. (No response)

16. CHAIRMAN DUNCAN: All right. The Chair 17. hears none. Thank you for your testimony, Mr. Figueroa.

18. TESTIMONY BY CHRISTIAN WARD

19. CHAIRMAN DUNCAN: The Chair calls 20. Christian Ward. Mr. Ward, state your name and who you 21. represent, please. You have ten minutes with a --

22. MR. WARD: Thank you, Mr. Chairman.

23. CHAIRMAN DUNCAN: I think it's either a 24. one-minute warning or 30 seconds. I can't remember.

25. SECRETARY SPAN: One.
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1 test that the Court will apply, he said, is you weigh
2 the asserted injury to the right to vote against the
3 precise interests put forward by the state. So you look
4 at the alleged injury or impairment of the right to
5 vote, the alleged burden imposed by the voter ID
6 requirement, and you compare that with the severity of
7 the harm that the state is trying to avoid.
8
9 That opinion identifies at least three
10 valid state interests that the state of Indiana was
11 attacking with its voter ID legislation. Number one,
12 deterring and detecting voter fraud. Justice Stevens
13 says that you can't -- nobody can question the
14 importance of deterring and detecting voter fraud.
15
16 Now, he noted that in that case there was
17 nothing in the record of that case that in-person voting
18 fraud, showing up and impersonating another person, had
19 actually occurred or was a big problem in Indiana, but
20 it was enough that this is a possibility.
21
22 He tells a story of an associate,
23 Boss Tweed, in New York back during the 1860s, and this
24 associate would send his repeaters. He would recruit
25 men who had whiskers and send them to vote once with a
26 full beard and then send them then to a barber and get the
27 chin shaved off and send them back with mutton chops and
28 a mustache and then send them back with just a mustache.
29
30 And then if you needed another vote, send them back again
31 with a face, it said, plain face, and that makes each one good
32 for four votes.
33
34 Bow, I mention that both because I thought
35 it was a little amusing story, but the more serious
36 point is that the Court looked at this. This is an
37 anecdote from history. This is not saying that a state
38 has to have any showing that this a current modern
39 problem. The Court cites this anecdote as an example of
40 a potential problem that a legislature is within
41 its rights to attempt to address by this type of law.
42
43 Other valid state interests that the Court
44 identified with regard to a voter ID legislation is the
45 improvement and modernization of election procedures.
46 The Court noted that Congress has shown that it believes
47 that photo ID is an effective method of establishing
48 voters' qualifications to vote. The National Voter
49 Registration Act of 1993, also known as the Motor Voter
50 Act, is the act that says when you go to apply for your
51 driver's license, you have to be offered the chance to
52 register to vote. It's also the act -- it also has
53 requirements that limit the states' abilities to purge
54 their voter rolls. So that's one reason why voter rolls
55 tend to have more voters that actually continue to
56 reside in a particular state or a particular

1 tax or a fee to get the ID, that would be the equivalent
2 of a poll tax, and that would be unconstitutional. So
3 one important provision which the Indiana legislation
4 had and which the Texas bill has is the fact that free
5 voter ID cards are available.
6
7 The Court noted that some people will have
8 heavier burdens and -- but the fact that some people may
9 have heavier burdens does not make the statute itself
10 facially invalid and unconstitutional. It means that
11 perhaps in an individual case an individual might be
12 able to show that the burden -- the specific burden on
13 an individual is so high that it would be
14 unconstitutional to apply the statute to that
15 individual, but that's not the same thing as saying that
16 the statute is facially invalid and unconstitutional as
17 a whole. And that's what we usually think of when we
18 think of the Court striking down a law as
19 unconstitutional. That strikes down the whole law as
20 invalid.
21
22 So that was the ultimate conclusion.
23 Justice Scalia, in his opinion concurring, would go a
24 little bit further than Justice Stevens, but he
25 essentially reaches the same result. Justice Scalia
26 says that the voter ID law is a generally applicable,
27 nondiscriminatory voting regulation, and thus individual
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1 impacts on specific voters are irrelevant for
2 determining the severity of the burden. In Justice
3 Scalia's analysis, he said you look at the burden is not
4 severe on anyone. The burden is show a photo ID. That
5 burden could have some different impacts on particular
6 individuals, again, who might have a particular hardship
7 getting that ID. But, again, that's not enough to say
8 that the law, as a whole, is unconstitutional.
9
10 the witness?
11 (No response)
12
13 SEN. ELTIFE: Thank you.
14
15 MR. WARD: Thank you very much.
16
17 TESTIMONY BY GARY BLEDSOE
18
19 Gary Bledsoe. I represent the Texas State Conference of
20 NAACP branches, and I am proud to stand before you as a
21 fellow Texan, and indeed I want to emphasize the term
22 "fellow Texans."
23 You know, the Texas that we have today is
24 very different from the Texas that I grew up in, and
25 indeed I've seen many things occur that have been
26 extremely positive for me. I grew up in a segregated
27 Texas when voting was really a luxury, something that
28 was not to be expected in my community. It was
29 something very much that people cherished and desired,
30 desired to occur.
31 And many of you might even remember back
32 in 1974 when Frank Robinson, an African-American who was
33 registering individuals to vote out in Palestine, was
34 actually killed at his home because of his attempts to
35 register people to vote. Now, I happened to be a
36 freshman in law school at that time. So it's not all
37 long ago that that actually occurred.
38 And, you know, when I -- when I look at
39 the ways that we have had to struggle to get the
40 opportunity to vote, I want you to know that we cherish
41 that and know that's extremely important. And in many
42 ways, our state had become exemplary. When I go around
43 the country and you -- we understand how we've enabled
44 people that have been on paper with felony convictions
45 to vote and things of that nature, that's a good thing.
46 And, you know, the fact that -- we don't
47 really have a problem with voter fraud in elections. I
48 think that all the testimony seems to indicate that,
49 that indeed people who go to vote are indeed people who
50 actually are registered to vote. So there's really not
51 a problem in that regard from what we've seen.
52 However, I'm aware that what we're
53 discussing now is whether or not we will have a bill.
54 So I would reach out to each and every one of you and
55 say that if we are going to discuss voter
56 identification, then let's do so in a way to be
57 constructive and to be enabling so that we can try and
58 empower all the people within our state to presume that
59 all people who would be eligible to vote ought to be
60 allowed to vote. And so we should reduce impediments
61 and not present additional impediments that would
62 prevent people from voting.
63 Now, frequently we have come before you
64 and talked about this issue. I know that the last time
65 I came before you we talked about a number of instances
66 of serious irregularities that have occurred in our
67 state, and I don't want to go back and go over all
68 those, but I want to point some of those out to you
69 because I think if we're talking about voter problems
70 that really and truly we ought to be talking about some
71 of the issues that prevent access because we think
72 that's a much more significant problem than the problem
73 with people voting who are not the people who were --
74 who were actually registered to vote.
75 In just this past year, we had a situation
76 with elderly citizens up in Bowie County who were
77 harassed by individuals after they had voted absence,
78 and people were demanding to know how they voted,
79 terrorizing the elderly people who made contact with us
80 because they were very concerned, but it was very
81 obvious it was because of politics, from our
82 observation.
83 We know that we had so many problems or
84 complaints directed to us out of Harris County this last
85 session where people were intimidated by other
86 individuals who hovered over them, who stared at them
87 and gave very hateful looks towards them, intimidating
88 some people from going forward with actually voting.
89 So we know these things continue and
90 occur, and it's not just the kinds of things that we've
91 seen in the recent past, such as when an
92 African-American candidate for sheriff in a county
93 outside Houston had -- one of his white supporters had
94 their home catch fire. And so instead of investigating
95 what might have occurred, they ended up investigating
96 the African-American candidate for sheriff.
97 We know that where they've used off-duty
98 police along with improper uses of mailboxes in Fannin
99 County to intimidate African-Americans from being able
100 to vote. So it goes on and on, and all these things

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1 have occurred within the last decade and some within the
2 past six months. So we know that indeed we have not
3 arrived to where we have eliminated problems with
4 preventing our having access to be able to vote. And
5 you know, I was able to be an
6 election observer for an election down in Venezuela, and
7 that was quite illuminating to me in that the
8 individuals had to give a fingerprint whenever they
9 voted, and an untrained person had to look at the
10 fingerprint and determine whether or not it was the
11 right person. And we know that the photograph came up
12 on the screen and you had to look and see if this was
13 the right person.
14 And, you know, they had armed guards
15 around, and I actually had the misfortune of having a
16 gun directed at me by a guard. When I was asked by an
17 official in the Secretary of State's Office to actually
18 go and observe them vote, I actually had to back off
19 when a gun was directed right at my face for -- five or
20 six feet away.
21 So I think we look at those things, we
22 don't need to move in that direction. We need to be
23 going out and telling people that what we have is really
24 good. What we have is actually working, where we have a
25 democracy, we have people that are engaged that are from
26 different backgrounds, different races, different
27 ethnicities, and we get there and we debate and we
28 discuss issues.
29 You know, when they had the birth of a
30 nation years ago and they talked about what would occur
31 in our country with enfranchising African-Americans, we
32 found out just the opposite was true, and that indeed
33 we're moving toward something that's very special, but
34 there are people that are competing against what we've
35 been trying to accomplish.
36 But, Senate, I really want to say to you
37 that we have a system that I feel is actually a good
38 system.
39 Now, besides all the other matters that I
40 can talk about, I wanted to visit with you about some of
41 the problems that we see with where we're proceeding
42 with SB 14. You know, I don't understand why, but in
43 many ways I look at SB 14 and SB 14 is much more
44 problematic than the Indiana law and much more
45 problematic than the Georgia law that have been
46 utilized. When we look at the Indiana law, the Indiana
47 law -- we can see where individuals can actually come in
48 and if they are indigent, they can give an affidavit and
49 be allowed to vote by saying that they can't afford to
50 have a voter ID.
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1 and Georgia were both superior. The criminal
2 prosecution will discourage. We know that this might
3 impair compliance with the NVRA. We know that there
4 have been so many problems with election officials that
5 this will empower them more so to disadvantage
6 individuals. And we know that because of the time to
7 vote, the problem with identification and especially
8 cross-racial identifications, the issue of the
9 expirations and the types of the IDs selected, those
10 things are going to further reduce the minority vote.
11 So we think this is a covered jurisdiction, and you can
12 look at this in a different way. Thank you.
13 SEN. ELTIFE: Mr. Bledsoe, thank you. And
14 some members do have questions for you.
15 Senator West?
16 QUESTIONS FROM SENATE FLOOR
17 SEN. WEST: Thank you very much,
18 Mr. Chairman.
19 Mr. Bledsoe, thank you also. How, you've
20 been the President of the NAACP Conference-- state
21 conference for how many years now?
22 MR. BLEDSOE: Twenty years.
23 SEN. WEST: Twenty years. Is there a
24 well-documented history of voter suppression that is
25 specifically related to race and ethnicity in this

1 the types of IDs that are selected, the time period with
2 the nature of the jobs that African-Americans have and
3 the requirement for African-Americans to come in and
4 actually produce their proof within a certain period of
5 time. We've had enormous problems in this state with
6 the cross-racial identifications, and I can just see
7 enormous problems with that. Especially with the kind
8 of things that we've seen in Bell County and some other
9 places here recently, we know that's going to be a
10 problem.
11 And we know, too, that in terms of the
12 issue of expirations, that's going to be a problem. And
13 if you look at state data on like voter -- excuse me --
14 motor vehicle ownership, our access to vehicles, you'll
15 find there's a big disparity among racial groups. And
16 so we're talking about the poorest of minority groups
17 not truly having access to be able to go and access the
18 identification. So I think it's clearly going to have a
19 disparate impact.
20 SEN. WEST: So is it your testimony that
21 this particular voter ID will discourage as opposed
22 to encourage people to participate in the electoral
23 system?
24 MR. BLEDSOE: It will; it clearly will.
25 And, you know, one of the big things obviously is the

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1 MR. BLEDSOE: We've seen none. And, you know, our group is unanimously opposed to it. And, you know, we've got Republicans and Democrats in our group. And let me say that one of our folks that I think you even know. Senator -- I don't know that you know this -- but Obie Greenleaf, who is a city councilman now up in Sherman, he just went and tried to renew his registration, and he was pulled out of line, told he had to go home and get -- and get his birth certificate.

SEN. WEST: And he's a city councilman?

MR. BLEDSOE: He's a city councilman. And another African-American male, who is 80 years old, was told to do the same thing. Now, all the whites in line were not pulled out.

SEN. WEST: And you know, we've done some surveys around the state, and we're not complying with NVRA. So there is a real problem with our people being registered to vote by our agencies.

MR. BLEDSOE: Right.

SEN. WEST: Well, there have, in fact, been some campaigns that have been launched lately -- or back in 2005, 2006, campaign against voter fraud. Do you remember those campaigns by the Attorney General?

MR. BLEDSOE: I'm aware.

SEN. WEST: And some of the images that were used there within the content of those campaigns?

MR. BLEDSOE: I think those things became part of litigation, if I'm not --

SEN. WEST: All right. So. frankly, the passage of this particular bill will encourage additional litigation in the civil rights area. Is that correct?

MR. BLEDSOE: There's no question. Let's look at the PV 19, for example --

SEN. WEST: Right.

MR. BLEDSOE: -- and the 19 children who bore the names of their fathers, and they were wrongfully prosecuted because they voted in Waller County. And that county still has enormous problems.

SEN. WEST: And as you well know, the Texas right now is under a Voting Rights Act.

MR. BLEDSOE: That is correct.

SEN. HINOJOSA: And they have an actual burden to prove that whatever laws they pass in terms of voting doesn't discriminate or suppress the vote against minorities.

MR. BLEDSOE: And that's one thing they didn't have in Indiana. That's an additional obstacle that they'll have to encounter with the law in this state.

SEN. HINOJOSA: And as you recite history, it seems to me that many times different laws, different methods are used to try to suppress the vote of minorities, and they use different expedients and advocacy, and needless to say you're steadfast as it relates to protecting the rights and civil rights of people in this state. Thank you.

MR. BLEDSOE: Thank you.

CHAIRMAN DUNCAN: The Chair recognizes Senator Hinojosa.

SEN. HINOJOSA: Thank you, Mr. Chairman.

Mr. Bledsoe, thank you for your testimony. And I was very interested as you described the history in where minorities for a long time were being kept from voting and exercising their right to vote. You talk about many problems from intimidation, I guess, to the poll tax. Can you name some of those situations, for example, where laws have been passed for the sole purpose of trying to suppress the vote of minorities?

MR. BLEDSOE: Obviously there were -- there were a number of those that occurred. One of the things that we had in our state was the grandfather clause. You know, we had had poll taxes in this state, and ultimately in this state they ended up passing the rule that was used in the Democratic Primary, which at that time there were -- the two parties were the conservative Democrat and the liberal Democrat. And if you didn't vote in that Democratic primary, you really didn't have a vote.

SEN. HINOJOSA: Richt.

MR. BLEDSOE: -- and the 19 children who bore the names of their fathers, and they were wrongfully prosecuted because they voted in Waller County. And that county still has enormous problems.
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SEN. HINOJOSA: And as you describe the
16 different problems that exist in terms of sometimes
17 intimidation, sometimes in placing obstacles to
18 minorities to vote, have you come across a lot of
19 instances where there's voter fraud where a person tried
20 impersonate a registered voter?

MR. BLEDSOE: Yes, I have not seen of such a
22 situation, Senator. I think there are very few
23 situations because you are protecting yourself in harm's
24 way when you do that, even under the current laws. So I
25 think there are fail-safes under the current law that
26 would prevent you from doing that. But be that as it
27 is, I think that it's pretty much widely acknowledged
28 today that that's really -- really not a problem.

SEN. HINOJOSA: And, for example, the last
10 years, do you know how many prosecutions have taken
11 place in terms of indictment a person for trying to
12 impersonate a registered voter?

MR. BLEDSOE: I think I saw something on
15 the Internet maybe about one in South Texas recently and
16 one person, and there might have been something in
17 Travis County. But in all those years, maybe one or
18 two, and I don't know if they were successful or not.

SEN. HINOJOSA: Well, if you compare the
20 number of people who have been indicted, maybe three or
21 four or five in the last five or six years that try to
22 impersonate a voter, to the negative impact that this
23 piece of legislation would have on minorities by
24 disenfranchising approximately 3 million who do not
25 carry photo ID, don't you think it's a little bit out of
26 balance and a steep price to pay?

MR. BLEDSOE: It is. Again, if we wanted
28 to have the integrity, there are things we could do to
29 ensure integrity more so than what we're actually doing
30 here. You know, there have been good and great
31 suggestions that have been put forth. And again, the
32 distinctions between Indiana and Georgia is the DMV had
33 IDs on almost all those folks. So when we went to the
34 Department of Justice in Georgia to get preclearance,
35 Georgia could tell DOJ that 100 percent of our people we
36 have IDs on already, and that's something we don't have.

SEN. HINOJOSA: Thank you for your
38 testimony.

MR. BLEDSOE: Thank you, sir. Thank you,
39 Mr. Chair.

CHAIRMAN DUNCAN: Hold on just a minute.
40 Senator Ellis?

SEN. ELLIS: Yeah, briefly, Mr. President.
41 I just wanted to thank Mr. Bledsoe. I called him last
42 night and asked him to come. I know he had client
43 business and court matters today, and you've been
44 waiting all day to testify. I think my colleagues asked
45 the questions I would have asked, but I just wanted to
46 publicly thank you for staying here all day today.

MR. BLEDSOE: Thank you, Senator. I
47 appreciate it. Thank you.

CHAIRMAN DUNCAN: Are there any other
48 questions of the witness?

(No response)

We appreciate your appearance here today.

TESTIMONY BY ANDRES TIJERINA

CHAIRMAN DUNCAN: Dr. Andres Tijerina.

Dr. Tijerina, state your name and who you represent.

MR. TIJERINA: My name is Andres Tijerina
49 representing myself.

CHAIRMAN DUNCAN: You may begin.

MR. TIJERINA: I'm a citizen of Austin, a
51 citizen of Texas, born in Texas, and I'd like to provide
52 some useful information to give a historical perspective
53 to voting laws and specifically those that have been
54 discriminatory against Mexican-Americans and minorities
55 in Texas.

As I said, I am from Texas. I'm from West
57 Texas. I have a BA from A&M, a masters from Tech, a
58 Ph.D. from The University of Texas at Austin, and I also
59 worked as the liaison officer for the United States Air
60 Force Academy in Colorado Springs. I'm a retired Air
61 Force officer. I'm a member of the Texas State
62 Historical Association among other associations. I'm

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1 also a Fellow of the TSHA, and I've conducted research
2 here at the State Archives, the National Archives,
3 University of Texas and other places in order to write
4 numerous books and publications that I've published
5 through Texas A&M University press and other referred
6 publications, primarily on Texas history and
7 Mexican-American history that's given me this -- a
8 perspective that I'd like to share with you all this
9 afternoon.

10 Texas, I think, has a legacy and a history
11 of voter discrimination that is very clearly directed
12 explicitly and specifically against Mexican-Americans
13 specifically and effectively keep them from voting that
14 went way back to the establishment of Texas right after
15 it was annexed to the United States and goes right on up
16 to the present.

17 It has a record of establishing and
18 writing laws to create legal devices and to take actions
19 specifically intended to intimidate Mexican-Americans
20 and minorities from voting, to drive them away from the
21 polls; actions to divide and to Redistrict their
22 population base, their counties, specifically directed
23 to keep them from voting or to weaken their voting
24 effect in Texas; devices and actions to literally
25 terrorize them through the years, through the decades.

1 The effect has been to effectively reduce
2 the number of Mexican-Americans who have voted through
3 the years, through the history of Texas, and at the same
4 time to leave an impact or legacy among their
5 community of distrust of the state government and even a
6 fear of state government and state law enforcement.
7 Officials. This has been done in many ways that
8 appeared beneficial or that were presented as beneficial
9 even innocuous laws. Many of the people who effected
10 this were people who approached Mexican-Americans
11 innocuously or supposedly to help them.

12 Political bosses, Texas has some of the
13 most powerful political bosses, or had through history,
14 Jim Wells, Robert Kleberg, George Parr, who used very
15 explicit and physical methods, literally coralling
16 hundreds of Mexican-American voters, thousands of
17 Mexican-American voters, primarily in the years from
18 around 1970 until around 1940, 1950, where they would
19 literally corral hundreds or thousands and direct those
20 votes, either through assistance to them by hiring them
21 to work on the county at election time or literally
22 through intimidation or specific assassinations. In any
23 case, taking hundreds or thousands of Mexican-Americans
24 and then directing them to vote for people who became
25 great Texans, Lyndon B. Johnson, John Nance Garner,

1 Edward M. House, who benefited from corralling of
2 Mexican-American voters, either through assistance to
3 those voters or intimidation and threats of those
4 voters.
5 The Terrell Election Law, which was
6 presented as a beneficial law, actually created a poll
7 tax specifically directed at Mexican-American voters to
8 keep them from voting, a 1918 law to explicitly
9 eliminate interpreters; other devices like the white
10 man's primary that required that people take an oath
11 that said that they were a white man and a Democrat; but
12 also violence, violence that is almost unbelievable
13 today, even considering the violence that we see in
14 today's newspapers, even considering the violence you
15 see in Mexico; Texas Rangers, law enforcement officials
16 or vigilante groups in Harlingen, Edinburg, across Texas
17 all the way out to El Paso, riots in which the
18 Anglo-American, 4,000 Anglo-American riders in 1916 in
19 Harlingen chanting, "Keep the Mexicans from voting.
20 literally rioted and lynched several Mexican-American
21 U.S. citizens to keep them from voting; Texas Rangers
22 literally ethnic-cleansing hundreds and thousands of
23 U.S. citizens, shooting them in the back of the head
24 under sworn testimony that we have here in the Texas
25 State library, all of them explicitly to keep them from

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CONSIDERATION OF SENATE BILL 14 1/25/2011

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<td>2</td>
<td>(No response)</td>
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<td>3</td>
<td>CHAIRMAN DUNCAN: All right. The Chair</td>
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<td>4</td>
<td>hears none. We appreciate your testimony.</td>
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<td>5</td>
<td>MR. TIJERINA: Thank you.</td>
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<td>6</td>
<td>QUESTIONS FROM SENATE FLOOR</td>
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<td>7</td>
<td>CHAIRMAN DUNCAN: Oh, I'm sorry. Excuse me. We do have Senator Gallegos. Excuse me, Senator.</td>
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<td>8</td>
<td>SEN. GALLEGOS: Professor, let me ask you -- I mean, I just heard your testimony and the history, and you've said all that discrimination has been targeted mainly to Mexican-Americans here in the state of Texas. Is that correct?</td>
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<td>9</td>
<td>MR. TIJERINA: Yes, sir, very explicitly to Mexican-Americans.</td>
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<td>10</td>
<td>SEN. GALLEGOS: So let me ask you, in your expertise on history discrimination except as compared to voting rights, how would you compare the present bill that is before us as to some of the intimidation and discrimination factors that you had just described to us in the past and some of the bills that were for like the no interpreters? That was it 1918?</td>
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<td>11</td>
<td>MR. TIJERINA: Yes, Sir.</td>
</tr>
<tr>
<td>12</td>
<td>SEN. GALLEGOS: And some of the other issues that you brought up. How would you compare this Senate Bill to the past history that you described to this chamber?</td>
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<td>13</td>
<td>MR. TIJERINA: That those in history also were presented in a very positive good light. The people who presented these laws and the people who took the action, the rioters who lynched Mexican-Americans called themselves the Good Government League. They had good names. The people who killed and assassinated hundreds, even thousands of Mexican-American/U.S. citizens, called themselves Progressives. The laws that were passed by Terrell himself in the Terrell Election Law of 1903, he explicitly stated that he wanted to &quot;kill the Mexican vote.&quot; The candidates during that time period who campaigned for the U.S. Senate -- it's in the Senate record -- campaigned that their intent was to kill the Mexican vote. The candidates during that time period who campaigned for the U.S. Senate -- it's in the Senate record -- campaigned that their intent was to kill the Mexican vote. And yet the way the poll tax was written, the way the Terrell Election Law was written, it was innocuous. It was beneficial. It was written specifically to assure that only those legal voters could vote and to clean up the elections. So to read the Terrell Election Law itself was very innocuous or beneficial, and yet to hear Terrell himself speak, he was very explicit. He wanted to &quot;kill the Mexican vote,&quot; and that's how I would compare them.</td>
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<td>14</td>
<td>(No response)</td>
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<td>15</td>
<td>CHAIRMAN DUNCAN: Are there any other questions of the witness?</td>
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<tr>
<td>16</td>
<td>(No response)</td>
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<tr>
<td>17</td>
<td>CHAIRMAN DUNCAN: All right. The Chair hears none. The witness will be excused. Thank you.</td>
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| 18 | MR. BEARDEN: My name is Chase Bearden. I'm with the Coalition of Texans with Disabilities. Good afternoon. Thank you for a chance to speak to all of you. We have spent some time looking at voter ID, and we feel that there is a portion that will disenfranchise a large number of Texans with disabilities. We've looked at just the logistics of trying to reach a place to get this free ID that
CONSIDERATION OF SENATE BILL 14 1/25/2011

1 everyone has talked about.
2 There's a large cost associated for a
3 person with a disability who lives in a rural area or
4 place that's farther out to try and reach a DPS office
5 to try and get these IDs. The majority of people with
6 disabilities, especially that have one for their
7 entire life, may not have ever gotten a driver's
8 license. They may not have a Texas license. They more
9 than likely don't have a passport. So when you look at
10 trying to get the IDs that you need to go and vote, 10
11 you're starting off at a large cost.
12 The majority of people with disabilities
13 that are wanting to get these IDs will have to probably
14 go and get their birth certificate. To find someone who
15 can actually pick them up, drive them there, find an
16 accessible vehicle, if they can't have one, or find a
17 bus line that actually goes to where they can get a
18 birth certificate is going to be very difficult. A lot
19 of people said, "Well, maybe they can go online. They
20 could access and get their birth certificate sent to
21 then online." There's a large number of Texans with
22 disabilities who are living on a very small amount of
23 money each month. They more than likely don't have a
24 computer to even access the internet much less a
25 provider or a credit card that they could use to access
26 their birth certificate. It may also take quite a
27 while to get that birth certificate if you were to
28 access that online unless you were to expedite it.
29 Then after getting that, you would have to
30 find a way to get to the DPS office. If you do live in
31 a very rural area and you have a significant disability,
32 maybe you're using a power chair and your family doesn't
33 have an accessible van to be able to get you somewhere,
34 you have to look at how are you going to be able to make
35 it to where that person can access these IDs easily.
36 One of the other areas that we looked at
37 was people living in nursing homes, state-supported
38 living centers who might not be able to access the IDs
39 they need to go and get identification. So we have
40 something in place that's going to allow them to be able
41 to go and more than likely not be able to catch a ride
42 or hop in their car and drive down to the DPS office.
43 They are living in a state-supported living center, but
44 they still have the right to vote.
45 So looking at how they would get their
46 identifications, we feel like they would still more than
47 likely be put in a place where they are not going to be
48 able to get the identification they need.
49 One of the other areas that we looked at
50 was that there's an exemption for a person that's over
51 70. And when we thought about that, isn't that similar
52 to the same issues that a person with a disability might
53 be facing, a harder time getting transportation to get
54 in to go get that ID, maybe the cost, living on a fixed
55 income? So we have an inconsistency that kind of keeps
56 the same person from getting the ID they need, that free
57 ID, but we're giving an exemption to someone else.
58 When we started looking at a person who is
59 traveling to go and actually vote and they get there and
60 they don't have the correct ID or they are missing
61 something, so they have to cast a provisional ballot,
62 trying to get back there within six days can sometimes
63 be logistically impossible for a person. They might
64 have had to get public transportation to go and get
65 there. So they had to set up a ride through one of the
66 kind of disability bus systems, but they might not be
67 able to get a ride again or to get to the place to get
68 the documentation they need to get back and cure their
69 ballots.

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SEN. ZAFFIRINI: Would the voter able to have a driver's licer-se or a passport is a lot time trying to get the services they need. So being with disabilities in our state?

MR. BEARDEN: People with disabilities tend to be of the lowest demographics when it comes to having jobs, having income. They are having a harder time trying to get the services they need. So being with disabilities is incredibly difficult, trying to find a way to get there, trying to get everything in order to be able to get there. So we do think it will decrease the turnout.

SEN. ZAFFIRINI: Thank you. What effect do you believe Senate Bill 14 would have on the turnout of voters with disabilities?

MR. BEARDEN: The turnout of voters with disabilities has increased up to -- we feel like it will decrease. The majority of people will show up. They'll try and cast their vote. They will have to do a provisional ballot, and I think when they start to look at having to come back, they will have a harder time making it. The journey getting there sometimes is a larger amount of provisional ballots mastered, and I think they could be if more than likely are living on a fixed income. They don't have access to a computer. 3 They don't have access to the Internet and more than likely not to have a newspaper to receive the information. So we don't feel that they will be able to get all the information.

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<th>1</th>
<th>SEN. ZAFFIRINI: And that comprises different member organizations?</th>
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<td>2</td>
<td>MR. BEARDEN: Yes.</td>
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<td>4</td>
<td>SEN. ZAFFIRINI: Who are some of those member organizations?</td>
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<td>MR. BEARDEN: We have organizations that are not disability related. We have a majority of disability groups that are out there. I think we have --</td>
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<td>9</td>
<td>SEN. ZAFFIRINI: Do you have veterans, for example --</td>
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<td>12</td>
<td>MR. BEARDEN: We do; we do.</td>
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<td>13</td>
<td>SEN. ZAFFIRINI: -- with disabilities?</td>
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<td>14</td>
<td>MR. BEARDEN: We have veterans' associations. We have organizations that are more specific to single disabilities. We've worked with groups of older Texans.</td>
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<td>18</td>
<td>SEN. ZAFFIRINI: And is your testimony today personal, or are you representing this Coalition of Texans with Disabilities?</td>
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<td>21</td>
<td>SEN. ZAFFIRINI: Have they discussed this bill thoroughly?</td>
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<td>23</td>
<td>MR. BEARDEN: Yes.</td>
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<td>MR. BEARDEN: Yes. Because right now I believe that's about what they are spending to do all the outreach and to work on accessibility and to maintain some of the voting machines. Right now what they've said, the reason -- I believe one of the House bills that's been filed to net have to have the accessible voting machines is that it's a higher cost during nonfederal elections. If that's the case and the 12 counties are not able to afford to make -- have an accessible machine, the funds that could have helped them are probably now going to be taken away to let people know that they're going to need an ID.</td>
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<td>4</td>
<td>SEN. ZAFFIRINI: Do you have any concerns about the plan or the possibility of diverting $2 million in HAVA funds to pay for this Senate Bill 14 instead?</td>
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<td>5</td>
<td>MR. BEARDEN: I'm representing the Coalition of Texans with Disabilities.</td>
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<td>8</td>
<td>SEN. ZAFFIRINI: -- when you stand in opposition to this bill?</td>
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<td>10</td>
<td>MR. BEARDEN: Yes.</td>
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<td>11</td>
<td>SEN. ZAFFIRINI: Thank you. Now, you're familiar with the bill, of course, and you've seen different versions of it through the years?</td>
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<td>12</td>
<td>MR. BEARDEN: Yes.</td>
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<td>13</td>
<td>SEN. ZAFFIRINI: Can you think of any amendments that we could or propose that would help address the issues that are of concern to persons with disabilities?</td>
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<td>14</td>
<td>MR. BEARDEN: I think an amendment that might be similar to a person who is 70 years old who would be able to say that they have a disability and that maybe they have the registrar -- they have written earlier to the voter registrar and stated they have a disability that would affect them from being able to get the ID to be able to just present their voter ID.</td>
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1. I don't think we will be able to -- in the next few elections be able to educate people fast enough to be able to lower that level. We've spent since 2001 educating people, that they have the technologies now to make an independent, private vote themselves. And it took time to get people to understand that if they were visually impaired, they didn't have to rely on someone else anymore. They went before, they had a bad experience, weren't able to cast their own ballot, and then once we passed HAVA and they had the technology to cast their own ballot, it took us time to get people educated to know that they can still do that and how to do that. So I think we would be kind of taking steps backwards by doing this.

2. SEN. ZAFFIRINI: To your knowledge, have HAVA funds been used specifically to increase the access of persons with disabilities to polling places.

3. MR. BEARDEN: Yes, they have. We've specifically worked with HAVA and the Secretary of State's Office to increase Texans with disabilities voter outreach. We've also worked with them on finding access issues. So I think these funds would be greatly hampered, and the ability for Texans to be able to vote would have problems.

4. SEN. ZAFFIRINI: Do you have any concerns about the plan or the possibility of diverting $2 million in HAVA funds to pay for this Senate Bill 14 instead?

5. MR. BEARDEN: Yes. Because right now I believe that's about what they are spending to do all the outreach and to work on accessibility and to maintain some of the voting machines. Right now what they've said, the reason -- I believe one of the House bills that's been filed to net have to have the accessible voting machines is that it's a higher cost during nonfederal elections. If that's the case and the 12 counties are not able to afford to make -- have an accessible machine, the funds that could have helped them are probably now going to be taken away to let people know that they're going to need an ID.

6. SEN. ZAFFIRINI: So it is your testimony that if $2 million in HAVA funds are diverted for the purpose of Senate Bill 34, that there could be a negative impact on the accessibility of persons with disabilities to the polling places?

7. MR. BEARDEN: Yes.

8. SEN. ZAFFIRINI: Thank you. Now, Mr. Bearden, you represent the Coalition of Texans with Disabilities? 

9. MR. BEARDEN: Yes. I do.
CONSIDERATION OF SENATE BILL 14 1/25/2011

1 registration card.
2 SEN. ZAFFIRINI: Are there any other
3 amendments that could cure this bill for you?
4 MR. BEARDEN: I can't think of any right
5 now, but I could ask more of our groups.
6 SEN. ZAFFIRINI: Well, I offer you the
7 opportunity to work with my staff today, and we will
8 address those concerns, and we will try to craft some
9 amendments that would suit your issues --
10 MR. BEARDEN: Sounds good.
11 SEN. ZAFFIRINI: -- and try to cure them.
12 MR. BEARDEN: Thank you.
13 SEN. ZAFFIRINI: Thank you very much,
14 Mr. Bearden.
15 Thank you, Mr. Chairman.
16 CHAIRMAN DUNCAN: Thank you, Senator. Are
17 there any other questions of Mr. Bearden?
18 (No response)
19 CHAIRMAN DUNCAN: All right. Thank you,
20 Mr. Bearden. I appreciate your testimony.
21 test for the day. We have been going now for a
22 little over three hours, and so it's time for a short
23 break. We'll take a 15-minute break, and then we'll
24 begin testimony with regard to our resource witnesses.
25 My plan is just to call them up in the order that I've
26 previously announced, and you can ask any questions, and
27 then we'll go into public testimony after that.
28 so the Senate committee of the Whole will
29 stand at ease until 5:45.
30 (Recess: 5:30 p.m. to 5:45 p.m.)
31 CHAIRMAN DUNCAN: Senate Committee of the
32 Whole will come back to order.
9 RESOURCES TESTIMONY
10 TESTIMONY BY REBECCA DAVID
11 CHAIRMAN DUNCAN: We have -- Members, the
12 next portion of this hearing will be our resource
13 witnesses. The first resource witness we announced
14 earlier will be Rebecca David (sic) with the Texas
15 Department of Public Safety.
16 Ms. David, why don't you come on up, state
17 your name and who you represent, and then we'll open the
18 floor to questions.
19 MS. DAVID: My name is Rebecca Davio. I
20 am the Assistant Director for Driver Licenses at DPP.
21 QUESTIONS FROM SENATE FLOOR
22 CHAIRMAN DUNCAN: Okay. Senator
23 Zaffirini, you have a light on. Are you -- would you
24 like to ask any questions?
25 SEN. ZAFFIRINI: [Hand held]
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Senator Watson: And have you had a chance to look at the fiscal note for this legislation?

Ms. David: Yes, sir.

Senator Watson: Have you seen anywhere in that fiscal note where it looks to try to determine what the cost to the state of Texas would be for the state losing the fees if people were able to get these identification cards for free?

Ms. David: No, sir. I don’t believe that’s covered in the fiscal note. We were unable to estimate that because we didn’t know how many people would take advantage of the card — of the free ID card.

Senator Watson: But you would anticipate some would, otherwise it wouldn’t be in the bill. Is that right?

Ms. David: I’m sorry. I don’t understand that question.

Senator Watson: You would anticipate that some people would attempt to get the card for free?

Ms. David: Yes, sir. That would make sense.

Senator Watson: Are you familiar with the legislation or the fiscal note that was attached to House Bill 218 in the 2007 session?

Ms. David: I’m sorry, sir. I am not. I just started this job in June of this year.

Senator Watson: Well, I don’t — that’s one of the better answers I’ve heard today. So thank you.

Ms. David: Thank you.

Chairman Duncaf: Senator Williams, you are recognized.

Senator Williams: Thank you. I appreciate you being here tonight and staying with us all day. I have several questions that I wanted to ask just to clarify some things that I think have been brought up as we went along here. For the record, can you tell us what the requirements are for someone to receive a driver’s license and a state ID card? And if someone had a driver’s license and they wanted to come back and get a free ID, if they wanted to stand in line to do that, they could do that. Is that correct?

Ms. David: Yes, sir. As I understand it.

Senator Williams: Okay. How long does it take once an applicant has submitted all of their materials to DRS to actually mail out the physical ID?

Ms. David: We issue a temporary receipt that’s good for 45 days. The time that it takes varies. We are currently, I believe, running about 35 days production and mailing time. There are times — we’re having some equipment problems right now. There are times when it’s shorter than that.

Senator Williams: Okay. There’s been a lot said about how many license offices — driver’s license offices we have around the state.

Ms. David: Yes, sir.

Senator Williams: Can you tell me what the total number of driver’s license offices are?

Ms. David: Yes, sir. There are 307 locations. Currently 226 of those are operating. That includes 174 full-time offices, 34 part-time offices and 18 mobile offices that are open.
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<tr>
<td>SEN. WILLIAMS: Okay. And how many counties do not have a driver's license office?</td>
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<td>MS. DAVID: There are 77.</td>
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<tr>
<td>SEN. WILLIAMS: Seventy-seven. Okay.</td>
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<tr>
<td>MS. DAVID: Yes, sir. And I do have a map that shows the driver license offices if you'd like to have that passed out.</td>
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<td>SEN. WILLIAMS: Okay. I think we've had one submitted earlier and -- no, we haven't? Okay. Well, let's -- why don't we go ahead and submit that into evidence.</td>
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<td>MS. DAVID: This map, when you get it, will show the full-time, the part-time and mobile offices that are open and the offices that are temporarily closed.</td>
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<td>SEN. WILLIAMS: Okay.</td>
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<td>CHAIRMAN DUNCAD: Okay. Ms. Davin, let us first -- this will be Exhibit 9.</td>
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<td>(Exhibit No. 9 marked)</td>
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<td>CHAIRMAN DUNCAD: And you've just described Exhibit 9 as a map. Driver's license Offices in Texas is what the label is, and that will be distributed. Exhibit 9, is there any objection to receiving that?</td>
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<td>(No response)</td>
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<tr>
<td>SEN. WILLIAMS: Okay. So we have 77 counties that don't have a license office. Is that correct?</td>
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<tr>
<td>MS. DAVID: Yes, sir.</td>
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<tr>
<td>SEN. WILLIAMS: Okay. And could you describe for me briefly -- you mentioned that some offices are temporarily closed. Why are those offices temporarily closed, and what is the department doing to remedy that situation?</td>
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<tr>
<td>MS. DAVID: Yes, sir. The DPS just implemented our new driver license system, fully implemented in May. Our mobile offices are functioning on equipment from our Legacy system, and that equipment is very, very old. And as it breaks, we are unable to replace it. We simply can't get parts. We can't get replacement pieces even trying to go out and buy things on eBay, and so we have no other choice other than to temporarily close that office.</td>
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<td>We have tried to get new equipment -- equipment for our new system to work in these mobile locations. And the way that we've changed -- the way that we have changed the way we do driver license, we're pushing much more data through, and so we find it very difficult, impossible really, to get the new equipment to work.</td>
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<tr>
<td>SEN. WILLIAMS: So when you say Legacy equipment and the new equipment, you're talking about computers that you use to process the information --</td>
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<td>MS. DAVID: Yes, sir. I'm sorry.</td>
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<tr>
<td>SEN. WILLIAMS: -- that people get in?</td>
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<tr>
<td>MS. DAVID: Yes, sir.</td>
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<tr>
<td>SEN. WILLIAMS: Okay. And so what kind of information is being submitted? I guess what we're trying to do is meet the qualifications of the REAL ID Act, which is a federally mandated program -- right -- and that's why we're switching to this new equipment?</td>
</tr>
<tr>
<td>MS. DAVID: Well, we're switching to the new equipment because our old system was so old.</td>
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<tr>
<td>CHAIRMAN DUNCAD: Okay. Ms. Davin, let us have the record show that we have just received Exhibit 9.</td>
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<tr>
<td>(Exhibit No. 9 admitted)</td>
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<td>SEN. WILLIAMS: So --</td>
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<td>MS. DAVID: There are many safeguards that are built into the new technology. For example, we now scan real-time all the documents that are brought in. Do it used to be that we had to make copies and send those back to headquarters for scanning. They are now scanned real-time, and we give the originals back to the customer. We also capture a photo, the fingerprints and the image of the person's signature.</td>
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<td>SEN. WILLIAMS: Yeah. And the issue is -- and have you tried using these mobile phone air cards or anything like that to be able to have --</td>
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<tr>
<td>MS. DAVID: We have tried using air cards. We have tried using DSL lines. All of our offices, full-time offices, use T1 lines, and that's been the only thing that we can find.</td>
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<td>SEN. WILLIAMS: Okay. So you mentioned to me yesterday when we visited that you have an initiative going on. Tell us a little bit about what you're trying to do.</td>
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<td>MS. DAVID: We realized that closing these offices even temporarily might cause a burden. What we're trying to do is look and be able to provide a more consistent level of service. We found that in some locations we only serve one or two or a very small number of customers, when in other offices customers experience a very long wait time. And so we're trying to equalize that level of service as much as we can, provide a consistent high quality level of service across the state.</td>
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| So to do this we are doing a business intelligence analysis project. That actually means that we are looking at our data very carefully to see how...
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1 many transactions are conducted at what location, how
2 long those transactions take, that kind of thing, so
3 that we can optimize the use of our resources. We
4 realize this is not a good time to come and ask for
5 additional resources, and so we're trying to make the
6 best use of the resources that we can through this
7 analysis project.

8 SEN. WILLIAMS: Okay. Can a noncitizen
9 get an ID card from the state?

10 MS. DAVID: A noncitizen, yes. If you are
11 an asylee or a refugee or have some other status of
12 lawful presence, yes, sir, you can.

13 SEN. WILLIAMS: Illegal foreign visitor,
14 for instance. You wouldn't have to be an asylee.
15 Right? You could be a legal foreign visitor?

16 MS. DAVID: A noncitizen, yes. If you are
17 a visitor. Yes, sir, a legal foreign
18 visitor.

19 SEN. WILLIAMS: Okay. And is there
20 anything unique about that card?

21 MS. DAVID: The cards do say "temporary
22 visitor" on them.

23 SEN. WILLIAMS: Okay. How many driver's
24 license holders do we have in this state?

25 MS. DAVID: There are a little better than
26 15 million.

1 SEN. WILLIAMS: Okay. And how many people
2 hold ID cards?

3 MS. DAVID: Approximately 750,000.

4 SEN. WILLIAMS: And just to clarify, I
5 think I may have -- I'm not sure about the cost of an
6 ID. Is there anything you want to add to what my
7 remarks are? I'm not sure I was actually on the money
8 with everything. Is what I said early, $1.67, is the
9 cost to produce those cards? Is that --

10 MS. DAVID: Yes, sir. The cost of
11 producing and mailing, yes, sir.

12 SEN. WILLIAMS: Okay. And then what is
13 the cost to the state to give those IDs away?

14 MS. DAVID: What is the cost to the state
15 to give those away? The loss of the revenue, the
16 $15.00 --

17 SEN. WILLIAMS: Okay. 
18 MS. DAVID: -- or the $5 for over 65.

19 SEN. WILLIAMS: Okay. And have you been
20 able to determine how many people this would apply? You
21 can't tell?

22 MS. DAVID: No, sir.

23 SEN. WILLIAMS: Okay.

24 MS. DAVID: We don't have any way of
25 estimating.
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1  SEN. GALLEGOS: Well, wait a minute. What 1 just want to make the difference between a temporary and 2 was your title again? 2 a confiscated that I just showed you that y'all give 3 3 MS. DAVID: I'm the Assistant Director for 3 out. 4 4 MS. DAVID: That sheet of paper is 5 driver licenses at DPS. 5 actually given by law enforcement officers at the time 6. 6 SEN. GALLEGOS: Okay. Well, then if you 7 of stop on the street. 7 I understand, but it has 8 don't know the answer, who can give me the answer? I 8 DES verbiage on it. 9 haven't been getting any answers today. And we are told 9 MS. DAVID: Yes, sir. It's our form, but 10 to ask DPS. Now you're before us, and you can't answer 10 we do not issue it. 11 that question for me. So who can I -- I mean, who do I 11 SEN. GALLEGOS: Okay. Now -- and this is 12 ask? 12 just one -- one avenue that we looked. That's just 13 11 MS. DAVID: I'll verify that for you, sir. 13 100,000 in one category. There's four other categories 14 12 SEN. GALLEGOS: Before we finish today? 14 that we have not got a tally on, that confiscated -- 15 13 MS. DAVID: Yes, sir. 15 15 that licenses are confiscated for whatever other issue, 16 14 SEN. GALLEGOS: All right. And not only 16 nonpayment of child support or some other categories 17 that you confiscate licenses. And we haven't taken the 17 you confiscate licenses. And we haven't taken the 18 on your map that you're introducing here. It shows a 18 tally on those. I'm just going on this one avenue where 19 bunch of green spots. Now, I think it needs to be 19 that licenses are confiscated and that person has not been 20 clarified by cities of how many are there, how many are 20 convicted yet. He or she is innocent until proven 21 open, how many are closed, after your 10 percent cut in 21 guilty. But this is the only form of ID that they have, 22 the agency how many are proposed to be closed and the 22 and it doesn't have a picture on it. 23 21 MS. DAVID: It would be possible for the 23 MS. DAVID: It: It would be possible for the 24 people whose license are confiscated to apply for an ID. 24 25 SEN. GALLEGOS: It doesn't say that on 25 and Senator Williams brought up a good point. The

1 problem that I have on temporary license, the 1 here. Nowhere does it say that. I understand what you 2 temporaries -- my son lost his, and he went and got a 2 just told me. 3 temporary license, and it's got his photo ID. That's a 3 MS. DAVID: Yes, sir. 4 temporary license. So what Senator Williams said is 4 SEN. GALLEGOS: But when they stop me and 5 correct. 5 take my license and give me this in return, it has 6 My concern is on a confiscated license 6 nowhere that instructs me that I have an option to go 7 when the DPS picks up -- or the law enforcement agency 7 get a license with a picture. It doesn't say that on 9 picks up that license and replaces it with this 9 there. That's why you have almost 100,000 out there with 10 temporary license. Well, this confiscated license. 10 this type of license. And not only that, in just one 11 Let's not call it temporary because temporaries have a 11 month, last month -- well, let's see in December of 12 photo ID. This confiscated license does not have a 12 2010, we have 10,000 out there driving right now with 13 photo ID, yet the verbiage or it says this will act as a 13 that license without a picture. 14 13 valid DPS license and valid ID. That's what it says, 14 14 So I just wanted to make that clear that 15 for 40 days. Okay, and the date of it you gave us 15 this is -- that this is out there, that it's got DPS 16 that we asked for, is in 2010, there's almost 100,000 16 language on it. It doesn't tell us that we can -- we 17 drivers out there with this license without a photo ID, 17 have an option to go get one with a picture. It doesn't 18 yet the verbiage or it says this will be a valid DPS 18 say that on here. So that's why you have the high 19 license for 40 days. Now, is that correct? Yes or no. 19 number out there driving with this license. 20 MS. DAVID: Yes, those are issued -- 20 So I just wanted to make that clear for 20 the record that that's how many drivers that we know of. 21 SEN. GALLEGOS: Okay. 21 We haven't gone into the other categories. There could 22 MS. DAVID: -- by law enforcement. They 22 be more that are driving with this license, that's their 23 22 are not issued through the DPS offices. 23 only form of ID, and I just want to make it sure -- 24 SEN. GALLEGOS: So there's two different 24 Senator Fraser is not on the floor -- but that he 25 classes. I just wanted to make it clear for Senator 25 understood that. But Senator Williams is, and I just

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1 wanted to make sure that that is understood, the
2 difference between the two licenses, that one, the
3 temporary has a photo ID --
4 MS. DAVIO: Yes, sir.
5 SEN. GALLEGOS: -- the consolidated does
6 not, but yes, it shows here that this -- by the DPS that
7 it is a valid ID that you can use.
8 MS. DAVIO: As I understand that, sir, it's
9 valid for driving purposes. And because it's
10 provided by the law enforcement officer on the side of
11 the street, they don't have any of the equipment to take
12 a person's picture or do any of that.
13 SEN. GALLEGOS: I understand that; I
14 understand that. I just wanted to make the difference
15 in the two. And I can use this paper ID. you know, go
16 to Wal-Mart, 'Where is your ID?' 'Here it is right
17 here; here it is right here. The DPS gave it to me.' or
18 it's got DPS language that I can use it as a valid ID.
19 I just wanted to make sure that that's clear. Is that
20 correct?
21 MS. DAVID: Sir, I'm unable to comment on
22 whether Wal-Mart would accept that as an ID.
23 SEN. GALLEGOS: Unless the equipment breaks. Right now
24 we have no plans to close any of our driver license
25 offices, those mobile locations, unless the equipment
26 fails.
27 SEN. GALLEGOS: Unless the equipment
28 fails?
29 MS. DAVID: Yes, sir, in the short term.
30 SEN. GALLEGOS: So you have no plans to
31 close any other offices?
32 MS. DAVIO: In the short --
33 SEN. GALLEGOS: Is that what you're
34 telling me?
35 MS. DAVIO: In the short-term, yes, sir.
36 We want to do the business --
37 SEN. GALLEGOS: What do you mean
38 "short-term"?
39 MS. DAVIO: We want to -- we need to do
40 this business intelligence analysis so that we can
41 really look to determine how we can best use our
42 resources to provide the optimal level of service for
43 all Texans when they are trying to get their driver
44 license or an ID.
45 SEN. GALLEGOS: All right. And you'll get
46 those answers before we finish today?
47 MS. DAVIO: Yes, sir.
48 SEN. GALLEGOS: All right. And you'll get
49 me those answers before we finish today?
50 MS. DAVIO: Yes, sir.
51 SEN. GALLEGOS: Okay. Thank you.
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1. We know you don't have a position on the bill.
2. You're just here as a resource.
3. MS. DAVID: Yes, sir.
4. SEN. ELLIS: Including Senator Gallegos, we appreciate you being here and the work you do.
5. MS. DAVID: Thank you.
6. SEN. ELLIS: Let me ask you this: Now, I saw this article in the paper today about the driver surcharges.
7. MS. DAVID: Yes, sir.
8. SEN. ELLIS: Are you familiar with that program?
9. MS. DAVID: Yes, sir.
10. SEN. ELLIS: Does that come under your jurisdiction?
11. MS. DAVID: Yes, sir, it does.
12. SEN. ELLIS: If I'm reading this right, it says it's estimated that a total of about 1.2 million Texans are in default?
13. MS. DAVID: Yes, sir. I believe that's the number.
14. SEN. ELLIS: Okay. Now, how do we get to that number? I mean, can you give us some sense -- since we passed that in 203, is it about 100,000 per year, a half? Is it getting better? Worse? I'm just trying to get a sense of how much -- how many more people may end up in that category between now and when Senator Fraser's bill goes into effect.
15. MS. DAVID: You're asking about the number of people that are in default on their surcharges?
16. SEN. ELLIS: Yeah. About 1.2 million now, and I'm asking how much do you think that will grow between now and January of 2012, next year, a year from now?
17. MS. DAVID: We actually hope that the number of people in default will be reduced. There is a program going on now -- that was probably what the article in the paper was about the amnesty program.
18. SEN. ELLIS: Yeah. About 1.2 million now, and I'm asking how much do you think that will grow between now and January of 2012, next year, a year from now?
19. MS. DAVID: Yes, sir. It is about 100,000 per year, a 25 half? Is it getting better? Worse? I'm just trying to get a sense of how much -- how many more people may end up in that category between now and when Senator Fraser's bill goes into effect.

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1 and have the opportunity to meet Senator Gallegos?
2 (Laughter)
3 MS. DAVIO: The pleasure is all mine.
4 (Laughter)
5 SEN. WHITMIRE: No, we appreciate you as
6 we do our other state employees.
7 MS. DAVIO: Thank you.
8 SEN. WHITMIRE: A couple of things I want
9 to clarify, Senator Ellis was talking about the folks
10 who have had their license suspended because of the
11 severance. I don't believe he asked if you have no
12 license but we're going to require you to go get an ID
13 at a DPS office, what is the relationship if I come into
14 the office, I don't have a license because it's been
15 suspended because I can't pay the severance, it's a
16 civil penalty. Is there any chance that you're arrested
17 because you haven't paid your back severance? I mean,
18 first I think whether you confiscate the person or
19 handcuff them, it would probably be a huge deterrent for
20 someone to go there knowing they owe you thousands of
21 dollars. Would you not agree?
22 MS. DAVIO: Yes, sir.
23 SEN. WHITMIRE: Okay. But going one step
24 further, if someone chose to do that what -- and they
25 apply for a voter ID and the computer is going to kick

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1 more debtor prisons. Can you put them in prison, or do
2 you know? If you don't know, it's okay.
3 MS. DAVIO: I don't know, sir.
4 SEN. ELLIS: Okay. I just want to raise
5 that point so my colleagues to realize what we're doing,
6 Senator Fraser, under your bill. 15 million people have
7 a driver's license. 1.2 million have lost them. I
8 don't think we're going to start building debtor
9 prisons. I don't think we're going to get to the point
10 where three times you're drunk and get a surcharge we
11 lock you up. We can't afford to do it, but it's making
12 it more and more challenging, and it is a burden that
13 we're putting on these folks. Thank you.
14 SEN. WHITMIRE: Mr. President?
15 CHAIRMAN DUNCAN: The Chair recognizes
16 Senator Whitmire.
17 SEN. WHITMIRE: Briefly. First of all,
18 how long -- how long have you been in your present job?
19 Pretty recent?
20 MS. DAVIO: Yes, sir. I just started
21 June 1st of 2010.
22 SEN. WHITMIRE: So about six months?
23 MS. DAVIO: Yes, sir.
24 SEN. WHITMIRE: Did you ever envision when
25 they gave you the job you were going to be here today

---

1 out "you owe us" -- and some of these figures are
200,000, thousands of dollars -- what will be
3 the conduct of the DPS? I walk up to your station for
4 voter ID and you say Mr. Whitmire you owe us $20,000 in
5 back severance, is that going to be brought up and
6 you're going to be asked to not leave until you have a
7 payment plan?
8 MS. DAVIO: No, sir. Those are really
9 handled as separate transactions. If you come in and
10 you say you want to get an ID and you don't already have
11 an ID, then they will determine if you are eligible, and
12 you should be eligible. And they do have the
13 information in the driver license system about the
14 surcharges. But if you aren't asking to get a driver
15 license then that won't be brought up.
16 SEN. WHITMIRE: Okay. It's your
17 testimony - y'all have actually discussed this
18 internally. It's going to be the policy, as you state
19 before us today, I come in there, I owe you a surcharge,
20 but I don't want to deal with the surcharge today, they
21 are not going to bring it up or ask me for my intention
22 of paying it. Don't leave until you make a payment plan?
23 MS. DAVIO: No, sir. I haven't witnessed
24 that. I have visited the --
25 SEN. WHITMIRE: Well, you haven't
| Page 2 of 196 | 25 or $600 if you want to -- if you want to use the amnesty collection agency, and then it's going to run about five
| 23 what is the actual cost, 250? I think 150 to the folks that are doing p'all's collection work. So
| 22 to come in and they request to make. 
| 21 MS. DAVID: Yes, sir. The 5 percent cut.
| 20 and as long as you qualify, we issue a temporary receipt immediately.
| 19 MS. DAVID: Yes, Sir. And as long as you qualify, then you can walk out with a temporary receipt.
| 18 MS. DAVID: Yes, Sir. And do then they can still continue to get an ID, and I haven't witnessed any occasion where there was discussion of the surcharge unless the customer brought that up.
| 17 MS. DAVID: I'm sorry. I will work to get you there.
| 16 MS. DAVID: No, sir, they haven't asked.
| 15 MS. DAVID: Yes, sir. The 5 percent cut.
| 14 MS. DAVID: You can go to any driver license office.
| 13 MS. DAVID: Yes, sir. And as long as you qualify for an ID.
| 12 MS. DAVID: Yes, sir. And you -- they may have an amnesty program and you said it's working pretty good. What does "pretty good" to you mean out of a million folks?
| 11 MS. DAVID: Yes, sir. And as long as you qualify, then you can walk out with a temporary receipt.
| 10 MS. DAVID: No, sir, they haven't asked.
| 9 MS. DAVID: It's not mine or your problems tonight.
| 8 MS. WHITMIRE: Democracy. Do you know the amount that's in the planning stage. So I know you haven't seen it because no one has been there asking for a voter ID.
| 7 MS. WHITMIRE: Come in your office, what do you mean by that?
| 6 MS. WHITMIRE: Of course under my 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.
| 5 MS. DAVID: Yes, Sir. And so then they have an amnesty program and you said it's working pretty good? What does "pretty good" to you mean out of a million folks?
| 4 MS. DAVID: I'm sorry. I will work to get you there.
| 3 MS. DAVID: Yes, sir. And as long as you qualify, then you can walk out with a temporary receipt.
| 2 MS. DAVID: 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 surcharge unless the customer brought that up.
| 1 MS. WHITMIRE: Democracy. Do you know the amount that's in the planning stage. So I know you haven't seen it because no one has been there asking for a voter ID.

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1 SEN. WHITMIRE: Have you looked at the
2 House proposed budget and the Senate proposed --
3 MS. DAVID: I have not.
4 SEN. WHITMIRE: -- and calculated the
5 impact and reduction of services and maybe troopers and
6 personnel as it relates to the licensing division?
7 MS. DAVID: I'm sorry, sir. I have not.
8 SEN. WHITMIRE: So the truth of the matter
9 is when you were answering Senator Williams' question,
10 that's under current funding levels, is it not, as you
11 understand them? Since you took the job in June and
12 here we are the second week of January, that's really
13 the funding and the resources that you were using to
14 answer his questions. It certainly wasn't going
15 forward. Is that not correct?
16 MS. DAVID: That's correct, sir.
17 SEN. WHITMIRE: You do expect significant
18 reductions in your operating resources, do you not?
19 MS. DAVID: I would remain optimistic.
20 SEN. WHITMIRE: Do you see that guy
21 sitting right in front of you right there? We don't
22 call him Mr. -- we don't call him Mr. Optimistic around
23 here.
24 (Laughter)
25 SEN. WHITMIRE: The truth of the matter
1 is -- and I really understand this position you're in.
2 And, quite frankly, I'm not even sure it's fair that
3 they brought you here to answer our questions, but
4 you're here, and they had the right to do so. But we
5 haven't even written the budget. Our first meeting is
6 next Monday, and the operation of these offices and
7 their hours, their personnel, is yet to be determined as
8 we go and consider this legislation. Is that not
9 correct?
10 MS. DAVID: Yes, sir, I think that's true.
11 SEN. WHITMIRE: You have no idea what
12 you're going to have after September 1.
13 MS. DAVID: I think that's a fair
14 statement, sir.
15 SEN. WHITMIRE: But we do know that in
16 Houston -- and Senator Gallegos was asking you about the
17 locations -- that's an important factor, but I'm really
18 more important -- or concerned about when you get to one
19 of our locations. Are you familiar with 290 and Jacsow?
20 MS. DAVID: Yes, sir.
21 SEN. WHITMIRE: Oesmer and I-10?
22 MS. DAVID: Yes, sir.
23 SEN. WHITMIRE: South Houston? Nearly
24 each of our Harris County sites, you know it takes from
25 two to three hours to enter that office and renew your
1 driver's license on many days of the week.
2 MS. DAVID: Yes, sir, I think that's true.
3 That is the way it's happened in the past. We are
4 implementing a queuing system which we hope will bring
5 about reductions in wait times at our 50 largest
6 offices.
7 SEN. WHITMIRE: But today, this week, it's
8 not unusual -- and I've checked -- it can still take you
9 up to three hours. In fact, if we accomplish anything
10 in this discussion with you, I would like to appeal to
11 you to work with your supervisors and Senator Ogden and
12 each of the 3 Senators and fix that problem. That's a
13 very fixable problem that we've been talking about too
14 long.
15 But you know it takes up to three hours.
16 People cannot take off their lunch hour or expect to go
17 over there before work or after work. It is a major
18 challenge to enter one of those offices today and get
19 your license renewed. But have you had an opportunity
20 to factor in what it's going to be like to get
21 additional people now for voter ID? You really don't
22 know what the demands or the numbers will be --
23 MS. DAVID: That's correct.
24 SEN. WHITMIRE: -- as we talk?
25 MS. DAVID: We were unable to estimate the
1 impact.
2 SEN. WHITMIRE: And then I'll repeat one
3 more time. That's today's circumstances, and we're
4 faced with budget cuts to the ITS going forward that
5 could even compound the current wait at those Houston
6 offices. And I was even told by a colleague of mine
7 that it can happen in other even rural settings in this
8 state, that you would literally wait two and three hours
9 to renew your driver's license. Is that not correct?
10 MS. DAVID: It is possible that you can
11 have a two- or three-hour wait in many of our offices at
12 this moment.
13 SEN. WHITMIRE: Have y'all had much
14 internal discussion about the impact that this proposed
15 legislation will have in detail in terms of personnel
16 required, equipment required? I mean, have y'all had
17 any initial planning?
18 MS. DAVID: We have bad discussions, yes,
19 sir. It's very, very difficult, we found it impossible,
20 to estimate the impact of this legislation.
21 SEN. WHITMIRE: I really appreciate you
22 being here tonight and your hard work. And if I was
23 you, I would say -- I'd speak to Senator Ogden before
24 you leave here tonight and make a pitch for your budget.
25 MS. DAVID: Okay. Thank you.
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SEN. VAN de PUTTS: 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. DAVID: There are currently 77 counties without a functioning --

SEN. VAN de PUTTS: Seventy-seven.

SEN. VAN de PUTTS: 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. DAVID: 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 PUTTS: We will certainly allow you to do that because we have another resource witness.

SEN. VAN de PUTTS: 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, personally.

MS. DAVID: I did not see that document that was supplied to us as their legislative appropriation request. On Page 704 of the document that DPS supplied to us as their legislative appropriation 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. DAVID: 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 PUTTS: 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. DAVID: 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 PUTTS: This fiscal year. Oh, we just didn't ask the right question then.

MS. DAVID: I'm sorry.

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

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

SEN. VAN de PUTTS: -- do you plan to close any more after September 1st of next year?
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1 MS. DAVID: I'm sorry. I don't claim to 413
2 be an expert on our legislative appropriation request. 415
3 I'm not our chief financial officer.
4 SEN. VAN de PUTTE: Thank you for that
5 clarification.
6 MS. DAVID: I'm sorry.
7 SEN. VAN de PUTTE: And I'm sorry you were
8 caught up in this. But, you know, you can understand our
9 confusion when you testify as the expert witness for DHS
10 one thing, and then the budget documents that are turned
11 into us say another. And I am so sorry that you were
12 put in this predicament, but the documents are the
13 documents. So let me, again, ask some other questions
14 since I think that one is pretty well taken care of.
15 Can you tell me in obtaining an
16 identification card what types of birth certificates are
17 allowed under current DHS guidelines?
18 MS. DAVID: What types of birth
19 certificates?
20 SEN. VAN de PUTTE: Yes.
21 MS. DAVID: An original or a certified
22 copy of a birth certificate issued by the appropriate
23 state Bureau of Vital Statistics or the equivalent
24 agency from a U.S. state, U.I. territory, the District
25 of Columbia or a Canadian province, or an original or

1 certified copy of a United States Department of State
2 certification of birth abroad.
3 SEN. VAN de PUTTE: Are any of those
4 documents a Department of Defense hospital or facility?
5 MS. DAVID: I don't know for certain if
6 the Department of Defense would be included in a
7 Department of State certification of birth abroad.
8 SEN. VAN de PUTTE: So, there are two
9 different ones. And this is why I'm asking. Members,
10 this is very, very clear. We have many, many citizens
11 and your constituents who were born on military basis
12 within the United States. And if I right now had to go
13 get an identification card, I don't have -- I wouldn't
14 have a birth certificate. And the reason, I was born in
15 Madigan Hospital, Fort Lewis, Tacoma, Washington. But
16 if you were born before 1940, the records are slowly
17 being updated into the state of Washington as are many
18 of our military hospitals. But my birth certificate is
19 not from the Department of State. It is not from the
20 city. The only birth certificate that I have is from a
21 military hospital on a military installation.
22 SEN. VAN de PUTTE: Is that the
23 passport, and it was valid for me to get my driver's
24 license when I got my driver's license. But should I
25 have to apply today and what I think might happen under

1 our current regulations is that the type of birth
2 certificate that is required for those of us who happen
3 to be born prior to 1960, which would be anybody, '40s,
4 '50s, '60s and on, we would not have a birth certificate
5 that would be recognized by DHS if you were born on a
6 military -- in a military hospital. Is that correct?
7 MS. DAVID: I can't be absolutely positive
8 of that. I'll confirm, and we will look.
9 SEN. VAN de PUTTE: If you could, because
10 I think --
11 MS. DAVID: Yes, ma'am.
12 SEN. VAN de PUTTE: And I don't know how
13 many would be, but if -- for those that were born when
14 there was a mandatory draft and there was a mandatory
15 thing, if you were born in a military hospital, those
16 are Department of Defense hospitals, not Department of
17 State. Some states have included them as they start to
18 update and others haven't because a lot of those
19 military hospitals are now closed as those bases have
20 been closed. So I just wanted to make sure. And if you
21 would check that for us?
22 MS. DAVID: Yes, ma'am.
23 SEN. VAN de PUTTE: And then if it's a
24 birth certificate, what happens if for many of our
25 elderly who were born not in a hospital and not -- but

1 they used baptismal or church records to establish their
2 social security, to establish anything? Right now if
3 there is not a recorded birth certificate in one of the
4 state registries, is a church document that was allowed
5 back then for a driver's license, is that allowed --
6 MS. DAVID: There are --
7 SEN. VAN de PUTTE: -- currently to get --
8 MS. DAVID: There are a variety of
9 documents, and we're expanding the list, but we try and
10 work with our customers to -- if you can bring in a
11 variety and demonstrate to us to our satisfaction.
12 SEN. VAN de PUTTE: Yes, I understand.
13 What types of birth certificates? Is it only those
14 that --
15 MS. DAVID: Typically we would not allow a
16 church or a baptismal birth certificate.
17 SEN. VAN de PUTTE: So that would affect
18 people like my mother.
19 MS. DAVID: She may be able to find other
20 documentation that she can bring.
21 SEN. VAN de PUTTE: She might be.
22 Let me also ask you for one other thing.
23 I have a wonderful constituent and she asked that I
24 relate her story and has given me permission. She
25 contacted us last June in that -- Ms. Hardy who needed
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1. to have a DPS identification card. However, she's very ill, 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.

2. MS. DAVID: Yes, ma'am.

3. 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.

4. 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 office.

5. And so my question is, what sort of accommodations currently for those with disabilities if they are unable to physically go to a DMV station to acquire identification documents?

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

7. 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?

8. MS. DAVID: There may --

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

10. MS. DAVID: I understand.

11. 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.

12. 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 detailed reasons why someone would qualify and why weren't we told about it when we called last summer?

13. MS. DAVID: 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.

14. SEN. VAN de PUTTE: Well, I'm a little bit worried because we had several employees of ITS 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.

15. MS. DAVID: There may --

16. 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 17 light of -- or publicize it in any way in light of the new additional restrictions?

17. MS. DAVID: I apologize that you weren't 20 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.

18. SEN. VAN de PUTTE: So you mean you have
| 1 resource witness here that can answer that question. | 1 district that have been closed or temporarily closed -- |
| 2 SEN. ZAFFIRINI: And you cannot? | 2 in fact, I mentioned earlier that in my district there |
| 3 MS. DAVID: I'm sorry. I can't. | 3 are -- there is one office that has wheelchair |
| 4 SEN. ZAFFIRINI: That's all right. I | 4 accessible barriers, there are two counties that have no |
| 5 assumed that you could not based on your title. But I | 5 offices, four counties in which the offices have been |
| 6 would like to have someone answer my questions, if not | 6 temporarily closed and one that is open three days or |
| 7 today, maybe tomorrow. | 7 fewer per week. |
| 8 And just to put a face on the issues that | 8 Now, in the counties in my district, there |
| 9 we have been discussing today, I happened to receive a | 9 is a digital divide. So it's easy to say "renew |
| 10 letter from the County Judge of Frio County recently, | 10 online," but when you're dealing with counties where |
| 11 and he explained to me that the office -- the DRS | 11 there is a predominantly low income, minority population |
| 12 driver's license office in Frio County has been closed. | 12 and there is a digital divide, imagine the impact. Do |
| 13 And he wrote in his letter, "Signage on the door directs | 13 you any data relating to addressing those issues |
| 14 drivers needing their services to go to San Antonio. | 14 and how to increase the accessibility of the residents |
| 15 Hondo or Jourdanton." | 15 of those counties to your particular services? |
| 16 Now, San Antonio is 55 miles from | 16 MS. DAVID: One of the elements of the |
| 17 Pearsall, Hondo is 42, and Jourdanton is 41. That's an | 17 business intelligence analysis project that we're doing |
| 18 average of 46 miles. You said earlier that 77 counties | 18 is actually to try and get information to understand |
| 19 do not have driver's license offices. | 19 where people have connectivity and aren't using that. |
| 20 MS. DAVID: Currently, yes, ma'am. | 20 Maybe they don't know that they can renew online and |
| 21 SEN. ZAFFIRINI: Do you know how far those | 21 being able to encourage people to do that there, but |
| 22 residents of those counties have to drive to get a | 22 that would also give us information about where people |
| 23 driver's license? | 23 don't have accessibility. |
| 24 MS. DAVID: I do not have the average for | 24 SEN. ZAFFIRINI: Thank you. Judge Garcia |
| 25 every single location. That would probably be pretty | 25 writes, "This has caused quite a bit of inconvenience |

| 1 difficult to calculate, but, you know, that is something |
| 2 that we're looking at. | 1 and consternation for our drivers and potential drivers |
| 3 SEN. ZAFFIRINI: Well, certainly because | 2 in this county when they need driver's license renewals, |
| 4 if that's the average distance, double that for a round | 3 driver's licenses," et cetera, and you can imagine the |
| 5 trip. | 4 consternation and the inconvenience that they are |
| 6 MS. DAVID: Yes, ma'am. | 5 suffering. |
| 7 SEN. ZAFFIRINI: That's a lot of mileage, | 6 There's been some reference to how long |
| 8 especially for low-income persons, for persons with | 7 persons have had to wait to get their driver's license, |
| 9 disabilities who have to get a ride, because that's a | 8 and I know that before we got our driver's license in |
| 10 one-way distance that I just mentioned to you. | 9 Laredo, the big joke -- and it wasn't really a joke. It |
| 11 MS. DAVID: Yes, ma'am. Driver licenses | 10 was a cruelty joke because it was so true -- is that |
| 12 do have to be renewed every six years, once every six | 11 persons who were waiting for their driver's license |
| 13 years. And if the option to renew online would be used, | 12 could stand in line, order pizza, receive it and eat it |
| 14 then they'd actually only have to go to the office once | 13 and still be waiting for their driver's license. |
| 15 every 12 years. | 14 Now, there has been some improvement in |
| 16 SEN. ZAFFIRINI: Do you have mobile units | 15 that, but I wonder what kind of inconvenience we're |
| 17 that can go to those counties? | 16 talking about when we're talking about these long, long |
| 18 MS. DAVID: We do not presently have | 17 lines in the different counties. And if that isn't bad |
| 19 mobile units. As I mentioned before, the amount of data | 18 enough, dealing with the issues related to the counties |
| 20 that we're collecting with your photo, your | 19 that don't have any offices. |
| 21 fingerprints, your -- all the scans of your documents, | 20 And you, I understand from your exchange |
| 22 we have not been able to get that to work with an air | 21 with Senator Van de Putte, do expect more offices to |
| 23 card or a DSL line, and we tried for several months. | 22 close, at least temporarily -- is that correct -- in the |
| 24 SEN. ZAFFIRINI: Now, I can't speak for | 23 next fiscal year? |
| 25 the 77 counties, but I know that for the ones in my | 24 MS. DAVID: If the equipment fails in our |
| mobile offices, we will have to close those offices. | mobile offices, we will have to close those offices. |
CONSIDERATION OF SENATE BILL 14 1/25/2011

1 SEN. ZAFFIRINI: And have you looked at Senate Bill 1 thoroughly yet?
2 MS. DAVID: I'm sorry?
3 SEN. ZAFFIRINI: Have you looked at Senate Bill 1, the appropriations bill, thoroughly yet?
4 MS. DAVID: I have not done any detailed analysis of that, no, ma'am.
5 SEN. ZAFFIRINI: So you have no idea what -- how that budget will impact you at this point in time?
6 MS. DAVID: No, ma'am. I know people at -- the experts at our agency are looking at it now.
7 SEN. ZAFFIRINI: Well, when you have that information -- I assume that you will -- would you share that with us, please?
8 MS. DAVID: Yes, ma'am.
9 SEN. ZAFFIRINI: From your perspective. Thank you very much.

Thank you, Mr. Chairman.

CHAIRMAN DUNCAD: Senator Williams?

SEN. WILLIAMS: Thank you, Mr. Chairman.

Just a couple of things that wanted to clarify. And I guess, first of all, I want to thank Senator Gallegos and Senator Whitmire because 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 license away? Do you know? It doesn't have to be an exhaustive list, but just --

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

SEN. WILLIAMS: Okay.

MS. DAVID: That's my understanding.

SEN. WILLIAMS: Okay. Now, that person cannot apply for a temporary license, a work permit, you know, to be able to get back and forth to work.

MS. DAVID: 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. DAVID: Yes, sir, they could.
CONSIDERATION OF SENATE BILL 14 1/25/2011

1 efforts on education on -- especially on that group.
2 Now, would you be able to do that, provide
3 that information to the Secretary of State's Office
4 with -- under the current resources that you have? And
5 I'm not going to ask you about the next biennium's
6 budget. We're just trying to get through this biennium
7 now. But under the current biennium, would you be able
8 to provide that information to the Secretary of State
9 with the resources?
10 MS. DAVID: They already -- they already
11 have the information, and I believe they are working on
12 the analysis now.
13 SEN. WILLIAMS: Oh, okay. Great. Boy,
14 you're all are quick. Thank you.
15 CHAIRMAN DUNCAN: Okay. Thank you.
16 We have a few more -- a few more questions
17 from -- this witness has been going about an hour and
18 ten minutes.
19 Senator West?
20 SEN. WEST: Thank you, Mr. Chairman. I'm
21 not going to be redundant. I just have a couple of
22 requests. Can your office provide an analysis of how
23 long the average wait in each one of the offices that
24 you have -- what is the average wait in order to get a
25 driver's license? I assume that you have that sort of

1 particular identification procedure, have you given an
2 idea as to whether or not you are going to be using
3 troopers or civilian employees to do this?
4 MS. DAVID: There really aren't troopers
5 in the driver license division anymore. That was a
6 recommendation from the Sunset Commission. So there are
7 no commissioned troopers in the driver license office.
8 SEN. WEST: So it would be civilian
9 employees?
10 MS. DAVID: Yes, sir.
11 SEN. WEST: All right. Thank you.
12 CHAIRMAN DUNCAN: Senator Gallegos?
13 SEN. GALLEGOS: Let me ask you, Rebecca --
14 and I'm sorry you drew the short straw. And Senator
15 West asked the question I was going to ask you, but
16 Senator Williams brought up an issue that, you know, I
17 disagree with him. When you're stopped, it's an
18 alleged -- you're not a law breaker, it's an alleged.
19 You know, I'm not the jury, and I'm not the judge.
20 So when you confiscate the license, you
21 have confiscated on an alleged offense. And until he or
22 she has their day in court, these
23 you can call him or her a law breaker. So I disagree

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1 an analysis.
2 MS. DAVID: Actually, sir, currently we do
3 not have that information. We have anecdotal
4 information, but we do not have wait times. We're in
5 the process of installing a queuing system in our 50
6 largest offices. And so in a matter of months I'd be
7 able to provide that information for you in our largest
8 offices, but I do not have any complete information for
9 wait times in our offices.
10 SEN. WEST: Give us the best estimate
11 that you have. I assume that there are conversations
12 about wait time that you have internally. And, you know
13 just make sure you just qualify it based on what you
14 have. It's not -- it's not a perfect example, a perfect
15 study or anything like that, but get us -- give us the
16 best estimates that you have concerning that. Okay?
17 MS. DAVID: The average wait time?
18 SEN. WEST: Yes.
19 MS. DAVID: In all of our offices.
20 SEN. WEST: Yeah, broken down by office,
21 so I don't just want a global -- to the extent that you
22 can. And what you may want to do is just contact the
23 offices and get an idea from the individuals that are in
24 the offices.
25 As you go about implementing this

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1 with Senator Williams. Is that correct? I mean, am I
2 wrong? Am I wrong? When you arrest that person, is he
3 or she convicted right then and there?
4 MS. DAVID: No, sir.
5 SEN. GALLEGOS: So you're telling me they
6 are not guilty until they have their day in court. Is
7 that correct?
8 MS. DAVID: I believe that's the way the
9 legal system works.
10 SEN. GALLEGOS: I didn't hear you. I'm
11 sorry.
12 MS. DAVID: I believe that's the way the
13 legal system works.
14 SEN. GALLEGOS: Okay. So that person --
15 that person that has that temporary license is innocent
16 until proven guilty. Is that correct?
17 MS. DAVID: You're asking me to testify on
18 something that's outside my area of expertise, sir. I
19 don't -- I don't know the intricacies of traffic --
20 SEN. GALLEGOS: The document that your
21 office gives these law enforcement agencies when
22 somebody is stopped either on DWI or whatever issue,
23 whatever issue when you confiscate a license, that
24 person is innocent until proven guilty under the --
25 under the temporary license that I'm seeing here, that

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<td>1</td>
<td><strong>SEN. WENTWORTH:</strong> 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.</td>
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<td>2</td>
<td><strong>MS. DAVID:</strong> Thank you so much.</td>
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<td><strong>SEN. WENTWORTH:</strong> Thank you.</td>
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<td>4</td>
<td><strong>MS. DAVID:</strong> I appreciate that. It's nice to hear a good story.</td>
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<td>5</td>
<td><strong>SEN. WENTWORTH:</strong> You bet.</td>
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<td>6</td>
<td><strong>CHAIRMAN DUNCAN:</strong> Thank you, Senator Wentworth.</td>
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<td>7</td>
<td><strong>MS. DAVID:</strong> Uh-huh.</td>
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<td>8</td>
<td><strong>SEN. WENTWORTH:</strong> 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 --</td>
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<td><strong>MS. DAVID:</strong> Uh-huh.</td>
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<td>10</td>
<td><strong>SEN. WENTWORTH:</strong> -- about a driver license office on Perrin Beitel Road --</td>
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<td>11</td>
<td><strong>MS. DAVID:</strong> Uh-huh.</td>
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<td>12</td>
<td><strong>SEN. WENTWORTH:</strong> -- where I can testify anecdotally, as you have, that it was an hour or longer --</td>
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<td>13</td>
<td><strong>MS. DAVID:</strong> Yes, sir.</td>
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<td>14</td>
<td><strong>SEN. WENTWORTH:</strong> -- about the wait.</td>
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<td>15</td>
<td><strong>MS. DAVID:</strong> Yes, sir.</td>
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<td>16</td>
<td><strong>SEN. WENTWORTH:</strong> And there were enough complaints over the years that you all let the lease expire.</td>
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<td>17</td>
<td><strong>MS. DAVID:</strong> Yes, sir.</td>
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### TESTIMONY BY ANN MCGEEHAN

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<td><strong>MS. MCGEEHAN:</strong> Ann McGeehan, and I'm Director of Elections in the Texas Secretary of State's Office.</td>
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<td>19</td>
<td><strong>CHAIRMAN DUNCAN:</strong> All right. Thank you very much, Ms. Davio.</td>
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<td>20</td>
<td><strong>SEN. GALLEGOS:</strong> Okay. Thank you.</td>
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<td>21</td>
<td><strong>CHAIRMAN DUNCAN:</strong> All right. The Chair calls Ann McGeehan, Secretary of State's Office. If you'll state your name and who you represent, please.</td>
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<td>22</td>
<td><strong>MS. DAVID:</strong> Law enforcement does that, yes, sir.</td>
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<td>23</td>
<td><strong>SEN. GALLEGOS:</strong> Well, you gave them the -- (Simultaneous discussion)</td>
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<td>24</td>
<td><strong>SEN. GALLEGOS:</strong> You give the law enforcement this paper. It has your language on it. Is that correct?</td>
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<td>25</td>
<td><strong>MS. DAVID:</strong> Yes, lady.</td>
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<td>26</td>
<td><strong>SEN. GALLEGOS:</strong> And you give them one of these licenses. You have confiscated their license and have given them a temporary. Is that correct?</td>
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<td>27</td>
<td><strong>MS. DAVID:</strong> I appreciate that. It's nice to hear a good story.</td>
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<td>28</td>
<td><strong>SEN. GALLEGOS:</strong> Oh, yes.</td>
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<td><strong>MS. DAVID:</strong> Thank you.</td>
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### QUESTIONS FROM SENATE FLOOR

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<td><strong>MS. DAVID:</strong> Thank you, Ms. McGeehan.</td>
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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 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 fingertips, but we have a report for each one.

SEN. DAVIS: And one of the voter education campaigns that talks a little bit about the effectiveness and how many people saw the 12 media spots and things of that nature.

SEN. DAVIS: And are the Help America Vote Act 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: And so after you take one 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 purposes areas for grants to counties to obtain voting equipment.

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

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: It will -- again, it's the use of the bulk of the funds that we've received so far?

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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: It will -- again, it's the use of the bulk of the funds that we've received so far?

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: 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 purposes areas for grants to counties to obtain voting equipment.
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| 1 | 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 a $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. |
| 2 | What will go undone that's currently in the state plan -- if we take $2 million off of the $5 million remaining, what will go undone that's currently in the state plan in terms of voter education effort? |
| 3 | MS. McGEEHAH: 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 basics of how to vote, what you need to vote. So it may not be an extension to incorporate these new requirements into voter ID, or they may be. I mean, depending on the research that we get back from stakeholders and whatnot, it's hard for me to say today exactly how much that may take away from future voter education efforts. |
| 4 | SEN. DAVIS: When was the last time in the state of Texas we made any changes of significance to the voter rules? |
| 5 | MS. McGEEHAH: 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. |
| 6 | SEN. DAVIS: And that began in '06. |
| 7 | MS. McGEEHAH: That's correct. |
| 8 | SEN. DAVIS: Correct. |
| 9 | MS. McGEEHAH: Correct. |
| 10 | SEN. DAVIS: Okay. In '06, the Texas voter 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 correct? |
| 11 | MS. McGEEHAH: That's correct. |
| 12 | 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. |
| 13 | MS. McGEEHAH: That's right. |
| 14 | SEN. DAVIS: Correct? |
| 15 | MS. McGEEHAH: That's right. It was voluntary before. So we have some TDLs and SSN numbers from -- but it wasn't required until 2006. |
| 16 | SEN. DAVIS: So we've been able to gather that information from that point in time for people who are now 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? |
| 17 | MS. McGEEHAH: Are you asking the number of -- |
| 18 | SEN. DAVIS: Let me -- let me break it down better. |
| 19 | MS. McGEEHAH: Okay. Okay. |
| 20 | 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? |
| 21 | MS. McGEEHAH: 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 -- |
| 22 | SEN. DAVIS: Can you provide that information -- |
| 23 | MS. McGEEHAH: Yes. |
| 24 | SEN. DAVIS: -- to us? |
| 25 | MS. McGEEHAH: Yes. |
| 26 | SEN. DAVIS: That would be appreciated. |
| 27 | MS. McGEEHAH: 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 -- |
| 28 | SEN. DAVIS: Can you provide that information -- |
| 29 | MS. McGEEHAH: Yes. |
| 30 | SEN. DAVIS: -- to us? |
| 31 | MS. McGEEHAH: Yes. |
| 32 | SEN. DAVIS: That would be appreciated. |
| 33 | MS. McGEEHAH: 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 -- |
| 34 | SEN. DAVIS: Can you provide that information -- |
| 35 | MS. McGEEHAH: Yes. |
| 36 | SEN. DAVIS: -- to us? |
| 37 | MS. McGEEHAH: Yes. |
| 38 | SEN. DAVIS: That would be appreciated. |
| 39 | MS. McGEEHAH: 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 -- |
| 40 | SEN. DAVIS: Can you provide that information -- |
| 41 | MS. McGEEHAH: Yes. |
| 42 | SEN. DAVIS: -- to us? |
| 43 | MS. McGEEHAH: Yes. |
| 44 | SEN. DAVIS: That would be appreciated. |
| 45 | MS. McGEEHAH: 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 -- |
CONSIDERATION OF SENATE BILL 14 1/25/2011

1  MS. MCGEEHAN: Yeah, that number is
2  234,506.
3  
4  SEN. DAVIS: Okay. Do we have any -- any
5  estimate of the number of people who are currently
6  registered today? If we've only been gathering that
7  information since 2004, do we have any kind of an
8  estimate of the number of people who are currently
9  registered to vote today who do not have a driver's
10  license number to provide?
11  MS. MCGEEHAN: Well, if we -- if we look
12  at our entire statewide file, we have 5.2 million voters
13  that did provide a driver's license number or an ID
14  number. We have 2.1 million voters that present -- that
15  provided a social security number. 4 million of them
16  provided both. And then the numbers that have
17  neither -- or the voters that hadn't provided either one
18  is 649,887. So it doesn't necessarily mean that those
19  voters haven't been issued, but they didn't -- either
20  if they don't have those numbers or they registered before
21  it was required, and so they didn't provide them when
22  they registered if it was pre-2006.
23  SEN. DAVIS: But the question wasn't
24  asked. It was -- I guess as you said, you could
25  voluntarily provide that information prior to '06.

MS. MCGEEHAN: Well, it was asked, but it

1  was optional. It was on the form.
2  SEN. DAVIS: Uh-huh. Okay. So we really
3  don't know how many of that group were answering the
4  question voluntarily because they have the number versus
5  those who were not answering it, not because they chose
6  to, but because they did have their driver's license
7  number?
8  MS. MCGEEHAN: Yes, you are correct.
9  That's right.
10  
11  SEN. DAVIS: So when we're putting
12  together an estimate of what the cost to educate our
13  voters is going to be and when we think about how
14  significant the changes are that are addressed in this
15  bill, what's your -- what's your process been to try to
16  determine how many people will be impacted and what that
17  election education is going to need to look like?
18  MS. MCGEEHAN: Well, we -- I mean, to be
19  very honest, we haven't done much planning yet. We
20  prepared this fiscal note on Friday. That would be
21  obviously a very important component is trying to
22  identify who the appropriate audiences are, who you need
23  to get the information out to.
24  SENATOR WILLIAMS had approached us earlier
today to see if we could do some comparisons to try and
25  further focus in on who those registered voters are that

1  don't have -- or have not been issued a driver's license
2  or a personal ID number. So we're trying to run some of
3  those numbers right now.
4  SEN. DAVIS: I guess a confusion for me is
5  how we came up with the $2 million fiscal note for that
6  and yet we don't really know, as you said a moment ago
7  we don't really know how many people will be impacted by
8  it and what that statewide voter education effort is
9  going to need to look like. So where did the $2 million
10  number come from?
11  MS. MCGEEHAN: Well, the $2 million number
12  came from the way the bill is written because the bill
13  simply says 'a statewide voter education effort.' So
14  there's not too much detail in the bill as to what's
15  required. Our assumption is that our previous voter
16  education programs might be the model, and they've been
17  around 3 million. And plus, we also noticed that last
18  session the Senate put a $2 million fiscal note on it.
19  So we thought, well, maybe that's some representation of
20  legislative intent as to what an appropriate voter
21  education program might cost. But --
22  SEN. DAVIS: So we've had voter education
23  efforts in the past that have cost about $3 million each
24  time we've engaged in the voter education effort. We're
25  talking today about making some sweeping changes to

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<td>1. the bill was written and based on the fiscal note filed</td>
<td>4. have to change and update training like that because at</td>
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<td>2. last time, we thought that was a reasonable number.</td>
<td>2. least it's always been considered that is part of our</td>
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<td>3. SEN. DAVIS: So let's say we spend about a</td>
<td>3. mandate in election administration. So when we get</td>
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<td>4. total of 55 million in the next two years with our</td>
<td>4. appropriation under the election administration</td>
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<td>5. intended voter education effort that's already been</td>
<td>5. umbrella, our statutory mandate is to train and assist</td>
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<td>6. planned with an additional cost for educating on the</td>
<td>6. election authorities.</td>
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<td>7. requirements of this proposed new law. That's about the</td>
<td>7. SEN. DAVIS: And what's happened to</td>
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<td>8. balance of the voter education fund right now. Is that</td>
<td>8. your -- your budget, not only in this current biennium</td>
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<td>9. correct?</td>
<td>9. that we're in, but the proposed budget going forward?</td>
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<td>10. MS. McGEEHAN: Well, it's about -- we've</td>
<td>10. SEN. DAVIS: We're still digesting that</td>
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<td>11. spent 9 million. I think the balance -- yeah, the</td>
<td>11. as far as on the House side. I don't know about the</td>
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<td>12. balance is between 5 and 7 million. That's correct.</td>
<td>12. senate side yet. But on the House side, I believe we</td>
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<td>13. SEN. DAVIS: Okay. So that will take us</td>
<td>13. took about a 14.5 percent budget reduction on the</td>
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<td>14. through about how long of a period of time will</td>
<td>14. House -- HB 1 bill.</td>
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<td>15. that take us through?</td>
<td>15. SEN. DAVIS: So we're talking about a</td>
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<td>16. MS. McGEEHAN: If we used 5 million to do</td>
<td>16. fairly dramatic budget cut for your agency while at the</td>
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<td>17. a voter -- a general voter education plan and then</td>
<td>17. same time we are talking about adding some very</td>
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<td>18. another 2 million to do a detailed photo -- photo</td>
<td>18. significant requirements in terms of the changes that</td>
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<td>19. identification plan, that might -- that might use it up.</td>
<td>19. you would need to make to your training programs and</td>
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<td>20. SEN. DAVIS: And if we used it up, what</td>
<td>20. materials for purposes of educating election workers and</td>
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<td>21. will we do in future years to educate our voters about</td>
<td>21. county administrators on the new rules that would be</td>
</tr>
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<td>22. these requirements?</td>
<td>22. implemented in this bill?</td>
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<td>24. state law has never appropriated state funds to educate</td>
<td>24. SEN. DAVIS: And there's no fiscal note</td>
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<td>25. voters. So, you know, these federal funds have been</td>
<td>25. currently estimated for what that cost might be?</td>
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1 agency to provide the training for the significant
2 changes in the law that will be imposed if this bill is
3 passed into law?
4
5 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.
6
7 SEN. DAVIS: And so the change in 12 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?
8
9 I'm not 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?
10
11 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.
12
13 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.
14
15 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?
16
17 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

1 updating handbooks and video and things likes that that we normally produce as training materials.
2
3 SEN. DAVIS: When the Help America Vote Act was implemented 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?
4
5 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.
6
7 SEN. DAVIS: It would be a helpful number to have.
8
9 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 24 of the fiscal note.
10
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SEN. DAVIS: And that required training is 1 question.

MS. MCGEEHAN: Well, they are required to 2 correct. The purposes -- you know, showing ID today is 1 the things that are required to train the poll workers 2 only for purposes of proving who you are. It's not to 4 resources?

MS. MCGEEHAN: Poll workers are making judgment 5 prove where you live. So independent from the 6 use of the Secretary of State materials. I think that the 7, either certificate or one of the 8 election code gives them discretion as to how they 9 implement it and how they conduct their training.

MS. MCGEEHAN: So it's foreseeable that at 10 the county level increased costs will be realized as a 11 under 2004 Secretary of State opinion that I am asked 12 consequence of the expectations of this bill?

MS. MCGEEHAN: Most counties conduct 13 training today. So they would just be incorporating 14 another component into their training program.

MS. MCGEEHAN: The only data that we do have is we 15 have some information. In 2011, we have age for sure. 16 on that issue.

MS. MCGEEHAN: It's within their discretion? 17 state law is silent on it, and our office has not issued 18 guidance or rules or requirements in terms of how they 19 are to deal with that situation today?

MS. MCGEEHAN: No. 20 address it. So I think that as a practical matter

MS. MCGEEHAN: At this point. I mean, 21 what's happening is the poll workers are making judgment

MS. MCGEEHAN: At this point. I mean, 22 calls as they qualify those voters for voting.

MS. MCGEEHAN: But they are not being given

MS. MCGEEHAN: Most counties conduct 24 training today. So they would just be incorporating

MS. MCGEEHAN: My current understanding is

MS. MCGEEHAN: I think that's basically

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1 Hispanic surnames that is provided by the census
2 department.
3 SEN. DAVIS: I'm sure you understand that
4 one of the sensitive issues that will arise as a
5 consequence of this legislation will be a question as to
6 whether the implementation of this law creates a
7 disproportionate impact on minorities, on seniors, on
8 the disabled, on women. How will the Secretary of
9 State's Office work to be able to answer those questions
10 when they are asked if we currently don't track that
11 data? And is there an intention to track it going
12 forward?
13 MS. McGEEHAN: When we changed the voter
14 registration application in 194, 195, due to the
15 National Voter Registration Act, there was a long
16 discussion regarding this issue of whether the state
17 application should request a voter's race. The
18 determination at that time, based on feedback from all
19 the stakeholders, was not to do it because the thought
20 was that might be intimidating to a minority voter, "Why
21 are you asking, you know, what my ethnicity is? It
22 doesn't impact whether I can register or not." We can revisit that issue because in order
23 to provide data, you know, if the legislature wants data
24 to provide data, you know, if the legislature wants data
25 like that from the Secretary of State's Office, we have

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1 assumed that anybody that is 70 years of age or older
2 would not have to provide the photo ID. I think the
3 wording is less than perfect. I think that's the
4 intent, and I heard Senator Fraser, I think, answer that
5 his intent is it would apply. You know, even if a
6 person became 70 after January 1, 2012, they could still
7 take advantage of this exception.
8 SEN. WEST: Okay. But would it be your
9 suggestion that we need to reword that language to make
10 certain that whether you're there or someone else -- I
11 understand that you're here and you heard the
12 discussion, but if for some reason you're not in the
13 same position you're in right now, there's going to be
14 someone else, and they won't have -- they will not have
15 had the benefit of this discussion. So, therefore, do
16 you think it would be advisory to -- advisory to reword
17 that to make certain it's perfectly clear?
18 MS. MCGEEHAN: I think so. If people are
19 reading it inconsistent, it would probably help it if it
20 were.
21 SEN. WEST: Okay. Now, a couple of other
22 questions. As it relates to the counties, it's my
23 understanding that you -- that your agency and maybe
24 either yourself or someone working for you put together
25 the fiscal note. Is that correct?

1 the best practices on reasonable methods to verify the
2 ID document against the list of registered voters.
3 SEN. WEST: Okay. But you would agree
4 with me that in interpreting section (c) and (d) without
5 some sort of guidance would lend itself to a great deal
6 of subjectivity; thus inconsistent application
7 throughout the state?
8 MS. MCGEEHAN: It could, yes.
9 SEN. WEST: Okay. As it relates to --
10 let's see. What page is it on? The next page, which
11 will be (h), it's in the same section.
12 MS. MCGEEHAN: Okay.
13 SEN. WEST: Would you read Section (h) and
14 tell me how you interpret that as the chief
15 administrator of the election laws in the state of Texas
16 next to, needless to say, Secretary of State?
17 MS. MCGEEHAN: [h] reads, 'The
18 requirements for identification prescribed by Subsection
19 (b) do not apply to a voter who: (1) presents the
20 voter's voter registration certificate on offering to
21 vote; and (2) was 70 years of age or older on January 1,
22 2012, as indicated by the date of birth on the voter's
23 voter registration certificate.'
24 The way I had -- until earlier this
25 afternoon when Senator Ellis asked the question, I had

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1. units of governments when they have to make changes to
   2. comply with these types of changes or laws that are
   3. being suggested?
   4. MS. MCGEEHAN: I think it really depends
   5. on what the change is. You know, if there's a new
   6. mandate for a county or if the county has to do
   7. something different, then obviously there would be a
   8. fiscal impact.
   9. SEN. WEST: Well, will -- and, again,
   10. drawing on your expertise, will counties have to do
   11. something different to implement this particular law?
   12. MS. MCGEEHAN: They will have to -- they
   13. are going to have to post information on their website
   14. notifying the public what the new photo ID requirements
   15. are.
   16. SEN. WEST: Right.
   17. MS. MCGEEHAN: When they issue voter
   18. registration certificates, they are going to have to
   19. mail out -- which they have to mail out every two years
   20. under current law. The new certificates will have new
   21. language, but -- informing voters of the voter ID
   22. requirements, but that should be cost neutral because
   23. they are already mailing out the voter registration
   24. certificates.
   25. The piece that I think might have a fiscal

1. impact is the training. If the counties have to change
   2. up their training procedures much or do more training
   3. because they want to make sure the word is out to all
   4. their -- that might increase their training costs.
   5. SEN. WEST: Okay. So there are some
   6. factors that need to be taken into consideration as to
   7. whether or not counties will be burdened with additional
   8. cost to implement this law. Is that correct?
   9. MS. MCGEEHAN: Yes.
   10. SEN. WEST: Okay. And would it be a fair
   11. statement to say the larger the county, the more of the
   12. burden -- of the financial burden -- well, that's not a
   13. fair question.
   14. Would it be a fair statement to say that
   15. the larger the county, the larger the potential
   16. financial obligation that they would have to encounter
   17. in order to implement this law?
   18. MS. MCGEEHAN: I think that's true, but I
   19. can hear small counties say that it might be
   20. proportional, you know, since their budgets are -- I
   21. mean --
   22. SEN. WEST: Right. It's all relative to
   23. what your budgets are.
   24. MS. MCGEEHAN: Yeah.
   25. SEN. WEST: But the fact is that that --

1. do you -- is there any -- you've read the fiscal note
   2. associated with this bill?
   3. MS. MCGEEHAN: Yes.
   4. SEN. WEST: The $2 million that's in the
   5. fiscal note, does any of that go to the county to --
   6. counties in order to implement this legislation?
   7. MS. MCGEEHAN: No.
   8. SEN. WEST: So any cost that is not
   9. covered by the state for counties would be -- have to be
   10. borne by the counties. Right?
   11. MS. MCGEEHAN: Yes, yes.
   12. SEN. WEST: Okay. Now, as it relates
   13. to -- is there any way that the Secretary of State's
   14. Office can give us -- do an analysis or get with the
   15. various counties to determine exactly what the fiscal
   16. impact of implementing this legislation would be
   17. MS. MCGEEHAN: We could -- we could
   18. certainly solicit that information from counties and ask
   19. them how they see this impacting them fiscally.
   20. SEN. WEST: You could do that for each and
   21. every one of the counties?
   22. MS. MCGEEHAN: We can do it.
   23. SEN. WEST: Mr. Chairman, I'd like to
   24. request that the Secretary of State's Office provides
   25. the Senate an analysis of -- I shouldn't say an

1. analysis -- at least solicit from the various counties
   2. what the fiscal implication is going to be in order to
   3. implement this bill.
   4. CHAIRMAN DUNCAN: Okay. I think, senator,
   5. that will be an individual request from you, and then it
   6. can be distributed to all members of the Senate --
   7. SEN. WEST: Okay.
   8. CHAIRMAN DUNCAN: -- whenever it's done.
   9. You know, I doubt that that will be done by the time we
   10. rise and report to the Senate.
   11. SEN. WEST: Okay. We can't get it
   12. tonight?
   13. (Laughter)
   14. SEN. WEST: Okay. We can't get it
   15. tonight?
   16. (Laughter)
   17. SEN. WEST: I'm just joking with you.
   18. CHAIRMAN DUNCAN: You won't be a very
   19. popular guy if the --
   20. SEN. WEST: I'd like --
   21. (Laughter)
   22. SEN. WEST: I'd like to get it as soon as
   23. possible, though.
   24. Let's see. No further questions. Thank
   25. you very much.

SEN. WEST: Thank you.

CHAIRMAN DUNCAN: Thank you, Senator West.

Senator Gallegos?
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1 SEN. GALLEGOS: Let me ask you, I don't
2 know if you heard my question earlier to Senator Fraser
3 and he referred to you or the Secretary of State's
4 Office to answer it. My concern was in the fiscal note
5 that we ranked number two in the country in population.
6 And Missouri ranks number nineteenth, and to implement
7 their voter ID program, they came up with -- they only
8 have 5.9 million people. We have 25 million. They came
9 up with a fiscal note of 6 million in the first year and
10 then 4 million in the second year for a total of 10
11 million second and third. That's $10 million. And you
12 just -- I think earlier testimony with Senator Davis,
13 you said once the 2 million runs out, that's it. Is
14 that what you said?
15 MS. MCGEEHAN: For -- yeah, the amount of
16 money we have for voter education is limited. So when
17 that runs out, that's all we have.
18 SEN. GALLEGOS: I guess my concern is if
19 Missouri only has 5.9 million people, just to implement
20 their voter ID program they start with 6 million in the
21 first year and 4 million in the second and third year
22 for a total of $10 million, for just 5.9 million folks,
23 what are they -- you know, I don't -- what are they
24 doing as far as when they are reading the bill? I heard
25 that you said you're going by the bill, and that's how

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1 1 is that a true number? I mean, you know, as far as are
2 we really doing voter education that should be done, you
3 know, on 25 million people as opposed to what Missouri
4 is doing with only 5.9? I mean, it just -- I mean, that
5 would send up a red flag to me. Wouldn't it your?
6 MS. MCGEEHAN: Sure. I would like to
7 understand those numbers because they are very
8 different.
9 SEN. GALLEGOS: You know, I -- if we're
10 going to mandate to Texans, you know, and then do it --
11 do a good educational program and Missouri is spending
12 $10 million on their folks and we're only spending
13 2 million on ours, I'd like to know what the -- what the
14 difference is. Are their people better than ours? You
15 know, do they deserve, you know, more education? You
16 know, just -- you know, with the population as opposed
17 to our population, you know, I don't -- you know, I'm a
18 little concerned there. You know, are we cutting our
19 folks short? Are we really going to do what you're
20 telling us that you're going to do as far as educating
21 the public out there on this bill?
22 And it just concerns me that, you know, we
23 see -- and I haven't even taken a comparison of the
24 other states. And we're number two, and Missouri is 19,
25 and they are spending 10 million bucks. You know, that

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1 1 you came up with your fiscal note. Is that correct?
2 MS. MCGEEHAN: Yes.
3 SEN. GALLEGOS: Okay. Well, then what are
4 they doing that we're not or, you know, how can you --
5 you know, for $10 million for 5.9 million people and
6 we're only going to spend 2 million. I mean, what's the
7 difference?
8 MS. MCGEEHAN: I am not familiar with the
9 Missouri voter identification bill, and I did hear you
10 ask that earlier today, but I've been trying to listen
11 to all the questions. So we can -- we can research it
12 and see. Some states actually provide more to their
13 local county governments and print ballots and things
14 like that. I don't know if that's the situation in
15 Missouri, but I honestly don't know the answer to that
16 question because I don't know what the Missouri voter ID
17 law requires.
18 SEN. GALLEGOS: Well, it's a substantial
19 amount of money when we're looking --
20 MS. MCGEEHAN: Yeah.
21 SEN. GALLEGOS: -- at the fiscal note that
22 you have -- that you've given this committee on Senate
23 Bill 14. And I just -- it concerns me that that amount
24 of money, if somebody is doing -- in the formula or
25 methodology that you came up with that number -- I mean,

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1 1 would concern me, and I would hope it would concern any
2 of the other senators on this floor. Are we, you know,
3 really going to do -- in implementing this bill, are we
4 going to educate those folks out there?
5 MS. MCGEEHAN: Now, you know -- and I'd like that answer.
6 I mean, you can't answer it now, I understand, but I
7 would like an answer to that.
8 MS. MCGEEHAN: We'll get you an answer.
9 SEN. GALLEGOS: And a comparison on what
10 really your states that have implemented voter ID, how
11 much are they paying, you know, to implement the program
12 and what they do.
13 Now, on the fiscal note, it says you're
14 going to do TV and radio and some other things. I mean,
15 can you explain to this body the process on TV, or is it
16 going to be in different languages, or how are you going
17 to -- how are you going to split up the money? Who gets
18 the most? You know, I mean, it's not -- it's not
19 explained to us in the fiscal note how you're going to
20 spread the money around. And it is that going to be
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 MS. MCGEEHAN: Yes, that would be
25 available. And, you know, the programs that we're done
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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.

SEN. GALLEGOS: 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 to do -- I'm just saying that this bill presumes that they're going to have to work on a website and they're going to have people to handle the education.

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

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

SEN. GALLEGOS: 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 --

MS. MCGEEHAN: Yes.

SEN. GALLEGOS: Well, you're going to read that was that we would provide them the wording, the language that they would put up on their website.