Differences Between CCR SB14 and House Passage SB14

CCR adds back the religious exemption, but with tightened language. Voter must return within 6 days to sign affidavit claiming religious exemption, and the voter has consistently refused to be photographed for any governmental purpose.

CCR removes requirement that SOS education efforts target low income/minority voters (Miles). OAG/SOS concerns.

Exemption for voters who had their ID stolen (Giddings) is removed. Senate concerns. Penal code section references identity theft, but identity theft does not mean that you have no acceptable form of identification. Not in Indiana/Georgia law. Opens door for fraudulent filing of police reports to get around photo ID requirement. Would result in more paperwork with which election workers may not be familiar with.

Natural disaster exemption language (Eiland) remains in CCR, but moved to provisional section. Voters claiming this exemption will have to return within 6 days and sign an affidavit. 45 day limit from natural disaster to voting day. Language tightened to apply only to disasters which destroy or cause an inability to access ID (excludes drought, heat wave natural disasters).

CCR removes Tribal IDs as an acceptable form of ID (Naomi Gonzalez). Tribal IDs have no standardized form. No evidence that this small number of voters do not already have other form of ID.

CCR removes ID approved by state as an acceptable form of ID (Alonzo). Language was too broad.

CCR removes language which would have allowed provisional affidavits to be signed at the polling place (Veronica Gonzales).

CCR removes temporary ID language (Lucio). Language would have shut down DPS online renewals because of requirement that temporary ID have a photo.

CCR replaces language providing free DPS personal ID with language that provides a free DPS "election identification certificate". Election ID certificate is essentially the same as a DPS DL and personal ID, except that the Election ID certificate is valid only for voting. Change made to address concerns about free DPS personal IDs in SB14 taking away from mobility fund, which could possible reduce bond rating.


HIGHLY CONFIDENTIAL
September 23, 2005
Voting Reform Is in the Cards
By JIMMY CARTER and JAMES A. BAKER III

WE agreed to lead the Commission on Federal Election Reform because of our shared concern that too many Americans lack confidence in the electoral process, and because members of Congress are divided on the issue and busy with other matters.

This week, we issued a report that bridges the gap between the two parties' perspectives and offers a comprehensive approach that can help end the sterile debate between ballot access and ballot integrity. Unfortunately, some have misrepresented one of our 87 recommendations. As a result, they have deflected attention from the need for comprehensive reform.

Our recommendations are intended to increase voter participation, enhance ballot security and provide for paper auditing of electronic voting machines. We also offer plans to reduce election fraud, and to make the administration of elections impartial and more effective.

Most important, we propose building on the Help America Vote Act of 2002 to develop an accurate and up-to-date registration system by requiring states, not counties, to organize voter registration lists and share them with other states to avoid duplications when people move. The lists should be easily accessible so that voters can learn if they're registered, and where they're registered to vote.

Some of our recommendations are controversial, but the 21 members of our bipartisan commission, which was organized by American University, approved the overall report, and we hope it will break the stalemate in Congress and increase the prospects for electoral reform.

Since we presented our work to the president and Congress, some have overlooked almost all of the report to focus on a single proposal - a requirement that voters have driver's licenses or government-issued photo IDs. Worse, they have unfairly described our recommendation.

Here's the problem we were addressing: 24 states already require that voters prove their identity at the polls - some states request driver's licenses, others accept utility bills, affidavits or other documents - and 12 others are considering it. This includes Georgia, which just started demanding that voters have a state-issued photo ID, even though obtaining one can be too costly or difficult for poor Georgians. We consider Georgia's law discriminatory.

Our concern was that the differing requirements from state-to-state could be a source of discrimination, and so we recommended a standard for the entire country, the Real ID card, the standardized driver's licenses mandated by federal law last May. With that law, a driver's license can double as a voting card. All but three of our 21 commission members accepted the proposal, in part because the choice was no longer whether to have voter ID's, but rather what kind of ID's voters should have.

Yes, we are concerned about the approximately 12 percent of citizens who lack a driver's license. So we proposed that states finally assume the responsibility to seek out citizens to both register voters and provide them with free ID's that meet federal standards. States should open new offices, use social service agencies and deploy mobile offices to register voters. By connecting ID's to registration, voting participation will be expanded.

Our proposal would allow voters without photo ID's to be able to cast provisional ballots until 2010. Their votes would count if the signature they placed on the ballot matched the one on file, just as the case for absentee ballots. After that, people who forget their photo ID's could cast provisional votes that would be counted if they returned with their ID's within 48 hours. Some have suggested we use a signature match for provisional ballots after 2010, but we think citizens would prefer to get a free photo ID before then.

In arguing against voter ID requirements, some critics have overlooked the larger benefit of government-issued ID's for the poor and minorities. When he spoke to the commission, Andrew Young, the former mayor of Atlanta, supported the free photo ID as away to empower minorities, who are often charged exorbitant fees for cashing checks because they lack proper identification. In a post-9/11 world, photo ID's are required to get on a plane or into a skyscraper.

We hope that honest disagreements about a photo ID will not deflect attention from the urgency of fixing our electoral system. While some members of Congress may prefer to block any changes or stand behind their particular proposals rather than support comprehensive reforms, we hope that in the end they will work to find common ground. The American people want the system fixed before the next election, and that will require a comprehensive approach with a bipartisan voice in favor of reform.

Jimmy Carter was the 39th president. James A. Baker III was secretary of state in the George H. W. Bush administration.
By: Harless

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A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to present proof of identification.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Effective September 1, 2011, Subchapter A, Chapter 15, Election Code, is amended by adding Section 15.005 to read as follows:

Sec. 15.005. NOTICE OF IDENTIFICATION REQUIREMENTS. (a) The voter registrar of each county shall provide notice of the identification requirements for voting prescribed by Chapter 63 and a detailed description of those requirements with each voter registration certificate issued under Section 13.142 or renewal registration certificate issued under Section 14.001.

(b) The secretary of state shall prescribe the wording of the notice to be included on the certificate under this section.

SECTION 2. Effective September 1, 2011, Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. VOTER IDENTIFICATION EDUCATION. (a) The secretary of state and the voter registrar of each county that maintains a website shall provide notice of the identification requirements for voting prescribed by Chapter 63 on each entity's respective website. The secretary of state shall prescribe the wording of the notice to be included on the websites.

(b) The secretary of state, in cooperation with appropriate
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nonprofit organizations as determined by the secretary of state and
with each party whose nominee for governor in the most recent
gubernatorial general election received 20 percent or more of the
total number of votes received by all candidates for governor in the
election, shall establish a statewide effort to educate voters
regarding the identification requirements for voting prescribed by
Chapter 63. The secretary of state may use any available funds,
including federal funds, for the purposes of this section.

SECTION 3. Effective September 1, 2011, Section 32.111,
Election Code, is amended by adding Subsection (c) to read as
follows:

(c) The training standards adopted under Subsection (a)
must include provisions on the acceptance and handling of the
identification presented by a voter to an election officer under
Section 63.001.

SECTION 4. Effective September 1, 2011, Section 32.114(a),
Election Code, is amended to read as follows:

(a) The county clerk shall provide one or more sessions of
training using the standardized training program and materials
developed and provided by the secretary of state under Section
32.111 for the election judges and clerks appointed to serve in
elections ordered by the governor or a county authority. Each
election judge shall complete the training program. Each election
clerk shall complete the part of the training program relating to
the acceptance and handling of the identification presented by a
voter to an election officer under Section 63.001.

SECTION 5. Chapter 62, Election Code, is amended by adding
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Section 62.016 to read as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. The presiding judge shall post in a prominent place on the outside of each polling location a list of the acceptable forms of photographic and nonphotographic identification. The list must be printed using a font that is at least 24-point.

SECTION 6. Section 63.001, Election Code, is amended by amending Subsections (b), (c), (d), and (f) and adding Subsection (g) to read as follows:

(b) On offering to vote, a voter must present to an election officer at the polling place either:

(1) one form of identification listed in Section 63.0101(a); or

(2) two different forms of identification listed in Section 63.0101(b) [the voter's voter registration certificate to an election officer at the polling place].

(c) On presentation of the documentation required by Subsection (b) [a registration certificate], an election officer shall determine whether the voter's name on the documentation [registration certificate] is on the list of registered voters for the precinct.

(d) If the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the documentation presented under Subsection (b), the voter shall be accepted for voting.

(f) After determining whether to accept a voter, an election officer shall return the voter's documentation [registration...
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(g) If the requirements for identification prescribed by Subsection (b) are not met, regardless of whether the voter's name is on the precinct list of registered voters, the voter may be accepted for provisional voting only under Section 63.011. An election officer shall inform a voter who is not accepted for voting under this section of the voter's right to cast a provisional ballot under Section 63.011.

SECTION 7. Section 63.0011(a), Election Code, is amended to read as follows:

(a) Before a voter may be accepted for voting, an election officer shall ask the voter if the voter's residence address on the precinct list of registered voters is current and whether the voter has changed residence within the county. If the voter's address is omitted from the precinct list under Section 18.005(c), the officer shall ask the voter if the voter's residence as listed on identification presented by the voter under Section 63.001(b) [the voter's voter registration certificate] is current and whether the voter has changed residence within the county.

SECTION 8. Section 63.006(a), Election Code, is amended to read as follows:

(a) A voter who, when offering to vote, presents a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote, but whose name is not on the precinct list of registered voters, shall be accepted for voting if the voter's identity can be verified from the documentation presented under Section 63.001(b).
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SECTION 9. Section 63.007(a), Election Code, is amended to read as follows:

(a) A voter who, when offering to vote, presents documentation required under Section 63.001(b) that indicates [a voter registration certificate indicating that] the voter is currently registered in a different precinct from the one in which the voter is offering to vote, and whose name is not on the precinct list of registered voters, shall be accepted for voting if the voter's identity can be verified from the documentation and the voter executes an affidavit stating that the voter:

(1) is a resident of the precinct in which the voter is offering to vote or is otherwise entitled by law to vote in that precinct;

(2) was a resident of the precinct in which the voter is offering to vote at the time that information on the voter's residence address was last provided to the voter registrar;

(3) did not deliberately provide false information to secure registration in a precinct in which the voter does not reside; and

(4) is voting only once in the election.

SECTION 10. Section 63.0101, Election Code, is amended to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

(a) The following documentation is an acceptable form of photo identification under this chapter:

(1) a driver's license or personal identification card issued to the person by the Department of Public Safety that has not
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1 expired or that expired no earlier than two years before the date of
2 presentation [or a similar document issued to the person by an
3 agency of another state, regardless of whether the license or card
4 has expired];
5
6 (2) a United States military identification card that
7 contains the person's photograph [form of identification
8 containing the person's photograph that establishes the person's
9 identity];
10
11 (3) a birth certificate or other document confirming
12 birth that is admissible in a court of law and establishes the
13 person's identity;
14
16 issued to the person that contains the person's photograph;
17
18 [4+] a United States passport issued to the
19 person;
20
21 (5) a license to carry a concealed handgun issued to
22 the person by the Department of Public Safety; or
23
24 (6) [official mail addressed to the person by name
25 from a governmental entity;
26
27 [7+] a valid identification card that contains the
28 person's photograph and is issued by:
29
30 (A) an agency or institution of the federal
31 government; or
32
33 (B) an agency, institution, or political
34 subdivision of this state.
35
36 (b) The following documentation is acceptable as proof of
37 identification under this chapter:
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(1) the voter's voter registration certificate or a
copy of a current utility bill, bank statement, government check,
paycheck, or other government document that shows the name and
address of the voter;

(2) official mail addressed to the person by name from
a governmental entity;

(3) a certified copy of a birth certificate or other
document confirming birth that is admissible in a court of law and
establishes the person's identity;

(4) United States citizenship papers issued to the
person;

(5) an original or certified copy of the person's
marriage license or divorce decree;

(6) court records of the person's adoption, name
change, or sex change;

(7) an identification card issued to the person by a
governmental entity of this state or the United States for the
purpose of obtaining public benefits, including veteran's
benefits, Medicaid, or Medicare;

(8) a temporary driving permit issued to the person by
the Department of Public Safety;

(9) a pilot's license issued to the person by the
Federal Aviation Administration or another authorized agency of the
United States;

(10) a library card that contains the person's name
issued to the person by a public library located in this state; or

(11) a hunting or fishing license issued to a person by
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1 the Parks and Wildlife Department or
2 [(c) any other form of identification prescribed by
3 the secretary of state].
4
5 SECTION 11. Sections 63.011(a) and (b), Election Code, are
6 amended to read as follows:
7 (a) A person to whom Section 63.001(g) or
8 63.009(a) applies may cast a provisional ballot if the person
9 executes an affidavit stating that the person:
10 (1) is a registered voter in the precinct in which the
11 person seeks to vote; and
12 (2) is eligible to vote in the election.
13 (b) A form for an affidavit required by this section must
14 be printed on an envelope in which the provisional ballot
15 voted by the person may be placed and must include a space for
16 entering the identification number of the provisional ballot voted
17 by the person and a space for an election officer to indicate
18 whether the person presented proof of identification as required by
19 Section 63.001(b). The affidavit form may include space for
20 disclosure of any necessary information to enable the person to
21 register to vote under Chapter 13. The secretary of state shall
22 prescribe the form of the affidavit under this section.
23
24 SECTION 12. Section 65.054(b), Election Code, is amended to
25 read as follows:
26 (b) A provisional ballot may be accepted only if:
27 (1) the board determines that, from the information in
28 the affidavit or contained in public records, the person is
29 eligible to vote in the election and has not previously voted in
that election, and

(2) the voter presents proof of identification as
required by Section 63.001(b):

(A) at the time the ballot was cast; or

(B) in the period prescribed under Section
65.0541.

SECTION 13. Subchapter B, Chapter 65, Election Code, is
amended by adding Section 65.0541 to read as follows:

Sec. 65.0541. PRESENTATION OF IDENTIFICATION FOR CERTAIN
PROVISIONAL BALLOTS. (a) A voter who is accepted for provisional
voting under Section 63.011 because the voter does not present
proof of identification as required by Section 63.001(b) may, not
later than the sixth business day after the date of the election,
present proof of identification to the voter registrar for
examination by the early voting ballot board.

(b) The secretary of state shall prescribe procedures as
necessary to implement this section.

SECTION 14. Section 521.422, Transportation Code, is
amended by amending Subsection (a) and adding Subsection (d) to
read as follows:

(a) Except as provided by Subsection (d), the [The] fee for
a personal identification certificate is:

(1) $15 for a person under 60 years of age;

(2) $5 for a person 60 years of age or older; and

(3) $20 for a person subject to the registration
requirements under Chapter 62, Code of Criminal Procedure.

(d) The department may not collect a fee for a personal
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1 identification certificate issued to a person who states that the
2 person is obtaining the personal identification certificate for the
3 sole purpose of satisfying Section 63.001(b)(1), Election Code,
4 and:
5
6 (1) who is a registered voter in this state and
7 presents a valid voter registration certificate; or
8
9 (2) who is eligible for registration under Section
10 13.001, Election Code, and submits a registration application to
11 the department.
12
13 SECTION 15. Sections 63.008 and 63.009, Election Code, are
14 repealed.
15
16 SECTION 16. Effective September 1, 2011:
17
18 (1) as soon as practicable, the secretary of state
19 shall adopt the training standards and develop the training
20 materials required to implement the change in law made by this Act
21 to Section 32.111, Election Code; and
22
23 (2) as soon as practicable, the county clerk of each
24 county shall provide a session of training under Section 32.114,
25 Election Code, as amended by this Act, using the standards adopted
26 and materials developed to implement the change in law made by this
27 Act to Section 32.111, Election Code.
28
29 SECTION 17. Except as otherwise provided by this Act, this
30 Act takes effect January 1, 2012.
Dear Representative Harless:

Attached are the three letters that we mentioned concerning the availability of federal HAVA dollars for a statewide voter education effort on the new ID requirements. The two other items you asked about were numbers of complaints we have received about possible voter fraud, and the number of registered voters that do not have a driver's license or personal identification card issued by DPS.

We are currently compiling copies of all written complaints, complaints registered by phone and by email and we expect to be able to deliver them to your office before COB today. The complaints by phone and email are considerably more informal than the written complaints we receive so it is harder to categorize them. However, we can tell you that since 2007, this office has referred 72 complaints to OAG. Of those referrals, 9 involved potential voter impersonation. However, please note that even if one assumes voter impersonation efforts would be readily detected, we cannot meaningfully draw any conclusions from our referrals because election fraud may be reported directly to local prosecutorial authorities or the OAG.

Lastly, concerning the numbers of voters who have not been issued TDL/personal id cards by DPS, we are still working with our IT Dept to analyze that data, and hope to have an analysis by Monday.

I hope this is helpful to you, and if you need to reach me over the weekend, you can call my personal cell phone, which is 512-619-7587.

Ann

Ann McGeehan
Director of Elections
Office of the Texas Secretary of State
amcgeehan@sos.state.tx.us
512-463-9871
Colby Beuck

From: Ann McGeehan [AMcGeehan@sos.state.tx.us]
Sent: Friday, February 25, 2011 4:47 PM
To: Colby Beuck
Subject: FW: Number of voters that do not have an associated TDL/SSN

Follow Up Flag: Follow up
Flag Status: Flagged
Categories: ORR

Question: What is the number of voters that do not have a Texas Drivers License/Personal Identification Number or Social Security Number in the statewide voter database?

Prior to 1/1/2006, drivers license and social security numbers were optional fields on the voter registration application. Since HAVA became effective on 1/1/2006, all new voter applicants must provide a driver’s license or personal id number issued by DPS or if they have not been issued a driver’s license or personal identification card, then they must provide the last four digits of their social security number. If the applicant has neither the drivers license, personal identification card or the SSA number, then they must state that fact and they are flagged as having to present ID when they present themselves for voting. Below are two sets of numbers. The first set of numbers reflects new registrations since January 2006 and shows what identification number that new applicants provided. The second set of numbers reflects the entire statewide file of registered voters and shows which identification numbers were provided by applicants before and after January 2006.

January 1, 2006 through December 31, 2010
Number of voters who registered with a TDL/ID: 2,334,281
Number of voters who registered with a SSN: 294,142
Number of voters who registered with both: 1,312,638
Number of voters who registered without either: 34,506

All voters in the state:
Number of voters with a TDL/ID: 5,215,386
Number of voters with a SSN: 2,124,570
Number of voter with both: 4,624,334
Number of voters with neither number: 690,887 ***

*** This number represents all the voters that do not have a TDL or SSN associated with their voter record. It is possible that one of these persons does in fact have a TDL or SSN and they simply did not provide it when they registered to vote (such numbers were optional prior to Jan 2006).

Ann McGeehan
Director of Elections
Office of the Texas Secretary of State

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would satisfy the bill.

UNIDENTIFIED REPRESENTATIVE: Okay.

Does it surprise you that people -- that poll

workers are already asking for photo I.D. despite

the training that occurs? Does that surprise you?

ANN MCGEEHAN: We have heard that

before, yes.

UNIDENTIFIED REPRESENTATIVE: Quite a

bit. Even in the district that I represent we've

got folks that are asking for photo I.D. currently.

A lot of people have been talking about a

600,000 registered voter figure. These people --

these are people who apparently registered without

using some form -- either their Social Security

number or a -- a driver's license number.

Isn't the use even bigger than that? I

mean, I see a figure here that for people who did

not register without a driver's license number --
pardon me, for people who registered without their

driver's license ensuring the figure is more like

2.8 million.

ANN MCGEEHAN: That's true when you

look at the entire voter database.

UNIDENTIFIED REPRESENTATIVE: This is

your HABA-compliant database.
ANN MCGEEHAN: Right. But, you know, prior to January 1, 2006, you could register to vote without providing your driver's license or Social Security number. So people that were registered before 2006 may not have provided one of those. That doesn't necessarily mean that they don't have one, but they didn't have to provide one to get registered to vote.

UNIDENTIFIED REPRESENTATIVE: Well, we don't know whether they did or not, because it wasn't listed. Correct?

Have you all done a match to determine with the driver's license file as to whether these folks have driver's licenses or not?

ANN MCGEEHAN: Uh-huh. We've been asked to do that and we're looking at this to make sure that -- looking at the official list of voters in the Secretary of State's office, trying to compare that to DPS. And our IT Department is looking at that, trying to get good matching criteria, because without that unique identifying number of the TDL, it can be sometimes difficult to make sure you have the right match.

UNIDENTIFIED REPRESENTATIVE:

Somebody came up and said there was 600 -- you have
that $600,000 person figure. Where does that come
from? Do you have a frame of reference for that
figure that there were 600,000 people who did not
list after [sic] driver's license number or Social
Security number?

ANN MCGEEHAN: I think they're all
coming from the same place, which that is -- and
I -- you know, when we have shared information with
the Legislature before, we've sort of shared two
sets of information. One is -- that shows how many
people have stated they don't have a TDL number or
SSN number since January 1, because since --
January 1, 2006, because since January 1, 2006, it's
been required. So since that time, we show 34,506
voters out of almost 4 million that stated they did
not have I.D.

UNIDENTIFIED REPRESENTATIVE: Since
2006?

ANN MCGEEHAN: Yes.

UNIDENTIFIED REPRESENTATIVE: And is
there -- is there a provision -- provision in this
bill to identify that use of voters as possibly not
having I.D.?

ANN MCGEEHAN: I'm sorry. I didn't
understand.
UNIDENTIFIED REPRESENTATIVE: So, I mean, if you're looking at possible uses of voters that may not have the requisite I.D. to comply with this bill, is there anything in the bill that would require you to identify those folks, seek them out, determine whether they have I.D. or not?

ANN MCGEEHAN: No, I don't believe so.

CHAIRMAN BONNEN: Okay. Let's talk -- we talked, I know, briefly about training of poll workers.

Under this bill, what new duties will poll workers perform, what new duties?

ANN MCGEEHAN: Let's see. Of course, the qualification process will change as far as what they will, you know, require of a voter before they're permitted to vote. I can't really think of any new. They -- if a voter doesn't have I.D. today, they vote provisionally. So that will be the same.

I guess the main change will be voters that have filed a disability exemption with the Voter Registrar. Those voters aren't going to have to show I.D.

A voter who is 70 years of age on or