TEXAS HOUSE OF REPRESENTATIVES
82ND LEGISLATURE
SELECT COMMITTEE ON VOTER IDENTIFICATION
AND VOTER FRAUD HEARING
MARCH 1, 2011

VOLUME II OF II

Transcribed by Rhonda Howard, CSR
April 11, 2011
Voter Fraud Hearing - Volume 2

March 1, 2011

JOHN WOODS: Thank you very much.

CHAIRMAN BONNEN: Ann McGeehan, the
Elections Division of the Secretary of State,
testifying neutral on Committee Substitute to Senate
Bill 14.

ANN MCGEEHAN: Good afternoon. Ann
McGeehan with the Office of the Texas Secretary of
State.

CHAIRMAN BONNEN: Questions, Members?

I think Mr. Veasey has questions.

REPRESENTATIVE VEASEY: I -- I --
I -- I'm sorry. Let me turn on the microphone. I
do have questions for you.

I was concerned about the fiscal note.
Can you talk a little bit about the fiscal note that
you all came up with? Because other smaller states,
states that are significantly smaller with -- than
ours, with a lot less television markets, came up
with much higher figures than you did. So that --
that number sort of startled me a little bit.

ANN MCGEEHAN: Sure. Yeah. I would
be happy to explain how we arrived at that figure.

Since the Help America Vote Act passed at
the federal level in 2002, the states have been
given some funds for voter education. So the
Secretary of State's office has done a statewide
voter education effort in 2006, eight and ten. And
the average cost for those statewide voter education
efforts has been 2.5 million dollars. So I can tell
you that for the 2010 cycle what we did was we spent
$2.5 million, and it included upgrades to our
website. We created a new website called
VoteTX.org, or actually redesigned it. It had been
created previously. We did traditional advertising
in television, did some PSAs in television, radio
newspaper, experimented a little bit on the Internet
with FaceBook and Twitter, and also did some ads on
public transportation.

We did seven telethons in -- in the
Valley, Austin, Dallas and Houston, four on Spanish
T.V. stations and three on English. And then we
also did a face-to-face outreach where we traveled
to 23 cities around the State and interacted
personally with more than 15,000 Texans. So that's
what -- that's kind of the model of what we've done.

So when we were asked to prepare a fiscal
note, we looked at our past voter education efforts.
We also looked at in 2009, when the Senate passed a
voter I.D. bill that contained, I think, almost the
same language as what's in the current Committee
Substitute, Senate Finance put a rider on the bill for $2 million, which to us indicated that that at least -- at least on the Senate side, that's what they thought was appropriate for the voter education program.

REPRESENTATIVE VEASEY: What was -- what was their methodology? I'm sorry --

ANN MCGEEHAN: The Senate's?

REPRESENTATIVE VEASEY: -- for arriving at that figure?

ANN MCGEEHAN: I don't know.

REPRESENTATIVE VEASEY: Did they -- did they share any with you?

ANN MCGEEHAN: Not with me.

REPRESENTATIVE VEASEY: The -- it's just a number they -- they put out there?

ANN MCGEEHAN: Yes, I don't know how they arrived at that number.

REPRESENTATIVE VEASEY: Okay. Yeah. Because I -- in Missouri it looks like the bill cost a lot more than in Texas, and they have -- you know, their biggest market was No. 20th. And of course Dallas/Fort Worth is No. 5, and Houston is No. 7, San Antonio, 30, Austin, 42, El Paso, 46. How -- how many -- how many television ads in the Metroplex.
could you buy with $750,000?

ANN MCGEEHAN: Well, I know in
two-point -- I'm sorry, in 2010 we spent 1.8 million
just on purchasing the advertising.

REPRESENTATIVE VEASEY: Okay.

ANN MCGEEHAN: So I'm sure we could
get you the breakdown to show how much in each media
market, but the bulk was spent on purchasing the
advertising.

REPRESENTATIVE VEASEY: Purchasing
all forms of advertising?

ANN MCGEEHAN: Yeah. That included
T.V., radio --

REPRESENTATIVE VEASEY: Yeah.

ANN MCGEEHAN: -- and newspaper.

REPRESENTATIVE VEASEY: Do you know
how many spots you all were running like in the
Metroplex?

ANN MCGEEHAN: We can get you the
detail on that, because I know the company we
contracted with I think gave us a detailed report of
exactly where it was aired and if we got any
earned -- earned media, things like that. We can
get you that.

REPRESENTATIVE VEASEY: Okay.
CHAIRMAN BONNEN: Representative Anchia.

REPRESENTATIVE ANCHIA: Mr. Chairman,
I wanted to dovetail on a question -- the line of questioning of Representative Veasey.
Again, Missouri had a two-year, $9.5 million estimate for their voter I.D. bill in 2006, including the cost of free I.D.s, poll worker training and the production of -- of voter education material. Missouri is a state one-fourth the size of Texas. Wisconsin, that has a population less than one-point -- 5.6 million people, less than one-fourth the size of the State of Texas, had an annual fiscal note on their bill of 2.3 million. So biannual, it would be 4.6 in lost revenue due to the provision of free I.D.s.

Maryland has a population of 5.6 million where they provide free I.D.s only in limited circumstances, projecting a $1.6 million annual fiscal note. In 2010, Indiana, which was later -- which was after -- after the initial passage of the bill, which was required to provide free I.D.s, they have a population of 6.4 million, about a quarter of the size of the State of Texas. They spent 1.3 million to provide free I.D.s.
In that $2 million figure, do you have any -- do you have any -- any data on the provision of free I.D.s, or is it exclusively your marketing budget?

ANN MCGEEHAN: 2 million was exclusively for the voter education effort.

UNIDENTIFIED REPRESENTATIVE: Okay.

ANN MCGEEHAN: And as far as the other states and -- like Missouri, I know that we -- we tried to get a little information, because Senator Gallegos asked that question at the Senate hearing.

UNIDENTIFIED REPRESENTATIVE: Right.

ANN MCGEEHAN: And one thing that was different about their bill, which I think was later struck down -- I don't think they ever implemented the 2006 legislation --

UNIDENTIFIED REPRESENTATIVE: Uh-huh.

ANN MCGEEHAN: -- was that they were actually having to install equipment throughout the State to issue photo I.D.s for purposes of the legislation, which is not in this bill.

So I -- I don't know about Wisconsin and Maryland. You know, each -- it depends on what the bill says.
UNIDENTIFIED REPRESENTATIVE: I'll talk a little bit about the media markets in Missouri. St. Louis and Kansas City are the two largest. They spent significantly more in marketing. You're basing -- same -- same thing with other states.

You're -- you're -- you're basing your estimate on T.V. commercials, print and I guess some radio, $300,000 worth of radio on a -- an estimate that -- of last year's expenditure, I guess, or a prior year's expenditure with a significant change if this bill passed. Would you agree it's a pretty significant change to current law?

ANN MCGEEHAN: Yeah.

UNIDENTIFIED REPRESENTATIVE: Okay.

Do you think -- do you think that the same -- the same budget that you would use last time around with no significant change in state law would be appropriate for a voter education program with a significant change in state law?

ANN MCGEEHAN: Well, it's -- and I'll try to state this clearly, because I don't know that I explained it so well on the Senate side. But we do have plans, I guess, to have continuing voter education programs, because we still have HABA.
funds. So when we were asked to prepare this fiscal note, we were assuming we're going to continue to do our statewide education effort. So we looked at how do we weave in the new voter I.D. requirements into a statewide voter education program. So I can't tell you exactly what that's going to end up being, but if we're just asked for purposes of this fiscal note to say what does it cost to educate on voter I.D., that was our best guess, because we -- we will integrate it with, you know, whatever voter education program we do for 2012. So if we do 2.5 million effort in 2012, you know, some of that will cover voter education, maybe will go to a little higher than that. But I guess the point is we have federal dollars to educate voters on the process to vote and get registered. And so we will incorporate and enhance it to include education on the new voter I.D. requirements.

UNIDENTIFIED REPRESENTATIVE: And would that -- would that education occur over a year, two years? Would it be ongoing? The bill -- the bill doesn't specify. What's -- what's your view and what do the HABA dollars come in?

ANN MCGEEHAN: The -- the bill I think says that we have to start preparing the
training and the voter education as soon as possible. Our fiscal note assumes that it would just be for one cycle, so I think we put it all for the 2012 fiscal year.

We have $7 million left in the State Treasury that's earmarked for voter education and poll worker training, election official training.

UNIDENTIFIED REPRESENTATIVE: Those are HABA funds?

ANN MCGEEHAN: Those are the HABA funds, and they don't expire. I don't think the federal government can take them back, but we are hearing that they're not -- they don't have any plans to issue any more funds. So, essentially, that's all we've got.

UNIDENTIFIED REPRESENTATIVE: In the new -- on the significant change in legislation for one election cycle, essentially for the 2012 election cycle?

ANN MCGEEHAN: Well, based on the language that's in the bill.

UNIDENTIFIED REPRESENTATIVE: Based on language that's in the bill?

ANN MCGEEHAN: Right.

UNIDENTIFIED REPRESENTATIVE: Okay.
How -- for major changes in legislation -- well, let me back up a step.

What's your evaluation of poll worker training currently in the -- in the counties?

ANN MCGEEHAN: In the counties? I think that there are a variety of tools counties can use to educate poll workers. We -- with our HABA dollars, we created an online poll worker training that's free for all counties to use. Some counties have used their HABA funds to create their own specific online training. Most counties do some form of in-person training, where they require workers to come in, you know, see the machines, learn how to operate the machines. We, the Secretary of State's office, has a 30-minute video that we do, and we update usually every two years. That's also free of charge. So there's some different ways.

UNIDENTIFIED REPRESENTATIVE: You answered a different question, though.

ANN MCGEEHAN: Oh.

UNIDENTIFIED REPRESENTATIVE: You answered what resources are available, which I appreciate. But what's your -- what's your assessment of the quality of poll worker training?
And I know it's difficult to get poll workers. There's turnover frequently. We pay them very little. I believe that they're volunteers.

When you have a -- a change in the Election Code, just a minor change, by way of example, it doesn't immediately filter down to all poll workers, does it? I mean, ensuring practice and implementation, it's something that takes time?

ANN MCGEEHAN: Sure.

UNIDENTIFIED REPRESENTATIVE: Isn't that right?

ANN MCGEEHAN: That's right.

UNIDENTIFIED REPRESENTATIVE: I mean, because I hear from poll workers all the time and, you know, they didn't know the law had changed. I tried to do some continuing education myself, having sat on the Elections Committee in the past, to bring people up to speed. And I'm always very impressed at how earnest the poll workers are, but also sometimes very surprised -- you know, they're not Election Code experts and it does take some time for changes in the Election Code to filter down to them.

For a change of this magnitude, do you think it will take some time for folks to be aware of the law?
ANN MCGEEHAN: I think it will take some time. I think the bill has some very strict requirements in there, though, that requires all judges and clerks to take the Secretary of State-prescribed training. So it -- it sounds to me like it's a mandate that they have to take that training, whereas right now in many elections it's optional.

UNIDENTIFIED REPRESENTATIVE: How much is that going to cost for everybody to take the training?

ANN MCGEEHAN: Our plans will be to update our video and to update the online training. So that would be two free for, you know, counties to use and for citizens to use on top of whatever the counties may be using, as well.

UNIDENTIFIED REPRESENTATIVE: Do you think with a mandate like that, would that mandate be satisfied by watching the video?

ANN MCGEEHAN: I think it could be. Currently, that is used for poll worker training.

UNIDENTIFIED REPRESENTATIVE: Uh-huh. So that would be enough?

ANN MCGEEHAN: Unless the statute is changed. But as currently written, I think that
Voter Fraud Hearing - Volume 2

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