that that equaled fraudulent voters. Do you share
that belief?

ANN MCGEEHAN: I have no reason to
think that those voters are fraudulent.

REPRESENTATIVE ANCHIA: Okay. Okay.
What happens to the voter registration certificate
if this bill's passed in its current form?

ANN MCGEEHAN: It continues to exist,
and so it will be sent out and it will now contain
information on the identification requirements. And
then voters who are 70 -- 70 as of January 2012 and
the voters that have the disability exemption, they
will be able to use their certificate as their forms
of I.D.

REPRESENTATIVE ANCHIA: Okay. But it
will be sent to all registered voters. Right?

ANN MCGEEHAN: Yes.

REPRESENTATIVE ANCHIA: We have
13 million, roughly, 12 --

ANN MCGEEHAN: A little under
13 million today.

REPRESENTATIVE ANCHIA: 12.6, 12.6?

ANN MCGEEHAN: Yeah. Yeah.

REPRESENTATIVE ANCHIA: What --
what -- what other functional purpose would it
serve? I mean, if you're not -- if you're not 70, you don't have the disability exemption.

ANN MCGHEE: I guess at this point it's going to serve more as a -- an informational tool to the voter. It will tell them what districts they're registered in, you know, which Congressional district, which State Senatorial District. I think there's five districts that have to be districts on the certificate.

Tell them their county election precinct number, which might help them find out where they need to go vote. So I guess it would be more for the voter's benefits and information.

REPRESENTATIVE ANCHIA: An alternative approach that we've discussed many times in this committee is simply adding a person's picture to the voter registration certificate and -- which would be a pretty easy fix. I think it -- the technology certainly exists. I mean, we might want to import some late 1990 -- '80s technology to -- to implement that very simple act, I mean, through a bubble jet printer or something like that, if you can find those.

Have you done a feasibility analysis on that approach as opposed to this approach?
ANN MCGEEHAN: I think there's one or
two bills filed this session that kind of play that
kind of approach. So I think we've tried to do some
research to -- for purpose of responding to the
fiscal note as to what they would take.

REPRESENTATIVE ANCHIA: Because it
seems to me that would be the easiest fix here, just
to add someone's photo. And there will be a
universe of people who don't have a photo on file.
Right? So if it was possible, for example, to work
with Commander Deese (phonetic) at DPS and merge the
TDL database photos down and -- and do a match
with -- with the HABA-compliant --

ANN MCGEEHAN: Right.

REPRESENTATIVE ANCHIA: -- statewide
voter registration database, and then you dump down
the State I.D. photos, the non-TDL photos --

ANN MCGEEHAN: Uh-huh.

REPRESENTATIVE ANCHIA: -- and then
you dump down maybe a CHL universe, you -- you --
you probably hit a pretty significant number. It
wouldn't be complete. I mean, you would have to
have some sort of mechanism at the polls to gather
people's photos or an outreach. But can you --
we've had these suggestions around for a couple
sessions now. Can you talk about some of the -- the opportunities there or the challenges?

ANN MCGEEHAN: You know, we've -- we've done some preliminary analysis. I think the effort there would -- would be one of, you know, equipment and whether it would be the State issuing these cards or whether it would be the county, whether we'd give the -- you know, if -- if the State wanted to fund the county to have the equipment necessary to capture the pictures for those people that aren't --

REPRESENTATIVE ANCHIA: Sounds like we have HABA funds for this, though. Right?

ANN MCGEEHAN: Well, HABA funds -- HABA, you know, has certain express purposes. Voter education is one. I don't think we could use HABA to implement voter I.D.

REPRESENTATIVE ANCHIA: Say that again.

ANN MCGEEHAN: Well, HABA had -- has very express requirements in the federal law.

REPRESENTATIVE ANCHIA: But you just said you don't think you can use HABA funds to implement voter I.D.

ANN MCGEEHAN: Well, meaning what
you're talking about, to take people's pictures --

REPRESENTATIVE ANCHIA: So you could

use it to implement a photo I.D. regime, but you

couldn't use it to add people's photos to a voter

registration certificate?

ANN MCGEEBHAN: We could look at

that -- at the language of the bill more closely.

But, you know, the main mandates of HABA were

provisional voting, voting system, security. We

could -- you know, maybe -- maybe it's more broad

than I'm thinking.

We've been very cautious with the HABA

funds and try to make sure we're in compliance with

what -- the Federal Election Systems Commission. It

would be curious to see if Georgia or Indiana use

that money -- HABA monitor [sic] that portion of

the -- of their implementation of voter I.D.

REPRESENTATIVE ANCHIA: Ms. Wang

talked about a vote-saving affidavit approach to

preventing people from being disenfranchised under

a -- a photo I.D. regime. Other states have it.

And Idaho, by way of example, has a photo I.D.

regime, but at the same time allows persons who are

unable to comply to -- to offer up a vote-saving

affidavit that says they are the person on the card.
And, typically, the penalty for that is aggravated perjury, is it not, if you bust an affidavit related to an election --

ANN MCGEEHAN: Yes.

REPRESENTATIVE ANCHIA: -- and -- and the penalty for that is two to ten years in jail, is it not?

ANN MCGEEHAN: That sounds about right.

REPRESENTATIVE ANCHIA: $10,000 -- up to $10,000 fine.

ANN MCGEEHAN: Yes.

REPRESENTATIVE ANCHIA: And don't we have an affidavit currently in -- for people who -- because let me back up a step.

We have a photo -- we have a voter I.D. standard in Texas today, don't -- do we not?

ANN MCGEEHAN: Yes.

REPRESENTATIVE ANCHIA: It's our voter registration certificate.

And when you cannot comply with that -- with that voter registration certificate requirement, you can use other forms of I.D. like a driver's license. Correct?

ANN MCGEEHAN: Yes.
REPRESENTATIVE ANCHIA: And when you -- when you use that driver's license, you sign an affidavit, do you not?

ANN MCGEEHAN: Yes.

REPRESENTATIVE ANCHIA: And that's contained in the poll book, is it not?

ANN MCGEEHAN: Right.

REPRESENTATIVE ANCHIA: What does that affidavit say?

ANN MCGEEHAN: It's the voter saying they don't have their voter registration certificate, essentially.

REPRESENTATIVE ANCHIA: But there are other things. Right?

ANN MCGEEHAN: For the affidavit?

REPRESENTATIVE ANCHIA: Yeah.

ANN MCGEEHAN: Yeah. There are several affidavits.

REPRESENTATIVE ANCHIA: You -- you haven't voted previously in this election, et cetera. Correct?

ANN MCGEEHAN: Uh-huh, yes.

REPRESENTATIVE ANCHIA: Okay. And if the standard is -- is flipped and suddenly you have a photo -- a photo I.D. requirement, what would
be -- a Voter Registrar affidavit look like?

Because currently if you can comply with the voter
requirement, you can give an alternative form of --
of identification, which may or may not be a photo
I.D. If you go to a photo I.D. regime, what would a
vote-saving affidavit look like, so that people who
otherwise would comply, could comply, who are
eligible to vote do not get their votes rejected?

ANN MCGEEHAN: Well, we -- we could
look at, you know, what some of the other states
have done with respect to that. Michigan, for
example.

REPRESENTATIVE ANCHIA: Ohio.

ANN MCGEEHAN: Ohio. I think I heard
Florida earlier today.

REPRESENTATIVE ANCHIA: Right, right.

But that would prevent people from being
disenfranchised if they could not comply with this,
as you said, major change in state law?

ANN MCGEEHAN: Yeah. I mean, that
would be -- that's a policy call for the
Legislature, but...

REPRESENTATIVE ANCHIA: Right.

What's the standard for match in this
bill? I show up, my hair's longer. I saw Ramey Ko
today. His hair's longer than two years ago when he
tested. Sometimes people look differently --

ANN MCGEEHAN: Uh-huh.

REPRESENTATIVE ANCHIA: -- I mean,

photo I.D.s are good for 10-year periods in some
cases. Right?

ANN MCGEEHAN: Right, right.

REPRESENTATIVE ANCHIA: Didn't know

it. Ten years later, I look pretty different than I
did ten years ago.

What's the -- what's the -- what's the
standard for a visual identification?

ANN MCGEEHAN: I don't know that the

bill has -- has -- has a -- has a standard
necessarily. It says that -- that -- that -- the
language basically says that the documentation
establishes, I think, they're identity.

REPRESENTATIVE ANCHIA: From the

proof presented. Correct?

ANN MCGEEHAN: From the proof, yes.

So that would clearly be an area that we would need
to address that training.

REPRESENTATIVE ANCHIA: Ultimately,

it's subjective. Right? The poll worker is given
the opportunity to either confirm or deny the
identity. Right?

ANN MCGEEHAN: Right.

REPRESENTATIVE ANCHIA: And there's no guidance in the bill to tell us --

ANN MCGEEHAN: Right. To --

REPRESENTATIVE ANCHIA: -- how to --

ANN MCGEEHAN: Right. To a certain extent that is an issue today. If a -- if a person shows eye -- they don't have their certificate and they don't show their driver's license, other I.D. is authorized. And there's similar language in the current law about, you know, establishing identification from the -- from the identification providing. But I think that would be something we would need to address in training. And we would certainly look to some of the other states that have implemented already and try to borrow some best practices.

REPRESENTATIVE ANCHIA: Do you know how other states approach this?

ANN MCGEEHAN: I do not, not today.

REPRESENTATIVE ANCHIA: Okay. That's it. Thank you, Mr. Chairman.

REPRESENTATIVE HARLESS:

Mr. Chairman, I have one follow-up question.
You just got through mentioning about --
and -- and we all concerned [sic] about the
discretion. Section 63.010 talks about the
documentation proof of identification. Currently,
the poll worker has that discretion. You all would
just define those standards differently. Is that
correct?

ANN MCGEEHAN: Right. I think we
would address it specifically in our training.
Right now, that's not specifically addressed in our
training.

REPRESENTATIVE HARLESS: (Inaudible)
poll worker (inaudible).

ANN MCGEEHAN: That's correct.

CHAIRMAN BONNEN: Any other
questions, Members? Thank you. Appreciate your
being here.

Members, is there any desire to bring up a
resource witness from the Department of Public
Safety Driver's License Division? Okay.

Rebecca Davio from the Department of
Public Safety testifying neutrally on the Committee
Substitute Senate Bill 14.

REBECCA DAVIO: Good afternoon,
Chairman Bonnen, Members. My name is Rebecca Davio,
TEXAS HOUSE OF REPRESENTATIVES
82ND LEGISLATURE
SELECT COMMITTEE ON VOTER IDENTIFICATION
AND VOTER FRAUD HEARING
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