TRANSCRIPT OF PROCEEDINGS BEFORE
THE SENATE OF THE STATE OF TEXAS
EIGHTY-SECOND LEGISLATURE
(COMMITTEE OF THE WHOLE SENATE)
AUSTIN, TEXAS

IN RE:
CONSIDERATION OF
SENATE BILL 14

COMMITTEE OF THE WHOLE SENATE
TUESDAY, JANUARY 25, 2011

BE IT REMEMBERED THAT AT 8:05 a.m., on
Tuesday, the 25th day of January 2011, the above-
entitled matter continued at the Texas State Capitol,
Senate Chamber, Austin, Texas, before the Committee of
the Whole Senate. The following proceedings were
reported by Aloma J. Kennedy, Lorrie A. Schnoor and Kim
Pence, Certified Shorthand Reporters.

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

The Chair recognizes Senator Davis.

QUESTIONS FROM SENATE FLOOR

SEN. DAVIS: Hello. Good evening. Thank you so much for being here with us to provide answers for our questions. I know you've had a long day.

I just want to ask you a few questions about the current state of voter education as it's taking place today in the Secretary of State's Office. Can you describe for us the use of the HAVA funds and how those are currently being used today?

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

MS. McGEEHAN: Yes.

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

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

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

MS. McGEEHAN: Well, I mean, the bulk of the money or about half of the money went to counties to obtain HAVA compliant voting systems, electronic voting systems that made -- that complied with HAVA and allowed disabled voters to vote independently. So let's see. $140 million went to the counties for that purpose.

The other program areas are for developing a statewide voter registration system. We've spent 25 million on that. And then as far as the administrative expenses, we've spent about 2.8 million on that. For voter education, we've spent 9.5 million so far.

SEN. DAVIS: And what are the -- setting aside the requirements of the bill that's being introduced today, what are the intended plans for the

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1 budget that I discussed is following that state plan.
2 SEN. DAVIS: Okay. And under that state
3 plan right now, what portion of funding remains for
4 voter education?
5 MS. McGEHEAN: For voter -- okay. And
6 actually to be more precise, what the -- the purpose
7 area for voter education is for voter education and also
8 for election official and poll worker training; that's
9 grouped. And the amount remaining is between 5 and
10 $7 million.
11 SEN. DAVIS: Okay. And that is expected
12 to extend us or to take us through the next how many
13 years under that plan?
14 MS. McGEHEAN: It will -- again, it's
15 going to depend how extensive our next few voter
16 education programs are because that's what the bulk of
17 the money has been spent on, voter education programs.
18 The average is about 3 million. So I guess the hope
19 might be for at least two other statewide voter
20 education programs.
21 SEN. DAVIS: Okay. And I'm sure you've
22 seen the fiscal note that was a part of this bill. And
23 by the way, I think it would be very helpful if you
24 would enter that state plan into the record as an
25 exhibit for our further use.
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but it's hard for me to say today exactly how much that
may take away from future voter education efforts.

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

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

SEN. DAVIS: And that began in '06.

Correct?

MS. McGEEHAN: Correct.

SEN. DAVIS: Okay. In '06, the Texas
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's correct?

MS. McGEEHAN: That's correct.

SEN. DAVIS: Okay. So we have data, I
guess, only from '06, and that would -- would that only
be then for new registrants from '06? If I had already
registered to vote prior to that, you wouldn't have that
percent number, but the actual number is 2.3 million
since 2006. Since January 1, 2006 through December 31,
2010, 2.3 million, when they registered, provided their
driver's license number.

SEN. DAVIS: What's the total number of
applications in that time period?
MS. MCGEEHAN: And the total number -- I
think it's going to be just under 3 million, and I'm
doing math on the fly. I might have to -- I'd prefer to
give that --

SEN. DAVIS: Can you provide that
information --

MS. MCGEEHAN: Yes.
SEN. DAVIS: -- to us?
MS. MCGEEHAN: Yes.
SEN. DAVIS: That would be appreciated.
So what's the number of people who are not
filling out either the driver's license number or the
social security number in Section 8 but instead are
going to Section 9 and signing the attestation clause of
Section 9?
MS. MCGEEHAN: And that's the attestation
clause saying they have not been issued either form of
ID?

SEN. DAVIS: (Nodded)
was optional. It was on the form.

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

MS. McGEEHAN: Yes, you are correct.

That's right.

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

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

Senator Williams had approached us earlier
today to see if we could do some comparisons to try and
further focus in on who those registered voters are that
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1 what's required in order to vote in the state of Texas.
2 Why is the number to educate -- on such a sweeping
3 change for what will likely be a much larger group of
4 impacted people in the state of Texas, why is that
5 number so much lower than the $3 million number that's
6 currently being spent for voter education?
7 MS. McGEEHAN: Well, if the -- if a
8 $2 million program is added into an existing $3 million
9 program, then you've got a $5 million program. I mean,
10 our voter education under HAVA is directed to all
11 registered voters. And so, you know, a new voter -- a
12 new photo ID requirement would also need to be directed
13 to all registered voters because it's a change for all
14 voters.
15
16 SEN. DAVIS: So we're talking about -- I'm
17 sorry to interrupt you. We're talking a $2 million
18 addition to the $3 million that was already intended for
19 voter education in this next two-year cycle.
20 MS. McGEEHAN: Possibly, possibly. I
21 mean, we -- you know, we've got a communications
22 director that would have some input on that. This
23 fiscal note represented what we thought might be a
24 reasonable fiscal note. If we have, you know,
25 legislative direction to take it a different way or do
26 additional outreach, that's fine. But based on the way
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really nice to have them to do that. We never had that kind of funding before. So if there's a desire to do voter education programs of this -- of this type, then we would need state appropriation.

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

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

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

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

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

MS. McGEEHAN: We don't usually put a fiscal note when there's a change in state law and we