CONSIDERATION OF SENATE BILL 14 1/25/2011

MS. McGEEHAN: It's my understanding that when we've been asked to prepare fiscal notes for these kinds of issues, we have not added a fiscal impact for something that's already a statutory duty. As we analyze HB 1, maybe we're going to have to revise that, but at least our standing policy was if it was a statutory duty that we're already charged to do, that we don't put an additional fiscal note on it.

SEN. DAVIS: Are you concerned that you're going to find yourselves fairly flatfooted in terms of not being prepared with the resources that you need, to train election workers and to train county administrators on the requirements of this new law facing the budget cuts that you're facing without a fiscal note that's going to add resources to your department for purposes of carrying out these requirements?

MS. McGEEHAN: I think all state agencies in the state have concerns about providing the services they are charged to provide in light of significant budget cuts. But on the issue of training, the analysis was that that was not going to cost anything additional as to what we've already been appropriated.

SEN. DAVIS: And do you agree with that, that it's not going to cost anything additional for your
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.

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.

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?

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
MS. McGEEHAN: Okay. I think that what that is referring to is that at the end of Senate Bill 14, there's a reference that says county voter registrars can use Chapter 19 funds to defray costs in conducting a voter registration drive. But I don't see anything -- and I may have missed it -- but I don't see anything in Senate Bill 14 that requires a voter registration drive. I think it's -- what that section in the bill is doing is trying to make clear that these funds, which are -- go to county voter registrars to enhance voter registration could be used to do voter registration drives, but I don't see anything that requires a voter registration drive in Senate Bill 14.

SEN. DAVIS: What resources currently are expected of our local governments in carrying out the training and the public awareness programs under our election code.

MS. McGEEHAN: The -- there's no state law requirement to do voter education by the county officials. Most of them do it as a public service because they want to, but there's not a mandate under state law to do that.

Under Senate Bill 14, there's required training of poll workers on the new photo ID requirements. And I may have missed part of your
currently on the roll because I've married or I've
divorced, how is that situation handled today?

MS. McGEEHAN: State law doesn't directly
address it. So I think that as a practical matter
what's happening is the poll workers are making judgment
calls as they qualify those voters for voting.

SEN. DAVIS: But they are not being given
guidance or rules or requirements in terms of how they
are to deal with that situation today?

MS. McGEEHAN: No.

SEN. DAVIS: It's within their discretion?

MS. McGEEHAN: At this point. I mean,
state law is silent on it, and our office has not issued
any guidance on it. So we're hearing a lot about that
today. That's definitely something we'll probably need
to look into, but right now there is no rule or statute
on that issue.

SEN. DAVIS: Okay. And today if I go to
vote and my identification that I use for purposes of
voting has a different address on it than is listed on
the precinct roll, I think it's the interpretation today
under 2004 Secretary of State opinion that I am asked
for my correct address, and I am to be believed if I say
that my address is the address that's on the precinct
list as opposed to what might be on my ID?
SEN. DAVIS: And what steps would the Secretary of State's Office engage in to assure that the ID wasn't being used to establish an understanding of the voter's residency?

MS. McGEEHAN: Would definitely, I think, be included in our training materials to emphasize that.

SEN. DAVIS: Currently, is there any information that the Secretary of State's Office gathers that breaks down by category voters in the state? And when I say "by category," I mean by race, by gender, by disability, by age.

MS. McGEEHAN: We have some information. We have -- we have age for sure. On gender -- we have some information on gender, but it's not conclusive because gender is now -- it used to be a required element on the voter registration application. In 1995, it was taken -- or it became optional after the National Voter Registration Act. So we have some data on gender, but, again, it's not complete.

Regarding ethnicity, we really -- we don't have any information like that because it's not collected when a person applies to register to vote. The only data that we do have is we do have the number of voters that have an Hispanic surname. And so we can run the list of registered voters against this list of
to have some way to collect it. So we could revisit
putting that question or adding that as a question to
the voter registration application. I'd be happy to
visit on ways where we could try and collect that, but
right now we would not have the tools that we would need
to be able to collect that data.

SEN. DAVIS: It seems rather important as
implementation of this law advances that that
information be made available for the Justice Department
review as well as any judicial review that might occur
in terms of the impact of the implementation of the law.

I believe that's all the questions I have
for you. Thank you so much.

MS. McGEEHAN: Thank you.

CHAIRMAN DUNCAN: The Chair recognizes
Senator West.

SEN. WEST: Thank you very much,
Mr. Chairman. Many of the questions Senator Davis has
already asked, but have you had a chance to look at the
bill as introduced?

MS. McGEEHAN: Yes.

SEN. WEST: Okay. Do you happen to have
it there in front of you?

MS. McGEEHAN: Yes, I do.

SEN. WEST: Okay. Great. Before I get
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MS. McGEEHAN: That's correct. And just an example of that, the cost that Bexar County put in the fiscal note was -- I think their assumption was that the certificate, the voter registration certificate would have to increase in size. And I don't see anything in the bill that requires that. And the Secretary of State prescribes the form. So once that's explained to the county, they might withdraw that fiscal --

SEN. FRASER: I want to make sure that that's clear, is that some of these assumptions are possibly the-sky-is-falling assumptions that this is -- you know, this expense is going to be put on us, and I don't think that's been discussed. And some of this, I think, can be done by ruling of the Secretary of State, directing them. And there is a real good chance that a lot of these expenses go away that can be absorbed through the Secretary of State. And that is correct, isn't it?

MS. McGEEHAN: Yes.

SEN. FRASER: Okay. I wanted to clear that up. Thank you so much.

CHAIRMAN DUNCAN: The Chair recognizes Senator Williams.

SEN. WILLIAMS: Thank you, Mr. Chairman.
CONSIDERATION OF SENATE BILL 14 1/25/2011

had talked earlier about the project that I asked you to
do, to cross-reference the driver's licenses and the
voter registration. How is that coming along? I know I
only asked today, but I just --

MS. McGEETHAN: Yes.

SEN. WILLIAMS: -- but what is a
reasonable expectation for us to get that information?

MS. McGEETHAN: I would hope by the end of
the week. One thing that our IT folks and our election
experts are trying to struggle with is like matching
criteria --

SEN. WILLIAMS: Right.

MS. McGEETHAN: -- you know, which we won't
have a TLD number, so we're working through some of
that. But I would expect by the end of the week we
would have it, if not earlier.

SEN. WILLIAMS: Okay. So do you need any
further direction from us? For instance, if we wanted
to target that universe of people that we know are out
there and maybe make a little extra effort to make sure
that they understood they were going to have a new
requirement when they went to vote as far as getting a
photo ID, if they didn't already have one -- and we've
identified who they are -- if we gave legislative intent
as a part of the bill tomorrow, would that be sufficient
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