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.
CONSIDERATION OF SENATE BILL 14 1/25/2011

SEN. WENTWORTH: And then you found a new location on Pat Booker Road out near Randolph Air Force Base, and my constituents are very pleased with that improvement and were grateful that that improvement has been made.

MS. DAVIO: Thank you so much.

SEN. WENTWORTH: Thank you.

MS. DAVIO: I appreciate that. It's nice to hear a good story.

SEN. WENTWORTH: You bet.

CHAIRMAN DUNCAN: Thank you, Senator Wentworth.

Are there any other questions of the resource witness?

(No response)

CHAIRMAN DUNCAN: All right. Thank you very much, Ms. Davio.

MS. DAVIO: Uh-huh.

CHAIRMAN DUNCAN: All right. The Chair calls Ann McGeehan, Secretary of State's Office. If you'll state your name and who you represent, please.

TESTIMONY BY ANN McGEEHAN

MS. McGEEHAN: Ann McGeehan, and I'm Director of Elections in the Texas Secretary of State's Office.
CONSIDERATION OF SENATE BILL 14 1/25/2011

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

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. MCGEHEAN: 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.
CONSIDERATION OF SENATE BILL 14 1/25/2011

SEN. DAVIS: And how many people do you think you reach through your voter education efforts right now? And how much have each of those cycles of voter education effort cost?

MS. McGEEHAN: The average cost is about $3 million for each one, around that amount. As far as the number of people we've touched through the campaign, we do have some reports on that. I don't have that number at my fingertips, but we have a report for each one of the voter education campaigns that talks a little bit about the effectiveness and how many people saw the media spots and things of that nature.

SEN. DAVIS: And are the Help America Vote Act funds funds that are continually given to the state from the federal government, or was it a one-time disbursement that's been used over the course of those three cycles?

MS. McGEEHAN: It was authorized in that one bill. We've received it in about three or four separate payments. We don't contemplate that we're going to be receiving any more.

SEN. DAVIS: And what was the total amount that was given to Texas?

MS. McGEEHAN: Let me grab that. The total amount for all the purpose areas is $224,092,477.
CONSIDERATION OF SENATE BILL 14 1/25/2011

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
CONSIDERATION OF SENATE BILL 14 1/25/2011

balance of that money? Were this bill not to come
forward to your department, what would the intended use
for those funds be?

MS. McGEEHAN: I can't speak necessarily
for, you know, exactly what would be done in the next
general election cycle, but I would contemplate we would
do another statewide voter education program in 2012,
and if funds remained in 2014.

SEN. DAVIS: Is there a plan for ongoing
capital expenditures as you talked about, which was the
use of the bulk of the funds that we've received so far?

MS. McGEEHAN: Yeah. There are --
there's 24 -- roughly $24 million left in the -- in the
purpose area for grants to counties to obtain voting
equipment.

SEN. DAVIS: Okay. And so after you take
out that 24 million, what will the balance be that
remains for voter education efforts?

MS. McGEEHAN: Well, that's -- that's
already frozen as far as the -- in order to draw down
those funds, the state had to submit a state plan. We
had to meet with stakeholders, publish in the Register
and submit it to the Election Assistance Commission.
And so pursuant to that state plan, we had to define how
we were going to spend the money, and so these -- the
CONSIDERATION OF SENATE BILL 14 1/25/2011

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. McGEEHAN: 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. McGEEHAN: 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.
CONSIDERATION OF SENATE BILL 14 1/25/2011

I'm sure you've seen the fiscal note that came as a part of this bill in terms of the expected expenditures. Part of that note talks about a fiscal impact that's related to researching and developing ways to inform the public of the new ID requirements. That's $.5 million expenditure, an additional cost of 1.5 million for media advertisements, television, radio, print and Internet. That's specifically to educate voters about the new requirements under this bill.

What will go undone that's currently in the state plan -- if we take 2 million of the 5 million remaining, what will go undone that's currently in the state plan in terms of voter education effort?

MS. MCGEEHAN: I don't know that I have an exact answer to that. If we're able to incorporate the new voter ID requirements that would be required by this bill into a voter education program, then maybe we wouldn't need 2 million just for the voter ID. We could parlay that into the -- basically the voter education campaigns that we've done or the voter education programs have been to educate voters on the basic rights on how to vote, what you need to vote. So it may not be such an extension to incorporate these new requirements for voter ID, or they may. I mean, depending on the research that we get back from stakeholders and whatnot,
CONSIDERATION OF SENATE BILL 14 1/25/2011

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
CONSIDERATION OF SENATE BILL 14 1/25/2011

information from me.

MS. McGEEHAN: That's right.

SEN. DAVIS: Correct?

MS. McGEEHAN: That's right. It was voluntary before. So we have some TDLs and SSN numbers from -- but it wasn't required until 2006.

SEN. DAVIS: So we've been able to gather that information from that point in time for people who are newly registering to vote in the state of Texas. Of that group, how many people or what percentage of people are answering one or both of those questions in response to No. 8 versus signing the attestation clause in Section No. 9?

MS. McGEEHAN: Are you asking the number of --

SEN. DAVIS: Let me -- let me break it down better.

MS. McGEEHAN: Okay. Okay.

SEN. DAVIS: So under Question No. 8, what percentage of people currently, who are requesting a voter registration card, who are filling out the application starting in '06 with this new form, what percentage of people are providing their Texas driver's license in response to the questions on the application?

MS. McGEEHAN: Okay. I don't have the
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)
CONSIDERATION OF SENATE BILL 14 1/25/2011

MS. McGEEHAN: Yeah, that number is 34,506.

SEN. DAVIS: Okay. Do we have any -- any estimate of the number of people who are currently registered today? If we've only been gathering that information since 2006, do we have any kind of an estimate of the number of people who are currently registered to vote today who do not have a driver's license number to provide?

MS. McGEEHAN: Well, if we -- if we look at our entire statewide file, we have 5.2 million voters that did provide a driver's license number or an ID number. We have 2.1 million voters that present -- that provided a social security number. 4 million of them provided both. And then the numbers that have neither -- or the voters that hadn't provided either one is 690,887. So it doesn't necessarily mean that those people haven't been issued, but they didn't -- either they don't have those numbers or they registered before it was required, and so they didn't provide them when they registered if it was pre-2006.

SEN. DAVIS: But the question wasn't asked. It was -- I guess as you said, you could voluntarily provide that information prior to '06.

MS. McGEEHAN: Well, it was asked, but it
CONSIDERATION OF SENATE BILL 14 1/25/2011

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
CONSIDERATION OF SENATE BILL 14 1/25/2011

don't have -- or have not been issued a driver's license
or a personal ID number. So we're trying to run some of
those numbers right now.

SEN. DAVIS: I guess a confusion for me is
how we came up with the $2 million fiscal note for that
and yet we don't really know, as you said a moment ago
we don't really know how many people will be impacted by
it and what that statewide voter education effort is
going to need to look like. So where did the $2 million
number come from?

MS. McGEEHAN: Well, the $2 million number
came from the way the bill is written because the bill
simply says "a statewide voter education effort." So
there's not too much detail in the bill as to what's
required. Our assumption is that our previous voter
education programs might be the model, and they've been
around 3 million. And plus, we also noticed that last
session the Senate put a $2 million fiscal note on it.
So we thought, well, maybe that's some representation of
legislative intent as to what an appropriate voter
education program might cost, but --

SEN. DAVIS: So we've had voter education
efforts in the past that have cost about $3 million each
time we've engaged in the voter education effort. We're
talking today about making some sweeping changes to
CONSIDERATION OF SENATE BILL 14 1/25/2011

what's required in order to vote in the state of Texas. Why is the number to educate -- on such a sweeping change for what will likely be a much larger group of impacted people in the state of Texas, why is that number so much lower than the $3 million number that's currently being spent for voter education?

MS. McGEEHAN: Well, if the -- if a $2 million program is added into an existing $3 million program, then you've got a $5 million program. I mean, our voter education under HAVA is directed to all registered voters. And so, you know, a new voter -- a new photo ID requirement would also need to be directed to all registered voters because it's a change for all voters.

SEN. DAVIS: So we're talking about -- I'm sorry to interrupt you. We're talking a $2 million addition to the $3 million that was already intended for voter education in this next two-year cycle.

MS. McGEEHAN: Possibly, possibly. I mean, we -- you know, we've got a communications director that would have some input on that. This fiscal note represented what we thought might be a reasonable fiscal note. If we have, you know, legislative direction to take it a different way or do additional outreach, that's fine. But based on the way
CONSIDERATION OF SENATE BILL 14 1/25/2011

the bill was written and based on the fiscal note filed
last time, we thought that was a reasonable number.

SEN. DAVIS: So let's say we spend about a
total of $5 million in the next two years with our
intended voter education effort that's already been
planned and with an additional cost for educating on the
requirements of this proposed new law. That's about the
balance of the voter education fund right now. Is that
correct?

MS. McGEEHAN: Well, it's about -- we've
spent 9 million. I think the balance -- yeah, the
balance is between 5 and 7 million. That's correct.

SEN. DAVIS: Okay. So that will take us
through about what -- how long of a period of time will
that take us through?

MS. McGEEHAN: If we used 5 million to do
a voter -- a general voter education plan and then
another 2 million to do a detailed photo -- photo
identification plan, that might -- that might use it up.

SEN. DAVIS: And if it uses it up, what
will we do in future years to educate our voters about
these requirements?

MS. McGEEHAN: Well, frankly -- I mean,
state law has never appropriated state funds to educate
voters. So, you know, these federal funds have been
CONSIDERATION OF SENATE BILL 14 1/25/2011

1 really nice to have them to do that. We never had that
2 kind of funding before. So if there's a desire to do
3 voter education programs of this -- of this type, then
4 we would need state appropriation.

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

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

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

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

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

24 MS. McGEEHAN: We don't usually put a
25 fiscal note when there's a change in state law and we
have to change and update training like that because at least it's always been considered that is part of our mandate in election administration. So when we get appropriation under the election administration umbrella, our statutory mandate is to train and assist election authorities.

SEN. DAVIS: And what's happened to your -- your budget, not only in this current biennium that we're in, but the proposed budget going forward?

MS. McGEEHAN: We're still digesting that as far as on the House side. I don't know about the Senate side yet. But on the House side, I believe we took about a 14.5 percent budget reduction on the House -- HB 1 bill.

SEN. DAVIS: So we're talking about a fairly dramatic budget cut for your agency while at the same time we are talking about adding some very significant requirements in terms of the changes that you would need to make to your training programs and materials for purposes of educating election workers and county administrators on the new rules that would be implemented in this bill?

MS. McGEEHAN: That's correct.

SEN. DAVIS: And there's no fiscal note currently estimated for what that cost might be?
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
CONSIDERATION OF SENATE BILL 14 1/25/2011

agency to provide the training for the significant
changes in the law that will be imposed if this bill is
passed into law?

MS. McGEEHAN: Well, after every session,
we have to change all our materials. And, you know,
maybe I can talk to our fiscal officer and maybe we’ll
start putting in fiscal notes for these kinds of things,
but it has been our policy not to add a fiscal note for
something we’re currently doing under state law and
funded for.

SEN. DAVIS: And so the change in
materials is all that would occur? If I’m an election
worker in the state of Texas and I’m facing some pretty
significant changes -- and I have to tell you I’ve read
this bill numerous times, and I’m still confused in
terms of what it would require of me as an election
worker. Is that the only costs that we assume will be
incurred, is the cost of the change of the material?
Isn’t there some training -- active training that has to
occur to be able to make sure that the election workers
and the county administrators who are tasked with
carrying out this new law will understand exactly what's
expected of them in terms of its implementation?

MS. McGEEHAN: We do -- we do, I think,
pretty extensive training right now. I mean, in an odd
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
CONSIDERATION OF SENATE BILL 14 1/25/2011

updating handbooks and video and things likes that that
we normally produce as training materials.

SEN. DAVIS: When the Help America Vote
Act was implemented and in '06, as you said, that was
the first significant change that's been made or it's
the most recent significant change that's been made in
election laws in the state of Texas in terms of the
requirements of your agency and the training of your
agency, did the costs that your agency realize as a
result of the training component for HAVA increase as a
result of those new requirements?

MS. McGEEHAN: We -- what we did do was
develop an online training component. So we used a
portion of the HAVA dollars to develop an online
training component, which was in addition to our other
training. I could get -- I don't know the cost of that,
but I could get you the cost.

SEN. DAVIS: It would be a helpful number
to have.

There's also a discussion in terms of the
fiscal note on this bill, including a coordinated voter
registration drive or other activities that would be
designed to expand voter registration. What would the
costs of such a registration drive be? It's on Page 2
of the fiscal note.
CONSIDERATION OF SENATE BILL 14 1/25/2011

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
CONSIDERATION OF SENATE BILL 14 1/25/2011

SEN. DAVIS: And that required training is to be done at the county level. It's expected that the county will fulfill that requirement through their own resources?

MS. McGEEHAN: Well, they are required to use the Secretary of State materials. I think that the election code gives them discretion as to how they implement it and how they conduct their training.

SEN. DAVIS: So it's foreseeable that at the county level increased costs will be realized as a consequence of the expectations of this bill?

MS. McGEEHAN: Most counties conduct training today. So they would just be incorporating another component into their training program. Depending on how they handled it would impact how significant the fiscal impact would be in that county.

SEN. DAVIS: If I'm a voter today and I want to go to the bill itself in terms of making sure I understand what would be expected of me under today's rules versus under the rules of the new bill, if I'm a voter today and I come in to vote and I don't have my voter registration card, instead I have an ID, I have a state issued ID, I have a valid driver's license, and my driver's license shows a different name than is
CONSIDERATION OF SENATE BILL 14 1/25/2011

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?
CONSIDERATION OF SENATE BILL 14 1/25/2011

MS. McGEEHAN: I think that's basically correct. The purposes -- you know, showing ID today is only for purposes of proving who you are. It's not to prove where you live. So independent from the requirement to show ID, either certificate or one of the other authorized ID, there's a separate requirement in the code where the election -- where the poll worker has to ask every voter "Have you moved," so regardless of what ID they show. And if they say yes, they've moved, then they have to sign a statement of residence and update their information. If they say no, they haven't, they still live at the address on the list of registered voters, then they are permitted to vote.

SEN. DAVIS: And what is your understanding of whether -- how or whether that would change under the requirements of the new bill if everyone now is going to come in with a state-issued ID or a driver's license? If the address on that ID does not match the address that's on the voter file, how is that to be handled going forward if this bill were to pass into law?

MS. McGEEHAN: My current understanding is that that process wouldn't change, that the purpose of SB 14 is, again, just to prove up ID, not prove where you reside.
CONSIDERATION OF SENATE BILL 14 1/25/2011

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
Hispanic surnames that is provided by the census department.

SEN. DAVIS: I'm sure you understand that one of the sensitive issues that will arise as a consequence of this legislation will be a question as to whether the implementation of this law creates a disproportionate impact on minorities, on seniors, on the disabled, on women. How will the Secretary of State's Office work to be able to answer those questions when they are asked if we currently don't track that data? And is there an intention to track it going forward?

MS. MCGEEHAN: When we changed the voter registration application in '94, '95, due to the National Voter Registration Act, there was a long discussion regarding this issue of whether the state application should request a voter's race. The determination at that time, based on feedback from all the stakeholders, was not to do it because the thought was that might be intimidating to a minority voter, "Why are you asking, you know, what my ethnicity is? It doesn't impact whether I can register or not."

We can revisit that issue because in order to provide data, you know, if the legislature wants data like that from the Secretary of State's Office, we have
consideration of Senate Bill 14 1/25/2011

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
into it, does this bill provide you any rulemaking authority?

MS. McGEEHAN: No.

SEN. WEST: Okay. So in interpreting the -- let me back up. Are you often called upon by county registrars to answer questions concerning issues that arise in local counties?

MS. McGEEHAN: Yes.

SEN. WEST: How do you normally decide those questions? Do you just look at the black and white law? Do you issue opinions? How is that -- what's that process?

MS. McGEEHAN: We issue opinions in a couple of different ways. We have a toll-free number. One is dedicated just for county officials. So if it's a fairly straightforward, simple question, we give a quick answer over the phone. If it's a -- if it's a less involved question, we might get an email. We'll give a response via email. If it's something that's hard or we're really interpreting several different laws or it's a new law and we feel like it has statewide impact, we want to make sure that everyone is operating under the same understanding, we'll issue an advisory.

SEN. WEST: Okay. And so an advisory or just depending upon the circumstances maybe an email
opinion or something like that?

MS. McgeeHan: Well, advisories are

usually a little more -- it's like the most formal that

we do.

SEN. West: Right.

MS. McgeeHan: Yeah. Okay.

SEN. West: All right. Let me ask you to
go to Page 4 of the bill.

MS. McgeeHan: Okay. Can you tell me the
section? Because I think I have a different format.

SEN. West: Okay. It's Section 7, and
Section 7(c) and (d).

MS. McgeeHan: Okay.

SEN. Davis: Let me know when you get
there.

MS. McgeeHan: Yes.

SEN. West: Okay. It's my understanding
that the election officer that's being referred to in
Section (d) is -- is the individual working at the poll.
Is that right?

MS. McgeeHan: Yes.

SEN. West: Okay. That person will be
called upon in Section (d) to determine if the voter's
name is on the precinct list of registered voters, and
the voter's identity can be verified from the

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documentation presented. Is that correct?

MS. McGEEHAN: Yes.

SEN. WEST: Okay. In advising on that, will that be a strict interpretation? Let me -- this is what I mean. I think that some of the hypotheticals that were provided by Senator Davis may be illustrative of what I'm asking. My last name is West, W-e-s-t. And say that there's a typographical error where my name is spelled W-e-s on the voters' roll, precinct list, and then my -- but my identity I'm using my driver's license and it has "t" on it. How does a poll -- an election officer in that situation resolve that problem?

MS. McGEEHAN: That's a good question, and I don't think the bill necessarily defines what verification --

SEN. WEST: I know. Senator Fraser said I'd have to ask the Secretary of State that question. That's why I'm asking you that question.

MS. McGEEHAN: I think -- you know, based on the way the bill is written now and if we had to develop training materials for the poll workers on how to implement this, we would look to the best practices of the states that have implemented. I heard Indiana testify earlier today that they have written some guidelines. We'd look to that and try and incorporate
the best practices on reasonable methods to verify the ID document against the list of registered voters.

SEN. WEST: Okay. But you would agree with me that in interpreting Section (c) and (d) without some sort of guidance would lend itself to a great deal of subjectivity; thus inconsistent application throughout the state?

MS. McGEEHAN: It could, yes.

SEN. WEST: Okay. As it relates to -- let's see. What page is it on? The next page, which will be (h), it's in the same section.

MS. McGEEHAN: Okay.

SEN. WEST: Would you read Section (h) and tell me how you interpret that as the chief administrator of the election laws in the state of Texas next to, needless to say, Secretary of State?

MS. McGEEHAN: (h) reads, "The requirements for identification prescribed by Subsection (b) do not apply to a voter who: (1) presents the voter's voter registration certificate on offering to vote; and (2) was 70 years of age or older on January 1, 2012, as indicated by the date of birth on the voter's voter registration certificate."

The way I had -- until earlier this afternoon when Senator Ellis asked the question, I had
CONSIDERATION OF SENATE BILL 14 1/25/2011

assumed that anybody that is 70 years of age or older
would not have to provide the photo ID. I think the
wording is less than perfect. I think that's the
intent, and I heard Senator Fraser, I think, answer that
his intent is it would apply. You know, even if a
person became 70 after January 1, 2012, they could still
take advantage of this exception.

SEN. WEST: Okay. But would it be your
suggestion that we need to reword that language to make
certain that whether you're there or someone else -- I
understand that you're here and you heard the
discussion, but if for some reason you're not in the
same position you're in right now, there's going to be
someone else, and they won't have -- they will not have
had the benefit of this discussion. So, therefore, do
you think it would be advisory to -- advisory to reword
that to make certain it's perfectly clear?

MS. McGEEHAN: I think so. If people are
reading it inconsistent, it would probably help it if it
were.

SEN. WEST: Okay. Now, a couple of other
questions. As it relates to the counties, it's my
understanding that you -- that your agency and maybe
either yourself or someone working for you put together
the fiscal note. Is that correct?
CONSIDERATION OF SENATE BILL 14 1/25/2011

MS. McGEEHAN: Yes. Our agency put it --
I helped.

SEN. WEST: Okay. Did someone under your
supervision contact local governments to determine the
impact, the fiscal impact, that implementation of this
will have?

MS. McGEEHAN: No, we did not.

SEN. WEST: That was done by someone else?

MS. McGEEHAN: I think LBB does that. We
just -- we just --

SEN. WEST: Provided the information?

MS. McGEEHAN: Yeah. Right.

SEN. WEST: And based on your experience
when these types of changes -- let me back up.
How much experience have you had in this
particular area, that is, the election laws, in
administration of election laws?

MS. McGEEHAN: I have been working in the
elections division for 21 years.

SEN. WEST: So you've had a little
experience, huh?

MS. McGEEHAN: Yes.

SEN. WEST: Okay. All right. As it
relates to when changes are made in state law of this
nature, is there an impact, a fiscal impact, on local
CONSIDERATION OF SENATE BILL 14 1/25/2011

units of governments when they have to make changes to comply with these types of changes or laws that are being suggested?

MS. McGEEHAN: I think it really depends on what the change is. You know, if there's a new mandate for a county or if the county has to do something different, then obviously there would be a fiscal impact.

SEN. WEST: Well, will -- and, again, drawing on your expertise, will counties have to do something different to implement this particular law?

MS. McGEEHAN: They will have to -- they are going to have to post information on their website notifying the public what the new photo ID requirements are.

SEN. WEST: Right.

MS. McGEEHAN: When they issue voter registration certificates, they are going to have to mail out -- which they have to mail out every two years under current law. The new certificates will have new language, but -- informing voters of the voter ID requirements, but that should be cost neutral because they are already mailing out the voter registration certificates.

The piece that I think might have a fiscal
CONSIDERATION OF SENATE BILL 14 1/25/2011

impact is the training. If the counties have to change
up their training procedures much or do more training
because they want to make sure the word is out to all
their -- that might increase their training costs.

SEN. WEST: Okay. So there are some
factors that need to be taken into consideration as to
whether or not counties will be burdened with additional
cost to implement this law. Is that correct?

MS. McGEEHAN: Yes.

SEN. WEST: Okay. And would it be a fair
statement to say the larger the county, the more of the
burden -- of the financial burden -- well, that's not a
fair question.

Would it be a fair statement to say that
the larger the county, the larger the potential
financial obligation that they would have to encounter
in order to implement the law?

MS. McGEEHAN: I think that's true, but I
can hear small counties say that it might be
proportional, you know, since their budgets are -- I
mean --

SEN. WEST: Right. It's all relative to
what your budgets are.

MS. McGEEHAN: Yeah.

SEN. WEST: But the fact is that that --
do you -- is there any -- you've read the fiscal note associated with this bill?

MS. McGEEHAN: Yes.

SEN. WEST: The $2 million that's in the fiscal note, does any of that go to the county to counties in order to implement this legislation?

MS. McGEEHAN: No.

SEN. WEST: So any cost that is not covered by the state for counties would be -- have to be borne by the counties. Right?

MS. McGEEHAN: Yes, yes.

SEN. WEST: Okay. Now, as it relates to -- is there any way that the Secretary of State's Office can give us -- do.an analysis or get with the various counties to determine exactly what the fiscal impact of implementing this legislation would be?

MS. McGEEHAN: We could -- we could certainly solicit that information from counties and ask them what -- how they see this impacting them fiscally.

SEN. WEST: You could do that for each and every one of the counties?

MS. McGEEHAN: We can do it.

SEN. WEST: Mr. Chairman, I'd like to request that the Secretary of State's Office provides the Senate an analysis of -- I shouldn't say an
analysis -- at least solicit from the various counties
what the fiscal implication is going to be in order to
implement this bill.

CHAIRMAN DUNCAN: Okay. I think, Senator,
that will be an individual request from you, and then it
can be distributed to all members of the Senate --

SEN. WEST: Okay.

CHAIRMAN DUNCAN: -- whenever it's done.

You know, I doubt that that will be done by the time we
rise and report to the Senate.

SEN. WEST: Okay. We can't get it
tonight?

(Laughter)

SEN. WEST: I'm just joking with you.

CHAIRMAN DUNCAN: You won't be a very
popular guy if the --

SEN. WEST: I'd like --

(Laughter)

SEN. WEST: I'd like to get it as soon as
possible, though.

Let's see. No further questions. Thank
you very much.

MS. McGEEHAN: Thank you.

CHAIRMAN DUNCAN: Thank you, Senator West.

Senator Gallegos?
CONSIDERATION OF SENATE BILL 14 1/25/2011

SEN. GALLEGOS: Let me ask you, I don't know if you heard my question earlier to Senator Fraser and he referred to you or the Secretary of State's Office to answer it. My concern was in the fiscal note that we ranked number two in the country in population. And Missouri ranks number nineteenth, and to implement their voter ID program, they came up with -- they only have 5.9 million people. We have 25 million. They came up with a fiscal note of 6 million in the first year and then 4 million in the second year for a total of 10 million second and third. That's $10 million. And you just -- I think earlier testimony with Senator Davis, you said once the 2 million runs out, that's it. Is that what you said?

MS. McGEEHAN: For -- yeah, the amount of money we have for voter education is limited. So when that runs out, that's all we have.

SEN. GALLEGOS: I guess my concern is if Missouri only has 5.9 million people, just to implement their voter ID program they start with 6 million in the first year and 4 million in the second and third year for a total of $10 million, for just 5.9 million folks, what are they -- you know, I don't -- what are they doing as far as when they are reading the bill? I heard that you said you're going by the bill, and that's how
CONSIDERATION OF SENATE BILL 14 1/25/2011

you came up with your fiscal note. Is that correct?

MS. McGEEHAN: Yes.

SEN. GALLEGOS: Okay. Well, then what are they doing that we're not or, you know, how can you -- you know, for $10 million for 5.9 million people and we're only going to spend 2 million, I mean, what's the difference?

MS. McGEEHAN: I am not familiar with the Missouri voter identification bill, and I did hear you ask that earlier today, but I've been trying to listen to all the questions. So we can -- we can research it and see. Some states actually provide more to their local county governments and print ballots and things like that. I don't know if that's the situation in Missouri, but I honestly don't know the answer to that question because I don't know what the Missouri voter ID law requires.

SEN. GALLEGOS: Well, it's a substantial more amount of money than we're looking --

MS. McGEEHAN: Yeah.

SEN. GALLEGOS: -- at the fiscal note that you have -- that you've given this committee on Senate Bill 14. And I just -- it concerns me that that amount of money, if somebody is doing -- in the formula or methodology that you came up with that number -- I mean,
is that a true number? I mean, you know, as far as are we really doing voter education that should be done, you know, on 25 million people as opposed to what Missouri is doing with only 5.9? I mean, it just -- I mean, that would send up a red flag to me. Wouldn't it you?

MS. McGEEHAN: Sure. I would like to understand those numbers because they are very different.

SEN. GALLEGOS: You know, I -- if we're going to mandate to Texans, you know, and then do it -- do a good educational program and Missouri is spending $10 million on their folks and we're only spending 2 million on ours, I'd like to know what the -- what the difference is. Are their people better than ours? You know, do they deserve, you know, more education? You know, I just -- you know, with the population as opposed to our population, you know, I don't -- you know, I'm a little concerned there. You know, are we cutting our folks short? Are we really going to do what you're telling us that you're going to do as far as educating the public out there on this bill?

And it just concerns me that, you know, we see -- and I haven't even taken a comparison of the other states. And we're number two, and Missouri is 19, and they are spending 10 million bucks. You know, that
would concern me, and I would hope it would concern any
of the other Senators on this floor. Are we, you know,
really going to do -- in implementing this bill, are we
going to educate those folks out there?

Now, you know -- and I'd like that answer.
I mean, you can't answer it now, I understand, but I
would like an answer to that.

MS. McGEEHAN: We'll get you an answer.

SEN. GALLEGOS: And a comparison on what
really your states that have implemented voter ID, how
much are they paying, you know, to implement the program
and what they do.

Now, on the fiscal note, it says you're
going to do TV and radio and some other things. I mean,
can you explain to this body the process on TV, or is it
going to be in different languages, or how are you going
to -- how are you going to split up the money? Who gets
the most? You know, I mean, it's not -- it's not
explained to us in the fiscal note how you're going to
spread the money around. And is that going to be
accessible to us or how the process is going to be, or
how much money are you going to spend in Harris County
as opposed to Lubbock, Texas or wherever?

MS. McGEEHAN: Yes, that would be
available. And, you know, the programs that we've done
previously, we have detailed records that show, you know, where the media ran, and so we would -- that would be a part of any program going forward.

The way -- the way it has worked thus far, the three statewide voter education programs that we have done, is we've gone out for bid for a public education firm. And then the first thing that firm does is research, and they meet with stakeholders, and then they craft the creative proposal. And then they turn that into the actual media and do the media buys for TV, radio and cycle, Internet and also print.

For the PSAs -- and I'm not the expert on this -- but I understand that we pay for a certain amount, and then we get some earned credit where TV stations will run them for free. If you pay them, you know, to run it once, they'll run it three times and only charge you for once, something along those lines.

SEN. GALLEGOS: And is that going to be -- is there going to be access as far as different languages in than budget?

MS. McGEEHAN: Oh, yes. We -- our current programs are in English and in Spanish, and in Harris County, we've had a component for Vietnamese.

SEN. GALLEGOS: Okay. Now, on Page 2 of the bill under what y'all are going to do under voter --
CONSIDERATION OF SENATE BILL 14 1/25/2011

under 31.012, Voter Identification, Senator West brought it up about -- it says here you and -- your office and the voter registrar of each county that maintains it shall provide notice of the ID requirements as prescribed by this change.

Now, my concern there is, is at the county level -- you know, I think Senator West brought it up -- is how much is going to be incumbent on each county, you know? I and others here on this floor represent the largest county, Harris County, and Harris County is already starting to lay off, and they have a shortfall, and they are laying off as we speak right now. So, you know -- and I see what it says in the bill, you know, that you're going to get together with them. I mean, are they going to have the money? Or where is the -- if they don't have the money, where is the other money going to come from? Other than the 2 million you already have prescribed here and any federal matches that come in, where is that money going to come if those counties cannot provide?

MS. MCGEEHAN: I think that the bill presumes that counties have a website, and so this requirement is that they post, you know, the information about the new photo ID requirements that the Secretary of State's Office will actually prescribe. So we will
send that out to the counties, and then they'll have to
post it on their website.

Now, in light of the fiscal
circumstances -- and Senator West has asked us to do a
survey -- we'll probably get some very detailed
information, you know, as far as the counties' fiscal
circumstances, if they are going to have to take down
their websites or, you know, where they are going to
have to cut.

SEN. GALLEGOS: Well, you know, with all
due respect, I mean, we can presume a lot of things, and
I could presume a lot of things, you know, just on
anything, but I can tell you right now -- I'm not
presuming -- I know that they're laying off in Harris
County right now. That's not a presumption. That's a
fact; that's a fact. And they're also furloughing in
the City of Houston.

So, I mean, it just concerns me that this
section here that says you're going to work hand-in-hand
with each registrar in each county, and if those
counties are already going through a budget shortfall
like we are, then how can you presume that they're going
to have -- I'm just saying that this bill presumes that
they're going to have a website and they're going to
have people to handle the education.
CONSIDERATION OF SENATE BILL 14 1/25/2011

You can't presume anything if they're laying off right now as we speak, and that's a fact. Like I said, that's not a presumption. That concerns me. And what I'm asking is that if that can't happen in Harris County or any other county in this state, where is the extra money? If they don't have, obviously, the funds to provide what is prescribed under Senate Bill 14, where is that money going to come from?

MS. McGEEHAN: Well, you know, Senate Bill 14 doesn't make an appropriation to the county, so I don't know the answer to your question on that because, like I said, the bill -- I think the assumption is that counties have a website. So if they're not going to have a website --

SEN. GALLEGOS: But the bill prescribes that you will work in conjunction with the county registrar. Is that what I'm reading --

MS. McGEEHAN: Yes.

SEN. GALLEGOS: -- or am I reading the wrong bill?

MS. McGEEHAN: Maybe I'm not -- the way I read that was that we would provide them the wording, the language that they would put up on their website.

SEN. GALLEGOS: Well, you're going to provide them with that. But what about the bodies and
CONSIDERATION OF SENATE BILL 14 1/25/2011

any other education that's prescribed by this bill? If they don't have the bodies -- they're laying off bodies right now.

MS. McGEEHAN: Yes.

SEN. GALLEGOS: Okay. And you see where I'm going here?

MS. McGEEHAN: No, I understand.

SEN. GALLEGOS: And if you provided a fiscal note, you know, that we're going by and that's on every website in the State of Texas, everybody that has a computer, then really what I'm asking you, is this a true fiscal note or is it misleading to the voters out there, that it's going to cost more than what you're showing here if other counties are having budget shortfalls like we are?

MS. McGEEHAN: Well, when we're asked to submit a fiscal note to LBB, they want to know what the state impact is. So generally we don't solicit what the impact is to local government. And I'm not exactly sure who within LBB does that, if that's LBB or the Comptroller. But I can tell you -- and maybe we've been doing them wrong, but the way we've understood our requirement in responding to a fiscal note request was to state what the state impact was. It's specifically for the agent -- you know, like for our agency for the
CONSIDERATION OF SENATE BILL 14 1/25/2011

1 Secretary of State's office.

SEN. GALLEGOS: Okay. So what you're
telling me is that outside of the $2 million that's in
the fiscal note and that under this section that you're
going to work with the registrar in each county, then we
just have to roll the dice and hope that the money is
there. Is that what you're telling me?

MS. McGEEHAN: Well, I think this fiscal
note that LBB did put -- does indicate that there may be
some county costs. You know, they did put some numbers
in for Tarrant County and for Bexar County. So, you
know, it's not -- I don't think it's the number you're
looking for. It's not a comprehensive number, but I
think that the fiscal note does indicate that there may
be a fiscal impact on counties.

SEN. GALLEGOS: There may be a fiscal
impact. You don't know how much?

MS. McGEEHAN: No, I don't.

SEN. GALLEGOS: So what we're looking at
in your fiscal note is just an open-ended fiscal note.
Is that what you're telling me?

MS. McGEEHAN: The fiscal note is really
showing the impact on the Secretary of State's office.
I can't really speak to how the portion of the fiscal
note that concerns impact on local government, how
CONSIDERATION OF SENATE BILL 14 1/25/2011

LBB -- you know, what their process is. I don't really know.

SEN. GALLEGOS: All right. Then let me rephrase my question.

MS. McGEEHAN: Okay.

SEN. GALLEGOS: So the $2 million that you're showing is what the state is going to be impacted. And the language that is showing you're going to work in conjunction with the counties, you know, you cannot speak to that, so we really don't know. Is that what you're saying? It could or could not be impacted for a million, two million, three million, whatever the number. I don't know the numbers that you gave Bexar County and Tarrant County. I have not been privy to those numbers. But what I'm saying is, I really would like to know that if my county is going to be impacted, if at all, it's going to be in here, you know. Do you see what I'm saying?

MS. McGEEHAN: Well, yes, I understand what you're saying. And we are going to be sending out a survey to try and gather that data from all the counties.

SEN. GALLEGOS: You know, I don't like the mandate to my county, something that this bill said that they will do and then find out that they don't have the
Consideration of Senate Bill 14 1/25/2011

1 funds to do it. You know, to me, that's an unfunded
2 mandate in really telling Texans that are looking at
3 this debate on computer and that are looking at this
4 bill online, that this $2 million fiscal note that
5 you've provided is only an impact to the state, not the
6 counties, not each county. Is that correct?
7
8 MS. McCHEEHAN: That's correct.
9 SEN. GALLEGOS: Okay. Thank you very
10 much.
11
12 CHAIRMAN DUNCAN: Thank you, Senator
13 Gallegos.
14
15 Senator Van de Putte.
16
17 SEN. VAN de PUTTE: Thank you,
18 Mr. Chairman.
19
20 Ms. McCheehan, you've been an excellent
21 resource witness for us, and there are just two
22 questions that I need to ask to get into the record with
23 regard to a survey.
24
25 Does Texas participate in the Election
26 Administration and Voting Survey?
27
28 MS. McCHEEHAN: Yes.
29 SEN. VAN de PUTTE: When was this survey
30 completed, the last survey was completed? Was it after
31 the 2008 election?
32
33 MS. McCHEEHAN: Yes.
CONSIDERATION OF SENATE BILL 14 1/25/2011

SEN. VAN de PUTTE: So we have that survey available?

MS. McGEEHAN: Yes.

SEN. VAN de PUTTE: Okay. The question that I have goes to the data on the survey that goes, I think, to all -- and this is the federal commission -- dealing with the number of provisional ballots in the State of Texas. As far as you know, how do we rank in the number of provisional ballots that are used with regard to our voting population?

MS. McGEEHAN: My general recollection is that as far as the total number cast, we're on the lower end. But as far as the number of provisional votes, meaning that not as many people cast a provisional vote in Texas as in some other states, but as far as the number of provisional ballots that are counted --

SEN. VAN de PUTTE: Yes.

MS. McGEEHAN: -- we have one of the lower rates among the states as to the number of provisional ballots that are counted. It is my understanding that in the state chart, that we have very high rejection provisional ballot rates. So, in other words, even right now under this system that we have, that the number of provisional ballots that are cast, we have some of the highest rejection rates for those
provisional ballots in all of the country.

MS. McGEEHAN: Yes.

SEN. VAN de PUTTE: At least that's what I understand from the report.

MS. McGEEHAN: That's correct.

SEN. VAN de PUTTE: Thank you. I know that we have the datasets that were put in for 2008, and so hopefully that we will be able to get this and make sure that as we monitor the bill as it progresses and the bill as it's implemented, we certainly don't need to get to the bottom of the bottom of the bottom on rejection of provisional ballots.

Thank you.

CHAIRMAN DUNCAN: Thank you, Senator Van de Putte.

Senator Fraser.

SEN. FRASER: Thanks for being here today and waiting all day.

I would like to clarify a point before you sit down. I think you're aware this morning that we had entered into a record -- the Secretary of State had a letter addressing the $2 million in the HAVA funds that was put into the record. Our understanding, from talking to the Secretary, the way the HAVA funds work, and also her relationship with the county, that she has
very broad discretion, assuming that the HAVA people approve the using of this.

The $3 million that you're talking about in voter education, it doesn't necessarily mean that it's three plus two. It's possible that there's an overlap, that this two million could be folded into -- possibly into the three. But that discretion goes back to the Secretary and they make a determination. Is that not true?

MS. McGEEHAN: That's exactly right.

SEN. FRASER: The other thing that I want to clarify that there is a lot of discussion about, what expense might go to Houston or what expense might go to Bexar. Right now there is not clear, because I think there's a lot of discussion going on of whether is that Bexar expense or is that Secretary of State expense?

And we've got to determine what those dollars are being spent on. Can we use Secretary of State dollars and HAVA funds for that? So I think we're premature of a county saying they've got "X" amount of expenses, because it's possible that some of those expenses flow from the Secretary of State's office, they do not flow to the county, and they could handle that with available people within the county and budget. Is that not correct?
CONSIDERATION OF SENATE BILL 14 1/25/2011

1 MS. McGEHHAN: That's correct. And just
2 an example of that, the cost that Bexar County put in
3 the fiscal note was -- I think their assumption was that
4 the certificate, the voter registration certificate
5 would have to increase in size. And I don't see
6 anything in the bill that requires that. And the
7 Secretary of State prescribes the form. So once that's
8 explained to the county, they might withdraw that
9 fiscal --
10
11 SEN. FRASER: I want to make sure that
12 that's clear, is that some of these assumptions are
13 possibly the-sky-is-falling assumptions that this is --
14 you know, this expense is going to be put on us, and I
15 don't think that's been discussed. And some of this, I
16 think, can be done by ruling of the Secretary of State,
17 directing them. And there is a real good chance that a
18 lot of these expenses go away that can be absorbed
19 through the Secretary of State. And that is correct,
20 isn't it?
21
22 MS. McGEHHAN: Yes.
23
24 SEN. FRASER: Okay. I wanted to clear
25 that up. Thank you so much.

26 CHAIRMAN DUNCAN: The Chair recognizes
27 Senator Williams.

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

Ms. McGeehan, I want to add my thanks for you hanging in here with us all day. There's about three things that I would like to clear up with you. I just want to understand unequivocally, HAVA funds can be spent for things like training poll workers. Is that correct?

MS. MCGEEHAN: Yes.

SEN. WILLIAMS: Okay. Thank you. Then are you familiar with the voter ID bill that went into -- in Utah recently? Have you taken a look at that?

MS. MCGEEHAN: No, I have not looked at that.

SEN. WILLIAMS: Okay. I just think it's noteworthy, in light of Senator Van de Putte's comments, because the Salt Lake County Clerk's office -- I've got a news report here -- it's confirmed that there were only 13 cases of voters having to pick up their provisional ballots because they didn't have the proper identification to vote when they put this new law into effect. So it seems like it's had a great -- again, one more state where the impact has been really minimal. I'm not sure why we're having these other issues, but I don't think its because of this.

And then finally I wanted to ask you, we
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. McGEEHAN: Yes.

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

MS. McGEEHAN: 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. McGEEHAN: -- 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...
for you-all and the Secretary of State's office to take
that direction and know that that's something that we
wanted to have done in your training plans and voter
education plans?

MS. McGEEHAN: Yes. I think if there were
a statement of legislative intent, we would certainly
follow that.

SEN. WILLIAMS: That would be sufficient.

Okay. Thank you very much. Appreciate your help.

CHAIRMAN DUNCAN: All right. Members, are
there any other questions of Ms. McGeehan?

Okay. The Chair hears none. Thank you,

Ms. McGeehan.

The Chair calls David Maxwell, Deputy
Director of Law Enforcement, Texas Attorney General's
Office.

Mr. Maxwell, would you approach and state
your name and who you represent, and then we'll open it
up for questions.

TESTIMONY BY DAVID MAXWELL

MR. MAXWELL: I have a written statement
that I would like to put into the record, sir.

CHAIRMAN DUNCAN: Well, we haven't been
doing that.

MR. MAXWELL: Okay.