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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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
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. McGEEOHAN: 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. McGEEOHAN: 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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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
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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
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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
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.
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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
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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.