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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. McGEEHAN: That's correct.
9
10 SEN. GALLEGOS: Okay. Thank you very
11 much.
12
13 CHAIRMAN DUNCAN: Thank you, Senator
14 Gallegos.
15
16 Senator Van de Putte.
17
18 SEN. VAN de PUTTE: Thank you,
19 Mr. Chairman.
20
21 Ms. McGeehan, you've been an excellent
22 resource witness for us, and there are just two
23 questions that I need to ask to get into the record with
24 regard to a survey.
25
26 Does Texas participate in the Election
27 Administration and Voting Survey?
28
29 MS. McGEEHAN: Yes.
30
31 SEN. VAN de PUTTE: When was this survey
32 completed, the last survey was completed? Was it after
33 the 2008 election?
34
35 MS. McGEEHAN: Yes.
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
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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 in --
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?
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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.
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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
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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.