serve? I mean, if you're not -- if you're not 70, you don't have the disability exemption.

ANN MCGEEHAN: I guess at this point it's going to serve more as a -- an informational tool to the voter. It will tell them what districts they're registered in, you know, which Congressional district, which State Senatorial District. I think there's five districts that have to be districts on the certificate.

Tell them their county election precinct number, which might help them find out where they need to go vote. So I guess it would be more for the voter's benefits and information.

REPRESENTATIVE ANCHIA: An alternative approach that we've discussed many times in this committee is simply adding a person's picture to the voter registration certificate and -- which would be a pretty easy fix. I think it -- the technology certainly exists. I mean, we might want to import some late 1990 -- '80s technology to -- to implement that very simple act, I mean, through a bubble jet printer or something like that, if you can find those.

Have you done a feasibility analysis on that approach as opposed to this approach?
ANN MCGEEHAN: I think there's one or two bills filed this session that kind of play that kind of approach. So I think we've tried to do some research to -- for purpose of responding to the fiscal note as to what they would take.

REPRESENTATIVE ANCHIA: Because it seems to me that would be the easiest fix here, just to add someone's photo. And there will be a universe of people who don't have a photo on file. Right? So if it was possible, for example, to work with Commander Deese (phonetic) at DPS and merge the TDL database photos down and -- and do a match with -- with the HABA-compliant --

ANN MCGEEHAN: Right.

REPRESENTATIVE ANCHIA: -- statewide voter registration database, and then you dump down the State I.D. photos, the non-TDL photos --

ANN MCGEEHAN: Uh-huh.

REPRESENTATIVE ANCHIA: -- and then you dump down maybe a CHL universe, you -- you -- you probably hit a pretty significant number. It wouldn't be complete. I mean, you would have to have some sort of mechanism at the polls to gather people's photos or an outreach. But can you -- we've had these suggestions around for a couple
sessions now. Can you talk about some of the -- the
opportunities there or the challenges?

ANN MCGEEHAN: You know, we've --
we've done some preliminary analysis. I think the
effort there would -- would be one of, you know,
equipment and whether it would be the State issuing
these cards or whether it would be the county,
whether we'd give the -- you know, if -- if the
State wanted to fund the county to have the
equipment necessary to capture the pictures for
those people that aren't --

REPRESENTATIVE ANCHIA: Sounds like
we have HABA funds for this, though. Right?

ANN MCGEEHAN: Well, HABA funds --
HABA, you know, has certain express purposes. Voter
education is one. I don't think we could use HABA
to implement voter I.D.

REPRESENTATIVE ANCHIA: Say that
again.

ANN MCGEEHAN: Well, HABA had -- has
very express requirements in the federal law.

REPRESENTATIVE ANCHIA: But you just
said you don't think you can use HABA funds to
implement voter I.D.

ANN MCGEEHAN: Well, meaning what
you're talking about, to take people's pictures --

REPRESENTATIVE ANCHIA: So you could use it to implement a photo I.D. regime, but you couldn't use it to add people's photos to a voter registration certificate?

ANN MCGEEHAN: We could look at that -- at the language of the bill more closely. But, you know, the main mandates of HABA were provisional voting, voting system, security. We could -- you know, maybe -- maybe it's more broad than I'm thinking.

We've been very cautious with the HABA funds and try to make sure we're in compliance with what -- the Federal Election Systems Commission. It would be curious to see if Georgia or Indiana use that money -- HABA monitor [sic] that portion of the -- of their implementation of voter I.D.

REPRESENTATIVE ANCHIA: Ms. Wang talked about a vote-saving affidavit approach to preventing people from being disenfranchised under a -- a photo I.D. regime. Other states have it. And Idaho, by way of example, has a photo I.D. regime, but at the same time allows persons who are unable to comply to -- to offer up a vote-saving affidavit that says they are the person on the card.
And, typically, the penalty for that is aggravated perjury, is it not, if you bust an affidavit related to an election --

ANN MCGEEHAN: Yes.

REPRESENTATIVE ANCHIA: -- and -- and the penalty for that is two to ten years in jail, is it not?

ANN MCGEEHAN: That sounds about right.

REPRESENTATIVE ANCHIA: $10,000 -- up to $10,000 fine.

ANN MCGEEHAN: Yes.

REPRESENTATIVE ANCHIA: And don't we have an affidavit currently in -- for people who -- because let me back up a step.

We have a photo -- we have a voter I.D. standard in Texas today, don't -- do we not?

ANN MCGEEHAN: Yes.

REPRESENTATIVE ANCHIA: It's our voter registration certificate.

And when you cannot comply with that -- with that voter registration certificate requirement, you can use other forms of I.D. like a driver's license. Correct?

ANN MCGEEHAN: Yes.
REPRESENTATIVE ANCHIA: And when you -- when you use that driver's license, you sign an affidavit, do you not?

ANN MCGEEHAN: Yes.

REPRESENTATIVE ANCHIA: And that's contained in the poll book, is it not?

ANN MCGEEHAN: Right.

REPRESENTATIVE ANCHIA: What does that affidavit say?

ANN MCGEEHAN: It's the voter saying they don't have their voter registration certificate, essentially.

REPRESENTATIVE ANCHIA: But there are other things. Right?

ANN MCGEEHAN: For the affidavit?

REPRESENTATIVE ANCHIA: Yeah.

ANN MCGEEHAN: Yeah. There are several affidavits.

REPRESENTATIVE ANCHIA: You -- you haven't voted previously in this election, et cetera. Correct?

ANN MCGEEHAN: Uh-huh, yes.

REPRESENTATIVE ANCHIA: Okay. And if the standard is -- is flipped and suddenly you have a photo -- a photo I.D. requirement, what would
be -- a Voter Registrar affidavit look like?
Because currently if you can comply with the voter
requirement, you can give an alternative form of --
of identification, which may or may not be a photo
I.D. If you go to a photo I.D. regime, what would a
vote-saving affidavit look like, so that people who
otherwise would comply, could comply, who are
eligible to vote do not get their votes rejected?

ANN MCGEEHAN: Well, we -- we could
look at, you know, what some of the other states
have done with respect to that. Michigan, for
example.

REPRESENTATIVE ANCHIA: Ohio.

ANN MCGEEHAN: Ohio. I think I heard
Florida earlier today.

REPRESENTATIVE ANCHIA: Right, right.

But that would prevent people from being
disenfranchised if they could not comply with this,
as you said, major change in state law?

ANN MCGEEHAN: Yeah. I mean, that
would be -- that's a policy call for the
Legislature, but...

REPRESENTATIVE ANCHIA: Right.

What's the standard for match in this
bill? I show up, my hair's longer. I saw Ramey Ko
today. His hair's longer than two years ago when he testified. Sometimes people look differently --

ANN MCGEEHAN: Uh-huh.

REPRESENTATIVE ANCHIA: -- I mean, photo I.D.s are good for 10-year periods in some cases. Right?

ANN MCGEEHAN: Right, right.

REPRESENTATIVE ANCHIA: Didn't know it. Ten years later, I look pretty different than I did ten years ago.

What's the -- what's the -- what's the standard for a visual identification?

ANN MCGEEHAN: I don't know that the bill has -- has -- has a -- has a standard necessarily. It says that -- that -- that -- the language basically says that the documentation establishes, I think, they're identity.

REPRESENTATIVE ANCHIA: From the proof presented. Correct?

ANN MCGEEHAN: From the proof, yes.

So that would clearly be an area that we would need to address that training.

REPRESENTATIVE ANCHIA: Ultimately, it's subjective. Right? The poll worker is given the opportunity to either confirm or deny the
identity. Right?

ANN MCGEEHAN: Right.

REPRESENTATIVE ANCHIA: And there's no guidance in the bill to tell us --

ANN MCGEEHAN: Right. To --

REPRESENTATIVE ANCHIA: -- how to --

ANN MCGEEHAN: Right. To a certain extent that is an issue today. If a -- if a person shows eye -- they don't have their certificate and they don't show their driver's license, other I.D. is authorized. And there's similar language in the current law about, you know, establishing identification from the -- from the identification providing. But I think that would be something we would need to address in training. And we would certainly look to some of the other states that have implemented already and try to borrow some best practices.

REPRESENTATIVE ANCHIA: Do you know how other states approach this?

ANN MCGEEHAN: I do not, not today.

REPRESENTATIVE ANCHIA: Okay. That's it. Thank you, Mr. Chairman.

REPRESENTATIVE HARLESS: Mr. Chairman, I have one follow-up question.
You just got through mentioning about -- and -- and we all concerned [sic] about the
discretion. Section 63.010 talks about the
documentation proof of identification. Currently, the poll worker has that discretion. You all would
just define those standards differently. Is that correct?

ANN MCGEEHAN: Right. I think we
would address it specifically in our training.
Right now, that's not specifically addressed in our training.

REPRESENTATIVE HARLESS: (Inaudible)
poll worker (inaudible).

ANN MCGEEHAN: That's correct.
CHAIRMAN BONNEN: Any other
questions, Members? Thank you. Appreciate your
being here.

Members, is there any desire to bring up a
resource witness from the Department of Public
Safety Driver's License Division? Okay.

Rebecca Davio from the Department of
Public Safety testifying neutrally on the Committee
Substitute Senate Bill 14.

REBECCA DAVIO: Good afternoon,
Chairman Bonnen, Members. My name is Rebecca Davio,
 TEXAS HOUSE OF REPRESENTATIVES 
82ND LEGISLATURE 
SELECT COMMITTEE ON VOTER IDENTIFICATION 
AND VOTER FRAUD HEARING 
MARCH 1, 2011 

VOLUME II OF II 

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