because that data is not tracked on race and ethnicity right now. The only thing that is tracked is we can -- based on our new TEAM system, we can cross-reference Hispanic surnames, but that's inconclusive, so --

SEN. VAN de PUTTE: Van de Putte.

MR. SHORTER: Exactly. So the answer is right now there's not a mechanism to track race or ethnicity.

SEN. VAN de PUTTE: So how would we be able -- if we don't know -- if we're not capturing the data, the data is not available as a base point of how many registered voters we have who are African-American or Latino or Spanish speaking, how can we benchmark and prove up to the Justice Department and support litigation that there will not be a negative effect since we have no data?

MR. SHORTER: I would assume that our staff has been using some other means to do that. I don't know what that is, but I will find out for you.

SEN. VAN de PUTTE: Okay. So what I have so far is that you will get back to us on certificate versus papers --

MR. SHORTER: Yes, ma'am.

SEN. VAN de PUTTE: -- for naturalized
citizens --

MR. SHORTER: Yes, ma'am.

SEN. VAN de PUTTE: -- since the other
states that have passed this so far do not have nearly
the degree of those naturalized citizens as we do; and
that you will also check on the incongruencies of
address for both our military members and college
students.

MR. SHORTER: Yes, ma'am.

SEN. VAN de PUTTE: And you will also
get back with us the data, if it exists, of how many
voters we have that are indeed African-American and
Hispanic so that we can have a benchmark. We need
that data to be able to prove that. So those are the
things that you are going to be helping us with.

MR. SHORTER: Yes, ma'am, I will; we
will. John and I will be notifying staff so they can
get on it and hopefully give you an answer before the
end of the day.

SEN. VAN de PUTTE: Well, thank you, but
I know you haven't gone to sleep yet, so I appreciate
the hard work of your staff. And again, my regards to
my dear friend, our Secretary of State.

MR. SHORTER: Thank you.

SEN. VAN de PUTTE: Thank you.

SEN. WHITMIRE: No, I'll pass

(inaudible) I've got a quick question, quick, quick, quick. You were responding to Sen. Fraser's hypotheticals, and he was talking about if he ran in and voted and then he went back out and got his brother's card and voted again that nothing could be done. Is it not true, sir, that the election officer is in total control of his precinct? I've seen folks be arrested for handing out cards too close, poll watchers for harassing voters. Isn't it true that if you try to go in and vote twice in the same timeframe that you could be arrested for voter fraud at that moment and maybe even have a mental warrant served on you if you tried to do it like he described it? So aren't we -- aren't we really being a little ridiculous at five in the morning with some of our hypotheticals?

MR. SHORTER: Sir, I'm not --

SEN. WHITMIRE: You were being awful nice. I realize you're in a difficult position, but I don't -- is it realistic that someone, the same person could vote twice within a 30-minute timeframe?
MR. SHORTER: It's possible, sir.

whether --

SEN. WHITMIRE: It's possible to get arrested for doing it, too, is it not?

MR. SHORTER: That is correct.

SEN. WHITMIRE: Okay. That's all I wanted to clear up because -- and I could go through his other hypotheticals.

What really concerns us and I guess it's been somewhat addressed is the cost and the commitment to educate the public.

MR. SHORTER: Yes, sir.

SEN. WHITMIRE: Have you been in any planning sessions where you're going to have the resources and you have the spots, as Sen. Williams pointed out? I mean, are we really serious and ready to go with that, or is that a hypothetical, too?

MR. SHORTER: No, sir. Our office is actively planning our voter education program for the next cycle now.

SEN. WHITMIRE: Well, that's great, but what's the provisions for doing a voter ID plan?

MR. SHORTER: What we're doing now is looking at -- because this is one of our new bills that we're working on and that has been brought to us
for us to look at, we're looking at what costs would
be associated with doing those things within the bill
and fitting those into the funds that we have
available. Based on the fact that it is not a
Presidential Election year, we feel that the funds
that we have available now we could -- we could
theoretically -- we could undertake this.

There are -- in terms of training for --
training for elections and new initiatives, that's
already -- we're already directed to do that. So our
agency as a whole is -- there's some things you
anticipate and you know and you plan for, and we're
already there, sir. Because what we will have to do
is we'll have to prioritize in terms of maybe some new
initiatives versus -- that are not legislatively
mandated versus those that you-all mandate to us.

SEN. WHITMIRE: Okay. I yield at this
time.

SEN. DUNCAN: Sen. Watson, you're
recognized.

SEN. WATSON: Thank you, Mr. Chair, and
thank you for being here. I know it's been very long.
And, Members, one bit of information.
Yesterday, not today, but yesterday, although it feels
like one day, was his ten-year old son's birthday, and
he stayed with us all during that period of time, snuck away I think briefly to wish him a happy birthday, but we really appreciate your being with us --

MR. SHORTER: Thank you.

SEN. WATSON: -- and hope you will tell him we said happy birthday.

Just a couple of quick questions. One is you shared with me some numbers on a piece of paper, and I don't know what the paper was created for, but it has at the top of the page the number 5, and then it says "Number of voters who have registered since 2006 without a driver's license number." What was this document created for?

MR. SHORTER: Sir, this document was created -- Senator, this document was created in a response to questions that were asked of our staff last week by House Elections.

SEN. WATSON: Okay. And in that, what you did is you created two sets of numbers: One was a set of numbers of voters who registered since January 1, 2006. And explain for me again why that's an important number date.

MR. SHORTER: When the Help America Vote Act was passed in 2002, there was a requirement put in...
the provisions of the Help America Vote Act for
uniformity standard purposes for the driver's license
to be a required form of ID in terms of registration.
Prior to January 1, 2006, it was optional as to
whether or not you included your driver's license on
your voter registration application.
The voter registration application
now -- the first thing it asks for in Section 8 is
either your driver's license and your Texas -- or your
Texas ID, and that's a requirement if you have one.
Prior to January 1, 2006 it was optional.
SEN. WATSON: Okay. So the numbers you
came up with you demonstrated -- and I think we had
had some conversation -- Sen. Fraser and I had had
some conversation earlier in the day. And when you
look at those who have registered since January 1,
2006, the key date that you mentioned, and you look at
those numbers, about 91.9 percent have registered
using a driver's license. Is that correct?
MR. SHORTER: Using a driver's license
or social security number.
SEN. WATSON: Well, here is the way --
let's make sure we're clear on this. The first
category of numbers who registered with a driver's
license, and I guess that's with a driver's license
exclusively. Is that correct?

MR. SHORTER: That is correct, sir.

SEN. WATSON: And then the second

category is those who registered with a social

security number, and that would be exclusively with a

social security number?

MR. SHORTER: That is correct.

SEN. WATSON: And then the third

category would be those who did something you don't

really have to do, but they did it, and they filled in

both driver's license and social security?

MR. SHORTER: That is correct.

SEN. WATSON: So if I wanted to identify

the number of people who registered with a Texas

driver's license and get a total number, I would add

Category 1 and Category 3?

MR. SHORTER: That is correct, Senator.

SEN. WATSON: Now, something else you

did in response to the question from House Elections

was you said "In addition agency staff queried the

entire statewide file which reflects the following

breakdowns concerning identification numbers for all

voters." So that would be folks with voter

registration certificates, voter registration

certificates including those from before January 1,
2007?

MR. SHORTER: That is correct. That's everyone in our vote registration system.

SEN. WATSON: And those folks weren't required, as you've said, to utilize a driver's license or social security number?

MR. SHORTER: Yes, sir.

SEN. WATSON: And that -- when we look at those numbers, and you have the same categories, you have number of voters with a driver's license, again exclusively, number of voters with a social security number exclusively, number of voters with both and the number of voters with neither. When we put those numbers together, we know that about 25 percent of the population that have voter registration certificates don't indicate that they have -- that they didn't use a Texas driver's license to get that. Is that right?

MR. SHORTER: Yes, sir.

SEN. WATSON: Now, you also would have no way of knowing in either of those that have been registered since January 1, 2006 or those that have been registered since well before that time who might have lost their driver's license during that period of time?
MR. SHORTER: No, sir.

SEN. WATSON: And the Secretary of State's Office wouldn't have any way of knowing whose driver's license might have been expired for over two years now?

MR. SHORTER: If they already have their voter registration card.

SEN. WATSON: Right. So, for example, if I registered to vote, let's say ten years ago, just to use a round number, I wouldn't have been required to use a driver's license to register. Is that correct?

MR. SHORTER: Correct.

SEN. WATSON: And if I continue to vote on a regular basis, as I understand it, I am re-registered each time I register to vote or I go vote. Right?

MR. SHORTER: Yes, sir.

SEN. WATSON: So if I lost my driver's license nine years ago but I continue to register, I might be a registered voter in the State of Texas maybe even use my driver's license when I registered, but I no longer would have a driver's license?

MR. SHORTER: That's a possibility, sir.

SEN. WATSON: No one has asked the
Secretary of State's Office to do any sort of studies or provide any information demonstrating whether there are certain populations or demographic groups in Texas that are less likely to have a driver's license and use their driver's license when they apply for a voter registration certificate, have they?

MR. SHORTER: To my knowledge, no, sir.

SEN. WATSON: And the truth is you wouldn't have any way of putting that data together, would you?

MR. SHORTER: Not as an agency alone.

SEN. WATSON: Well, if I told you that the Texas Department -- you'd have to go to DPS?

MR. SHORTER: Probably. That's one of the agencies that pops into my head.

SEN. WATSON: And I think we talked a little bit earlier today -- I think I showed you an answer that DPS has given. You wouldn't be surprised to know that DPS is not aware of any studies regarding a way to demonstrate whether certain populations or demographic groups are less likely to secure a driver's license than others, you weren't surprised when I shared that with you earlier today, were you?

MR. SHORTER: No, sir. I recall.

SEN. WATSON: Yeah. Thank you very
much, and I really do appreciate it along with
everybody that you've given us so much time.

SEN. DUNCAN: Thank you, Sen. Watson.
The Chair recognizes Sen. Patrick.

SEN. PATRICK: Thank you, Mr. Chairman.

Just a quick question. There was an earlier comment
made that it was very unlikely that someone would vote
twice in 30 minutes. But the truth is if someone did
fraudulently get, let's just say ten voter
registrations, and they didn't send in a name like
Mickey Mouse but sent in a very normal name that
wouldn't catch anyone's attention. And if I had ten
cards or that person had ten cards, they could go to
one precinct and vote, and they could go down the
street to another precinct and vote --

MR. SHORTER: (Nodded)

SEN. PATRICK: -- and another precinct
and vote because they'd go in over a different
registration card each time.

MR. SHORTER: Okay.

SEN. PATRICK: So a person could, if
they wanted to, or they could register in the same
precinct and go back three days later if they started
during early voting. Right?

MR. SHORTER: Repeat your -- repeat the
last part of your question.

SEN. PATRICK: The last part of the question, if you had registrations in the same precinct, you could go back over a period of multiple days if you were willing to take that risk and vote. So a person could vote more than once. I mean, it's not an extreme thought that someone could register under several different names.

MR. SHORTER: It's a hype -- it is one of those hypotheticals that could happen.

SEN. PATRICK: All right. Thank you.

SEN. DUNCAN: Thank you, Sen. Patrick.

The Chair recognizes Senator -- do you want to go ahead, Sen. Watson, and enter -- you've got a document you want to enter?

SEN. WATSON: Yeah, let me just ask a quick question. I should have done that. Do you have a clean copy of the sheet that has Question No. 5, the answer from the House Elections Committee that we could make an exhibit for our record?

MR. SHORTER: Yes, sir.

SEN. WATSON: Okay. We'll wait until you're done, but if you'll just remind me of that, we'll attach that after your testimony.

MR. SHORTER: Yes, sir.
SEN. WATSON: Thank you very much.

Thank you, Mr. Chair, for letting me do that out of order.

SEN. DUNCAN: The Chair recognizes Sen. Davis.

SEN. DAVIS: Good morning.

MR. SHORTER: Good morning.

SEN. DAVIS: I join my colleagues in saying thank you to you for staying so long with us. And I have a very quick question for you. I apologize if you've already asked -- been asked this question and answered it, but what is the amount of money that the Secretary of State has set aside in anticipation of the possibility of having to educate our voter community about the requirements -- the new requirements that would be placed upon them under the Senate Bill that we're looking at today?

MR. SHORTER: We haven't determined the actual amount, Senator. We are looking at all of our opportunities and looking at the available resources we already existed -- already have. We know right now -- if there were no other funding, we know that we have access to $2 million through our current HAVA Funds for voter education.

What we need to do now is -- and we feel
comfortable based on the projections -- being that it is not a Presidential Election year, we feel comfortable that we can do what needs to be done within that window. There are also some opportunities potentially for us to maybe draw down some additional HAVA Funds. We're not -- we're investigating that as well.

So what we're looking at is if this bill is passed as it is, staff is looking at, based on access to HAVA dollars, what would it cost to do this, to implement this, to do the training, to do the voter education statewide. We don't have those figures yet. However, based on past precedent within the agency and with the access to those federal funds, we feel like we can do it with those funds and be consistent with how we've done it every year.

SEN. DAVIS: Let's say we weren't examining the issue that's before us right now and we weren't going to create any kind of new voter ID requirement in the State of Texas. What would the Secretary of State's Office have used that $2 million amount for? What kind of educational programs do you typically engage in?

MR. SHORTER: Well, we don't -- we don't anticipate this particular bill consuming all of
that -- those funds. For instance, our entire effort last year would focused on some key things. And if you don't mind, I'd like to kind of just --

SEN. DAVIS: I'd appreciate that.

MR. SHORTER: -- share with you some of the ideas from talking with our staff on voter education. In 2008 we have what's called a Vote Texas Program. That's our voter education program. That focuses on newspaper, radio, TV, PSAs, interactive Web. It allows us an opportunity to be creative to reach the people where they are, and we do several things: We focus on the basics of education. Number one, how to vote, what needs to happen to vote, where to vote, where are you going to vote, what do you bring -- what do you need to bring with you to vote. If this were -- if this bill were to pass, what would you need to bring to vote would be the -- it would change.

We're at a point in our development where we can now make those changes. Theoretically what happens in the Secretary of State's Office is we get through with the session, we look at all of the changes and we use the summer months -- we use the spring to answer all your questions and start planning. We have certainty after the session as to
what you as a legislative body have given us, the
mandates and directions you have given us. We use
that time then to start implementing, plugging in.

One of the other things we do is what is
the process and -- what is the actual process and then
what are the rights of the voters. So based on that,
it seems very plausible that we would be able to take
the directives of this bill or any bill that you as a
legislature provide and fit it into that formula and
meet HAVA requirements for what we are mandated to do
in terms of educating our voters.

SEN. DAVIS: And in the past when you've
implemented a program like that, and I gather from
what you're saying you've engaged in exactly this kind
of --

MR. SHORTER: Yes, ma'am.

SEN. DAVIS: -- education effort before,
what would the cost be in a typical election cycle for
you to administer that program?

MR. SHORTER: Last year we -- last
year -- the last election cycle was $3 million.

SEN. DAVIS: It was $3 million. And
that's $3 million educating a voter group that has for
many years been operating under the same rules
repeatedly. Correct?
MR. SHORTER: Yes, if there were -- I came to the agency during the middle of that process. If there were legislative changes during the last legislative cycle, those changes were intertwined into the voter education process. I'm not -- I'll have to go back and ask what changes were made during the last legislative session that would have affected how we rolled out this particular -- last year's initiative.

For instance, within all of that, there's also the Project Vote where we start -- the education process of educating voters starts also at the age of educating our school-aged kids. 1.1 million people -- 1.1 million students in over 300 school districts last year participated in Project Vote. So those were some extra things that we've always done even with legislation like this we will still be able to do because we have it down to a science now on how to do it, and we've been able to bring those costs down.

SEN. DAVIS: And now that you have it down to a science and in the last election cycle given that you have it down to a science, you've spent, you said, about $3 million on the program. Could you anticipate a scenario where with a new voter ID requirement, one that is, well, quite lengthy in terms
of the amount of paper that it this takes up on the
bill that's been proposed, could you anticipate given
the need to educate on so many new features of a voter
program that it might cost you more than $3 million to
educate Texans on that program?

MR. SHORTER: Senator, based on past
precedent, I think it will be highly unlikely that the
expenses would increase that much because many of the
things that this bill is requiring us to do we're
already doing it on legislation that has existed for a
long time.

When we have a poll -- when we have the
poll worker training or the training for Election
Officials, it's very detailed information, and there
are little tweaks that the legislature makes, and
these are not 30-minute trainings. These are
generally two- to three-day trainings. So it's not
like if we -- if this bill were implemented the
training needs would be -- or the training modules
that will be developed would be any different than the
modules that we are already developing because the
ones we're developing now are pretty extensive.

SEN. DAVIS: And did the $3 million
figure that you -- that you cited a moment ago on your
target outreach program in the last election cycle, did
that include the costs of training poll workers on
whatever tweaks came in the last legislative session?

MR. SHORTER: It is my understanding
that it did, but, Senator, I don't mind verifying that
for you to make sure that it's all-inclusive.

SEN. DAVIS: I would appreciate that.

And if you could provide us with information in terms
of exactly what that poll training looked like, the
poll worker training looked like, I would appreciate
that.

MR. SHORTER: Senator, we're very
excited about our poll worker training because we have
two aspects: It can be done in person, but we also
have poll worker training now that can be done on
line. And one of the things we're really trying to
do -- and with the hope of encouraging more people to
volunteer or sign up to be poll workers.

SEN. DAVIS: Would you anticipate that a
bill suggesting the changes of this magnitude might be
a more complex training program -- that might require
a more complex training program than you've had to
engage in in the past where the legislature may have
tweaked, to use your word, the voter requirements?

MR. SHORTER: And maybe, Senator, using
the word "tweaked" was not probably the appropriate
word to use. I don't see anything at this point that
would cause me as the operations person within the
agency to be alarmed.

SEN. DAVIS: Okay. Thank you. I
appreciate it.

SEN. DUNCAN: All right. Thank you,
Sen. Davis. There are no other members in the queue
to ask questions. So, Mr. Shorter, you are excused.
Thank you for your testimony.

MR. SHORTER: Thank you, Mr. Chairman.

TESTIMONY BY DENNIS BOREL

SEN. DUNCAN: The Chair calls Dennis
Borel. Mr. Borel, do you have written testimony?

MR. BOREL: (Inaudible)

SEN. DUNCAN: Do you have pictures for
us? All right. We'll need to get those marked at the
right time.

MR. BOREL: Good morning. My name is
Dennis Borel with the Coalition of Texans with
Disabilities. Yes, I am from the Texas --

SEN. DUNCAN: Hang on just a minute.

MR. BOREL: Sure.

SEN. DUNCAN: We need to get your timer
started.

MR. BOREL: Okay.