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 MCGHEEAN: 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 MCGHEEAN: 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 MCGHEEAN: 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 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 MCGEEGAN: Right.

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

ANN MCGEEGAN: Right. To --

REPRESENTATIVE ANCHIA: -- how to --

ANN MCGEEGAN: 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 MCGEEGAN: 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,