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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CONSIDERATION OF SENATE BILL 14 1/25/2011

1 not having student identification cards on the list,
2 since you omitted them, is because they aren't issued by
3 a governmental entity?
4 SEN. FRASER: I didn't say that.
5 SEN. VAN de PUTTE: I'm sorry. Can you
6 repeat your answer.
7 SEN. FRASER: I said I did not say that.
8 SEN. VAN de PUTTE: So why were the
9 student identifications -- you explained that the
10 student identifications were omitted from the list of
11 acceptable documentation, because it was not a
12 government entity.
13 SEN. FRASER: The four types of
14 identification that we are offering up we believe are
15 less confusing, they're simpler for both voters and
16 election voters. Everyone knows what they look like.
17 There is a standardization of those, and they all look
18 alike and it would be less confusing for the systems who
19 are accepting the voter II.
20 SEN. VAN de PUTTE: And, Senator Fraser,
21 one of the provisions in your bill also omit birth
22 certificates from the list of acceptable forms of
23 identification, even though that does come from
24 government entities. And so why is it that birth
25 certificates were omitted?

1 SEN. FRASER: This is requiring a photo
2 ID, current ID only.
3 SEN. VAN de PUTTE: Senator Fraser, are
4 there any provisions in the bill to accommodate a voter
5 that has a different address on their photo
6 identification and their voter registration card?
7 SEN. FRASER: The Secretary of State is
8 there as a resource witness, and I'm sure they will be
9 glad to answer that.
10 SEN. VAN de PUTTE: No, I'm not asking the
11 difference. I'm asking is there any provision in
12 Senate Bill 14?
13 SEN. FRASER: It is not addressed, because
14 that is taken care of by the Secretary of State, that we
15 don't address that in the bill. That would be by an
16 interpretation of the rules of the Secretary of State. They
17 will be here, and you can ask them that question.
18 SEN. VAN de PUTTE: So also you would
19 prefer that we ask the Secretary of State what sort of
20 provision, since your bill is silent on different last
21 names?
22 SEN. FRASER: Again, that's a question
23 that --
24 SEN. VAN de PUTTE: So, for example, women
25 that got married?

1 SEN. FRASER: We've actually got two
2 different -- you know, kind of an overlap here. We're
3 got the Department of Public Safety that I believe
4 Senator Williams is going to be answering questions.
5 Because that's his area. And then we also have the
6 Secretary of State available as a resource that I think
7 you can ask that question.
8 SEN. VAN de PUTTE: Senator Fraser, under
9 Senate Bill 14, your voters can cast a provisional
10 ballot. Under the Indiana bill, that is set at a 20-day
11 cure. Why is it that you chose a six-day cure?
12 SEN. FRASER: And you'll remember, the
13 Georgia law is only 48 hours. Two days. They went 10
14 days, the Georgia law went two days. We decided that
15 six days should be sufficient to come back.
16 SEN. VAN de PUTTE: And as I understand
17 it, the Georgia law does have a 48, but they can use two
18 alternate forms of ID which are not in your bill. So
19 what sort of --
20 SEN. FRASER: I'm sorry, you know, you
21 keep saying that. You need to pull up the data to show
22 me that, please.
23 SEN. VAN de PUTTE: So to prove their
24 provisional ballot is correct and the six-day cure, what
25 documentation does your bill have that is acceptable?
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<td>legislation. Any litigation concerning it?</td>
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<td>3</td>
<td>SEN. FRASER: You're -- you're being</td>
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<td>4</td>
<td>subjected about me assuming what's going to happen. I</td>
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<td>5</td>
<td>believe the bill that we had -- that we're offering will</td>
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<td>6</td>
<td>be preclearred.</td>
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<td>7</td>
<td>SEN. WEST: But I'm asking if it's not</td>
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<td>preclearred. Do you want to see us go into litigation</td>
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<td>with the federal government concerning your bill if it's</td>
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<td>10</td>
<td>not preclearred?</td>
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<td>11</td>
<td>SEN. FRASER: I don't -- I don't think</td>
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<td>12</td>
<td>that's, you know, my choice. I think we -- we will</td>
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<td>present the bill forward and try to present our best</td>
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<td>14</td>
<td>case that it should.</td>
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<td>15</td>
<td>SEN. WEST: Okay. So does your bill</td>
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<td>16</td>
<td>anticipate any litigation at all?</td>
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<td>17</td>
<td>SEN. FRASER: The bill in no way addresses</td>
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<td>18</td>
<td>or thinks about any litigation. It is clearly just a</td>
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<td>19</td>
<td>bill saying this is -- this is what we're asking you to</td>
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<td>20</td>
<td>do, to present a photo ID when you vote, and that's the</td>
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<td>21</td>
<td>extent of the bill.</td>
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<td>22</td>
<td>SEN. WEST: I know because -- and the</td>
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<td>23</td>
<td>reason I ask that question, you continue to make</td>
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<td>24</td>
<td>reference to the Department of Justice and the U.S.</td>
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<td>25</td>
<td>Supreme Court or --</td>
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| 161 | I think it favor of that. Of that, 82 percent were black,      |
| 162 | 83 percent were Hispanic.                                   |
| 163 | So I would say the answer to your question                 |
| 164 | is: if you ask someone that is either African American    |
| 165 | or Hispanic, do they believe that -- you --              |
| 166 | favor/oppose requiring a valid photo ID before a person    |
| 167 | is allowed to vote? and you have 82 percent of the          |
| 168 | public that says that --                                    |
| 169 | SEN. WEST: Right.                                           |
| 170 | SEN. FRASER: -- pretty -- pretty                           |
| 171 | SEN. WEST: You keep referring to that                       |
| 172 | poll. What poll is that, sir, and who was it conducted      |
| 173 | by?                                                          |
| 174 | SEN. FRASER: It was conducted -- this is                  |
| 175 | one of many we had. I've got a whole series of polls.      |
| 176 | This just happened to be the latest one that was           |
| 177 | conducted January the 10th. 2011. This was by the          |
| 178 | Lighthouse Opinion Polling & Research, LLC.                |
| 179 | SEN. WEST: Lighthouse Opinion.                            |
| 180 | SEN. FRASER: Lighthouse Opinion Polling, LLC.              |
| 181 | SEN. WEST: Okay. And --                                    |
| 182 | SEN. FRASER: One that was --                               |
| 183 | (Simultaneous discussion)                                   |

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SEN. RINCONSA: Well, if you look at
1.3 million people who are going -- who will be kept from
voting as compared to you cannot see anybody getting
prosecuted -- getting prosecuted and convicted voter
fraud, that's one big difference, one big price to pay for
a bill that you don't have any evidence to support.

SEN. FRASER: One second, Senator. My --
my iPhone is interfering with my microphone.

SEN. RINCONSA: That's the estimate by the
11 Carter-Baker Commission on federal election reform that
12 here in Texas --

SEN. FRASER: Can you -- can you show me
where it says in that Commission report? I don't

SEN. RINCONSA: Yes, sir, it's a letter
19 dated January 24th, 2011 from Professor Spencer Overton
20 addressed to Senator Judy Zaffirini where he states that
21 approximately 1 million Texas voters do not have photo
22 ID.

SEN. FRASER: Senator, that is --

SEN. RINCONSA: -- pure speculation by that

SEN. FRASER: -- pure speculation by that

SEN. RINCONSA: Senator, I'm not.

SEN. FRASER: Senator, I will yield.
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<td>1 to accomplish. Is that right?</td>
<td>1 affect the outcome of a close election?</td>
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<td>2 SEN. FRASER: Yes.</td>
<td>2 SEN. FRASER: The answer is absolutely,</td>
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<td>3 SEN. WILLIAMS: The other thing that I</td>
<td>3 Yes, and it actually the -- it's even closer to home.</td>
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<td>4 wanted to correct, for the record, Senator Van Horn opined</td>
<td>4 Senator Jackson, when he was elected to the Texas House,</td>
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<td>5 earlier that a lot of this funding for these items had</td>
<td>5 ended up winning by seven votes.</td>
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<td>6 been struck in the budget. And actually, I went back and</td>
<td>6 SEN. WILLIAMS: Landiside Jackson --</td>
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<td>7 pulled a copy of the budget. I had not looked at this</td>
<td>7 SEN. FRASER: Landiside Jackson.</td>
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<td>8 past part, and so there were some budget riders that had</td>
<td>6 SEN. WILLIAMS: -- I think they called</td>
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<td>9 expired and that were no longer relevant in the current</td>
<td>9 Kim.</td>
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<td>10 budget. Those were struck. And under Strategy B-1-A.</td>
<td>10 SEN. FRASER: So if -- fraud, in an</td>
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<td>11 under elections improvement, explains Federal Help</td>
<td>11 election like that, could have changed history.</td>
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<td>12 America Vote Act, we actually have, it looks like, a</td>
<td>12 SEN. WILLIAMS: Senator Fraser. Senate</td>
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<td>13 total of about $30 million over the next biennium that's</td>
<td>13 Bill 14 provides safeguards to protect the reliability</td>
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<td>14 been appropriated in the budget that Senator Ogle laid</td>
<td>15 and integrity of our voting system, especially those in</td>
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<td>15 out for us earlier. So I just wanted to clear that up</td>
<td>16 close elections like we've just talked about?</td>
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<td>16 for the record because that's kind of been a moving</td>
<td>16 SEN. FRASER: Yes.</td>
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<td>17 target.</td>
<td>17 SEN. WILLIAMS: Okay. I believe in this</td>
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<td>18 Another question that I had for you was</td>
<td>18 Crawford v. Marion, on Page 10, the Supreme Court brief,</td>
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<td>19 the -- I wanted to go back, if I could, and -- and just</td>
<td>19 they quoted -- the United States Supreme Court quoted</td>
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<td>20 touch on what my understanding after hearing all this</td>
<td>20 the Carter-Baker report that has been referenced here.</td>
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<td>21 questioning that's gone on, what your -- the purpose of</td>
<td>21 And in that report, their quota was, &quot;There's no</td>
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<td>22 your bill is -- really is to deter and detect fraud</td>
<td>22 evidence of excessive fraud in the U.S. elections or of</td>
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<td>23 in person voter fraud at the polls. So is that correct?</td>
<td>23 multiple voting. But both occur, and it could affect the</td>
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<td>24 SEN. FRASER: That is correct.</td>
<td>24 outcome of a close election. The electoral system</td>
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<td>25 SEN. WILLIAMS: Okay. And has the United</td>
<td>25 cannot inspire public confidence if no safeguards exist:</td>
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1 States Supreme Court -- I believe they've stated that
2 it's been documented throughout our nation's history by
3 respected historians and journalists, and they
4 demonstrate not only that the risk of voter fraud is
5 very real, but they could affect the outcome in a close
6 election. Does Senate Bill 14 provide the kind of
7 safeguard against that fraud that might be crucial in an
8 election?
9 SEN. FRASER: Yes, it does, Senator.
10 SEN. WILLIAMS: Now, we've had some close
11 elections, even in the Texas Legislature. I know over
12 in the House right now, there is an election context
13 that's been -- for Senate, State House District 46,
14 It's being contested. The last numbers that I saw from
15 the Secretary of State showed that Donna Howard had won
16 her seat by 12 votes, which amounts to .52 percent of
17 all the votes cast in that race. And, of course, back
18 in 2001, Linda Harper Brown up in Dallas County defeated
19 her opponent by 19 votes, or .95 percent of the total
20 votes cast in that race.
21 Are those the kind of close elections you
22 think that the Supreme Court might have been referencing
23 when they said in Crawford 573 U.S. at 11-12 that
24 it's -- the threat's not only real, but it's actually --
25 you know, it demonstrates it's not real, but it could

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1 don't see many of these cases that are prosecuted
2 because if someone is voting deceptively as someone
3 else, it's going to be very difficult to discover that
4 if they're successful?
5 SEN. FRASER: And that was recognized by
6 the U.S. Supreme Court in their decision.
7 SEN. WILLIAMS: So are you offering Senate
8 Bill 14 as a tool for the state of Texas to detect and
9 deter this type of voter fraud and further inspire
10 confidence in our voters and the voting system, to make
11 sure that all Texans and all of our elections are
12 conducted with the utmost integrity and equity to all
13 Texans?
14 SEN. FRASER: Absolutely. That would be
15 my reasoning.
16 SEN. WILLIAMS: Okay. Couple of things
17 that I just think that it was important to get back into
18 the record again about what the Supreme Court actually
19 said in Crawford v. Marion, and all of this, of course.
20 was included in the record last time.
21 I thought it was interesting that Justice
22 Stevens comments about this. He said first, the state
23 has an interest in deterring and detecting voter fraud.
24 They have a valid interest in participating in a
25 nationwide effort to improve and modernize the election

1 that was cut short, is that obviously, we want to make
2 sure everyone is afforded the -- the ability to vote.
3 and we think we have those provisions in place so that
4 all Texans, every Texan, will be allowed to vote.
5 SEN. WILLIAMS: Well, I -- I think it's
6 also interesting, and you've noted several times today,
7 that so far as we could determine from our research,
8 there isn't a single voter in Indiana or Georgia who's
9 raised the issue that they've been disenfranchised since
10 those laws have been enacted. Is that true, to the best
11 of your knowledge?
12 SEN. FRASER: To the best of my knowledge.
13 And we have asked that question repeatedly, and to the
14 best of our knowledge, we have -- not a single person
15 has come forward in either state.
16 SEN. WILLIAMS: And I think that's -- you
17 know, when I look at the syllabus of the Crawford v.
18 Marion County election board case that went to the Texas
19 Supreme Court, they note in the syllabus that there's no
20 question about the legitimacy or importance of the
21 Florida's increase in counting only eligible votes. And I
22 think they go on to say that -- that requiring that and
23 the fact that the cards in the Indiana case, as we're
24 doing, they make those cards free. The inconvenience of
25 going -- of gathering the required documents, posting for
### CONSIDERATION OF SENATE BILL 14 1/25/2011

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<td>1 a photograph does not qualify as a substantial burden 2 on most voters' right to vote or represent a significant 3 increase over the usual burdens of voting. And I think 4 that's interesting that that was noted. 5 6 And those provisions that we have are 7 essentially -- in your bill, there are very similar 8 provisions with respect to those matters. Correct? 9 SEN. FRASER: They -- yes, and I want to 10 clarify. The Crawford case went to the U.S. Supreme 11 Court, and those observations were made in the -- the 12 majority opinion. 13 SEN. WILLIAMS: Now, they go on to say 14 that it's generally applicable, nondiscriminatory voting 15 registration, it's universally applicable, it's immumely 16 reasonable because the burden of acquiring, possessing, 17 and showing a free photo identification is not a 18 significant increase over the usual voting burdens and 19 the state's interest are sufficient to sustain whatever 20 those minimal burdens are. 21 So I know there's some inconvenience, but 22 we've done everything we can to make that inconvenience 23 as insignificant as possible. Is that -- 24 SEN. FRASER: I will actually go with that 25 in the -- the Crawford/Indiana case. 26 SEN. WILLIAMS: Just in closing, in my 27 final comments as -- before we go to take testimony, I 28 just think that it's noteworthy to look back at what the 29 opponents of this legislation have said on the floor 30 thus far today, and what I've heard is very little 31 debate about the actual content of your legislation. 32 And I think that speaks to the fact that it's 33 unequivocally a good idea that people ought to be able 34 to be positively identified as who they say they are 35 when they come to vote. 36 What I've heard today is a lot of talk 37 about procedures, even though what we're doing is very 38 normal for a Committee of the Whole, and it's the same 39 procedure that we used the last session when we 40 considered this. Is that correct, Senator Fraser? 41 SEN. FRASER: It is, and I think it's very 42 difficult for a member to argue the merits of the bill 43 when it's so straightforward when you ask someone in 44 their district do they think that someone should -- 45 should have -- be required to show a photo ID when they 46 vote, that you've got near 90 percent of the population 47 across the state of Texas. Again, every one of those 48 members, it's hard to argue the merits -- argue the 49 merits of the bill. 50 SEN. WILLIAMS: Yeah, the other thing I've heard that I think is interesting is fiscal notes. 51 A lot of talk about fiscal notes, even though we have a 52 letter from the secretary of state that states that 53 there are going to be HAVA funds that will be available 54 to help with the voter education, and I think we're 55 going to have testimony in a few moments. 56 And I tried to clarify that early on that 57 the cost of issuing the state these free ID cards is 58 less than $1. It's a very minimal, cost, and with almost 59 16 million people that we have who have a driver's 60 license or -- or an ID card now, it seems unlikely that 61 there's going to be a whole lot of people out of that 62 13 million that actually don't have a driver's 63 license or a state ID card. 64 In fact, Senator Fraser, I spoke last 65 night with the Department of Public Safety and today 66 with the secretary of state and just asked them if it 67 would be possible for us to target those voters who are 68 below age 65 and have -- don't have an ID card, a 69 driver's license or an ID card issued by the state; and 70 they said, yes, it would be possible for us to direct 71 our voter education to those people specifically so that 72 we could step it up and let them know before you kill 73 this bill -- not till, what, in January? Is that -- 74 am I remembering that correctly? 75 SEN. FRASER: January, 2012.</td>
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SEN. SHAFFER: Thank you, Mr. Chairman.

I would just like to ask one question because we're getting mixed signals, and I just want to make sure. It's just going to take a yes or no answer. I think that will be the easiest.

SEN. SHAFFER: Okay.

CHAIRMAN DUNCAN: Chair recognizes Senator Huffman.

SEN. HUFFMAN: Thank you, Mr. Chairman.

SENATOR SHAFFER, will you yield for a couple of questions?

SEN. HUFFMAN: Thank you, sir. I'd like to read you, too, for a long day of answering a lot of tough questions.

SEN. SHAFFER: Thank you.

SEN. HUFFMAN: But I think it's important, as we kind of wrap this part of the procedure up today, that -- that we circle back to -- to the idea and the concept that -- that we get here today. But there is a line of Supreme Court cases that have brought us here.

Would you agree with that?

SEN. SHAFFER: Yes.

SEN. HUFFMAN: And certainly, the Crawford v. Marion case gives us guidance on how to do what we're doing here today properly. Would you agree --

SEN. SHAFFER: I think that's the one --

SEN. HUFFMAN: -- with that?

SEN. SHAFFER: -- was referenced. I think.

In the Indiana case, I believe.

SEN. SHAFFER: I got you.

SEN. SHAFFER: -- to -- to make sure --

SEN. SHAFFER: Identify whether it's at hand?

SEN. SHAFFER: -- that they can identify themselves --

SEN. HUFFMAN: Okay.

SEN. SHAFFER: -- but it's not intended that they would -- I believe they're --

SEN. SHAFFER: Separate.

SEN. SHAFFER: It's not intended to be separate. It's intended --

SEN. SHAFFER: No.

SEN. SHAFFER: -- to be the same document.

SEN. SHAFFER: Yes, as long as they're --

SEN. SHAFFER: Okay.

SEN. SHAFFER: -- you know, 75 on January 1, 2013.

SEN. SHAFFER: And the date of birth is on the current voter registration card?

SEN. SHAFFER: You need to ask that of the Secretary of State.

SEN. SHAFFER: Okay. And my recollection is it is. Thank you.

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1 registration card.
2 SEN. ZAFFIRINI: Are there any other
3 amendments that could cure this bill for you?
4 MR. BEARDAK: I can't think of any right
5 now, but I could ask more of our groups.
6 SEN. ZAFFIRINI: Well, I offer you the
7 opportunity to work with my staff today, and we will
8 address those concerns, and we will try to craft some
9 amendments that would suit your issues --
10 MR. BEARDAK: Sounds good.
11 SEN. ZAFFIRINI: -- and try to cure them.
12 MR. BEARDAK: Thank you.
13 SEN. ZAFFIRINI: Thank you very much.
14 Mr. Bearda.
15 Thank you, Mr. Chairman.
16 CHAIRMAN DUCHINO: Thank you, Senator. Are
17 there any other questions of Mr. Bearda?
18 No response.
19 CHAIRMAN DUCHINO: All right. Thank you.
20 Mr. Bearda. I appreciate your testimony.
21 Members, that concludes the invited
22 testimony for the day. We have been going now for a
23 little over three hours, and so it's time for a short
24 break. We'll take a 15-minute break, and then we'll
25 begin testimony with regard to our resource witnesses.

1 My plan is just to call them up in the order that I've
2 previously announced, and you can ask any questions, and
3 then we'll go into public testimony after that.
4 So the Senate Committee of the Whole will
5 stand at ease until 5:45.
6 (Recess: 5:30 p.m. to 5:45 p.m.)
7 CHAIRMAN DUCHINO: Senate Committee of the
8 Whole will come back to order.
9 RESOURCES EVIDENCE
10 TESTIMONY BY REBECCA DAVI
11 CHAIRMAN DUCHINO: We have -- Members, the
12 next portion of this hearing will be our resource
13 witnesses. The first resource witness we announced
14 earlier will be Rebecca Davis (sic) with the Texas
15 Department of Public Safety.
16 Ms. Davis, why don't you come on up, state
17 your name and who you represent, and then we'll open the
18 floor to questions.
19 MS. DAVI: My name is Rebecca Davis. I
20 am the Assistant Director for Driver Licenses at DPS.
21 QUESTIONS FROM SENATOR'S FLOOR
22 CHAIRMAN DUCHINO: Okay, Senator.
23 Senator, you have a light on. Are you -- would you
24 like to ask any questions?
25 SEN. ZAFFIRINI: (Rested)

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CHAIRMAN DUCHINO: All right. Any other
2 member have a question? Senator Watson, you're
3 recognized.
4 SEN. WATSON: Yes, thank you.
5 Mr. Chairman, you may not be the right person to
6 ask this, but I was referred earlier, and so I thought I
7 would ask a couple of questions and see if you are the
8 right person.
9 Right now when someone goes in to get an
10 identification, is it your office that provides that
11 identification card?
12 MS. DAVI: Yes, sir.
13 SEN. WATSON: And how much is charged for
14 that identification card?
15 MS. DAVI: That card is $15.
16 SEN. WATSON: All right. So how much does
17 it cost you to produce the card?
18 MS. DAVI: $1.67 to produce and mail it.
19 SEN. WATSON: All right. So if we're
20 looking at it from a budgetary standpoint for the state
21 of Texas, it costs you $1.67, but currently the state
22 collects $15.
23 MS. DAVI: Yes, sir. $1.67 is what our
24 costs are.
25 SEN. WATSON: I'm sorry, $1.67. I
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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
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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. McGEEHAN: 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. McGEEHAN: 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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1 what's required in order to vote in the state of Texas.
2 Why is the number to educate -- on such a sweeping
3 change for what will likely be a much larger group of
4 impacted people in the state of Texas, why is that
5 number so much lower than the $3 million number that's
6 currently being spent for voter education?
7 
8 MS. McGEEHAN: Well, if the -- if a
9 $2 million program is added into an existing $3 million
10 program, then you've got a $5 million program. I mean,
11 our voter education under HAVA is directed to all
12 registered voters. And so, you know, a new voter -- a
13 new photo ID requirement would also need to be directed
14 to all registered voters because it's a change for all
15 voters.
16 
17 SEN. DAVIS: So we're talking about -- I'm
18 sorry to interrupt you. We're talking a $2 million
19 addition to the $3 million that was already intended for
20 voter education in this next two-year cycle.
21 
22 MS. McGEEHAN: Possibly, possibly. I
23 mean, we -- you know, we've got a communications
24 director that would have some input on that. This
25 fiscal note represented what we thought might be a
26 reasonable fiscal note. If we have, you know,
27 legislative direction to take it a different way or do
28 additional outreach, that's fine. But based on the way
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
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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 it's 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.