Attachment 13
Transcript of Senate Proceedings on
H.B. 589, Vols. I - IV
SENATE DEBATE ON
HOUSE BILL 589
VIVA/Election Reform

Rules Meeting

Held on
Thursday, July 18, 2013

Senator Tom Apodaca, Chairman,
Rules and Operations of the Senate Committee
PROCEDINGS

Senator Adopaca: Let me say this before we leave today. In a moment we are going to pass out House Bill 589, which is commonly known as the Voter ID Agreement. This will be our PCS, our first PCS coming out, and I want to say just a few things. This is a very important issue, as we know. It’s very complicated. You know, it was tough to make decision day to release this PCS. We’re still working with stake holders on other issues and options, and we’re going to continue to do so, but I think as, you know, these options -- listening to all opinions is the right thing to do, so as time allows, we are going to discuss this as we wrap up the session. So if you would, Senator Cohen, let’s pass these out and we will have it up on the web, I think within the hour, so pick that up, take it with you, and look forward to further discussion tomorrow. We are adjourned.

(The proceedings were adjourned.)
NORTH CAROLINA
WAKE COUNTY

CERTIFICATE

I, David L. Overby, Notary/Reporter, do hereby certify that this Rules Meeting was transcribed under my direction and that the three pages which constitute this Rules Meeting are a true and accurate transcript to the best of my ability from the audio CD’s provided to me.

I certify that I am not counsel for, or employed by any party in this action, nor am I interested in the outcome of this action.

IN WITNESS THEREOF, I have hereunto set my hand this 20th day of November, 2013.

David L. Overby
Notary Public
Certificate No.: 19930120037
SENATE DEBATE ON
HOUSE BILL 589
VIVA/Election Reform

Rules Meeting

Held on
Tuesday, July 23, 2013

Senator Tom Apodaca, Chairman,
Rules and Operations of the Senate Committee
PROCEDINGS

Senator Apodaca: Okay, the next bill is 589. Let’s discuss this before we go forth. Anyone who would like to speak on this bill will need to sign up back here. We’ll limit discussion to two minutes per person. We want everybody to have time to chat about this and we’re more than willing to stay here as long as it takes. Also, we’re not going to have any outbursts or anything of that nature. I think all signs have been confiscated, so let’s get started. We have House Bill 589 PCS. Senator Brown moves that we bring the PCS for 589 before us. All those in favor, say aye. Any opposed, say no. Okay, 589 is before us; Senator Rucho, welcome.

Senator Rucho: Thank you, Mr. Chairman and members of the Rules Committee; what we do have before us is a reform of an outdated and archaic form of State Election Code that hasn’t been adjusted in many years, at least three decades. What we have is reforms to introduce transparency to the election process and to create guidelines that everyone can understand very clearly and simply. And it also gives every opportunity to eliminate any type of political gamesmanship. What it does also is it fulfills a campaign promise that all of us have made and that is
election reform, ensuring both integrity and requiring that voters will show a photo identification at the polls. And what this does is it re-establishes a confidence in the electoral process and therefore our government. We will go point by point through this, Mr. Cohen and Ms. Churchill, Mr. Chairman, will end up explaining this, but some of the high points will include photo identification, which I think everyone has had a chance to review that bill, early voting changes, which help streamline and make the system work smoothly as it was intended when Senator Nesbitt and I worked on some of that way back when, in '97 I think it might have been, and then talking about some campaign finance reform and other changes that will be addressed in this bill because it is comprehensive in nature which will talk about the proper method of withdrawal from election races and also help us get more people involved when they vote that some of the down-ballot candidates and some of the down-ballot initiatives will be included in the election so that folks don’t just look at the top part of the ballot but will be able to have their voice heard throughout the entire ballot. And then we also are looking at trying to make North Carolina a bit more relevant in the presidential elections and so we have a proposal to handle the
primary at that time. Mr. Chairman, if it would be
kind enough if Mr. Cohen would go through point by
point of these and would -- Ms. Churchill will help on
that and therefore everyone will have a clear picture
as to what's included in this bill.

Senator Apodaca: Senator Rucho, I was
looking forward to you doing it. I brought a
translator in to tell us what you had said, but we'll
defer to Senator Cohen there.

Mr. Cohen: Thank you, Mr. Chairman,
the first six parts of the bill, pages 1 through 14,
are the Voter Identification Committee substitute that
was distributed to the Committee last week, which I'll
be glad to answer questions about it at the end, with
two minor changes. On page 2, it was was clarified
that military ID's are acceptable even if they don't
have an expiration date and also in the assistance to
voters in hospitals and nursing homes provision on page
12, the period on which the County Board of Elections
has to respond to a request to send out a non-partisan
team to assist voting as was enacted in 1983. It is
reduced from 15 days to 7 days to conform to the fact
that absentee voting cuts off 7 days before the
election, the request. That's the only change from
what you saw last week in the Voter ID process.
Section 8, Section -- Part 7 on page 14 and 15
says to study the process for filling vacancies in the
General Assembly. Current statute basically derives
from 1953, hasn't really been substantially changed
since then. Part 8 requires that if there is a vacancy
in the United State Senate that the person appointed be
of the same party as the person vacating the office.
There are seven or eight other states that have this.
And the legislature can regulate the process by which
the governor makes appointments to fill vacancies if it
chooses to allow gubernatorial appointments.

Part 9 asks for review of filling vacancies in the
U.S. House of Representatives which really hasn't
changed since about 1946.

Part 10 takes the provisions of a house-passed
bill requiring all special elections by local
governments be held at the same time as some other
election in that city or county, with some exceptions
for bond issues in the case of a public health
emergency. That takes us through page -- hang on a
second here; page 27 at the bottom.

Part 12 eliminates the pre-registration of sixteen
year olds and that goes on through page 30, page 31.

Part 13 provides that with the exception of
military and overseas absentee ballots which could be
transmitted and issued electronically, that the
original signature of the voter has to appear on it,
not some computer-generated signature.

Page 14 provides that a person doing voter
registration cannot be compensated by the basis of the
number of forms they turn in. They can still be
compensated for doing pay voter registration, but
cannot be compensated from the basis of forms because
there’s been some abuse of people with an incentive to
turn in false forms if they get paid by the number of
forms.

Part 16 starting on page 31, eliminate same day
voter registration during early voting.

Part 17 makes a slight amendment to the Military
and Overseas Absentee Voting Act. The federal law only
requires 45 days. Our bill that was introduced and
passed two years ago required 60 days. The problem is
the national conventions have been moving later and
later. Last time the Democratic Convention didn’t
finish their nomination until 61 days before the
election and in 2016 due to the Olympics the
conventions will be a week later. So this just says
the 60-day requirement is waived as long as they get it
done within three days after the parties finishing
their nominations for President.
Part 18 is a House-passed bill as is that requires the state at least twice a year to make an effort to, under the provisions of federal law, do list maintenance and also enter into data sharing agreements with states to cross check information under their states voter rolls.

Part 19 eliminates the statutory mandate for a voter registration drive which actually pre-dates mail-in voter registration.

Part 20 makes it clear that anyone in the state can get access to everyone’s voter registration record, not just residents of a county getting access to theirs in their county. Also, Section 20.2 provides that any registered voter of the county can make challenges anywhere in that county, not just in the precinct.

Part 21 says if you withdraw as a candidate after filing in the primary, you have to withdraw at least prior to the close of business on the third business day before that to stop the pre-arranged withdrawing two minutes before the deadline and having somebody along with you to file.

Part 22 lowers slightly the signatures required if you want to file a petition instead of paying your filing fee. There have been very few petitions filed under this opt-out statute in any case.
Part 23 says for a nominee, a party nominee to withdraw as a candidate, they have to withdraw prior to the time that absentee ballots start being sent out. Right now the statute appears to allow withdrawals up to 30 days before the election which was when ballots were sent out 30 years ago when the statute was written.

Part 24 asks for a study by Joint Legislative Elections Oversight Committee which will be all the studies mandated by this bill to look at do we need to change optimal precinct sizes, accessibility, size of the polling place, parking, etcetera.

Part 25 provides that early voting instead of starting on the third Thursday before the election will start on the second Thursday and mandates that it end at 1:00 P.M. on that last Saturday. The current statute allows County Board of Elections to extend it until 5:00 P.M., which a few counties have used that.

26 has a standardized process to approve satellite polling places at which there's three in the state, makes it the same process as allowing out of precinct polling places. Currently there are statutes allowing polling places to actually be located outside of the precinct if there's no suitable polling place within the location of the precinct, but it requires the
unanimous vote of the county board for that.

Part 27 deletes an obsolete statute about the 2000 -- preparing the for 2000 census that was enacted in 1986.

Part 28 looks for a study of reducing the need for a second primary and asks the Committee to look at should we go to a plurality and get rid of it, lower the 40 percent threshold, keep the 40 percent threshold but provide that a lower margin might win if there's a substantial margin between like, you know, 35 percent and the next person has 12 percent, or the possibility of only retaining second primaries for certain major offices and just have plurality for others.

Part 29 clarifies some language on the state board's duty to make sure that ballots are clear and understandable by voters.

Part 30 has the effect of requiring paper ballots in the entire state effective in 2018, the system that about 60 counties have now where we have opti-scan systems and basically provides that direct report electronic machines will not be used after January 1, 2018.

Part 31 provides that the order of parties on the ballot will be the party of the nominee for Governor, followed by the other parties in alphabetical order.
Part 32 eliminates what colloquially is called straight party or straight ticket voting.

Part 33 reduces -- eliminates the discretion of the County Board of Elections to extend polling places for an hour if they want to and replaces it with the State being authorized to do that. For delays in opening the polling places or times where it might be closed due to certain processes allows them to extend it on a minute by minute basis. If a polling place opens two hours early, they can extend it two hours if there is a problem during the day and it pushes that to the State and you add in an equal amount of time to the delay.

Part 34 makes some changes to assistance to voters and especially an assistance to voters who have been adjudicated incompetent.

Part 35 provides for an earlier presidential primary. South Carolina has those before the 15th -- has its before the 15th day of March. North Carolina did have a separate presidential primary once in 1976.

Part 36 makes it clear that the state board can add additional recognized presidential candidates in the presidential primary even if the party chair did not send along their name.

Part 38 eliminates that political parties
financial fund, the judicial elections fund and the
voter-run election fund. I would note that the budget
does also eliminate the judicial campaign financing.

Part 39 is a house-passed bill allowing decedents
-- deceased voters estate for -- allows funeral homes
and others to assist in canceling voter registration of
decedent persons. I think that's a combination of two
different house-passed bills, 39.1 and 2.

41 calls for a study on campaign finance
electronic reporting and I'm going to let Erika discuss
campaign finance until we get down to parts 45 -- and
49 that I will get back to.

Ms. Churchill: Part 42 would raise the
contribution limit from $4,000.00 to $5,000.00; would
also conform North Carolina law to federal law with
respect to contributions from family and would provide
for a natural increase in the contribution limit based
off of the consumer price index every two years and
publication of that greater amount.

Part 43 would expand the use of building funds for
political parties. Currently they can be used for
headquarters, buildings. The expansion would allow
that money to be used for the compensation of up to
three personnel whose main duties are administrative in
nature.
Part 44 would repeal the stand by your ad
disclosure requirements.

Part 45 would say that any member of the Board of
Elections could not serve more than two consecutive
four-year terms.

Part 47 would tighten the laws on lobbyists'
 bundling of contributions. Currently they are not
permitted to bundle multiple contributions from
multiple contributors. This would make it clear that
a lobbyist could not take one contribution from anyone
and deliver it to any candidate.

Part 48 would repeal the two articles on
candidates' specific communications that deal with
television, cable and radio ads as well as mass
mailings and telephone banks.

Part 49.

Mr. Cohen:   Part 49 basically moves the
law back to the way it was prior to 2005; conforms to
federal law. If you have -- under this proposal, we go
back to pre-2005. If you have moved, you may go back
to your old polling place, pick up a precinct transfer
form and take it to the correct polling place and vote
a regular ballot. You may go directly to the correct
polling place for where you've moved, which can be
looked up online, and cast a provisional ballot there.
Or the federal law requires counties to have a central location where you can vote on election day if you’ve moved, which in every county really is the board office. So those are the alternatives. You cannot vote in a random precinct, which is also true if you haven’t moved. If you haven’t moved, you have to vote in your correct precinct, except of course during early voting.

Part 50, Erika?

Ms. Churchill: Would change the definition of electioneering communication to have that time period in the even-numbered general election begin on September 15th.

Mr. Cohen: Part 51 eliminates the instant run-off for late-occurring judicial vacancies so it will be determined by a plurality as it was prior to about five years ago.

Part 52 requires if there are provisional ballots, if you have a provisional ballot at a polling place, that there be something written on the ballot to indicate it’s a provisional ballot; doesn’t make it retrievable. In one county last year, accidentally a whole bunch of provisional ballots were fed into the tabulator, and once they went in, there was no way to know which were the provisional ballots and the regular
ones. This will allow if that happens again for them
to be pulled out because we'll know what they were.
They get counted centrally by the Board of Elections.

Ms. Churchill: Part 53 would change the
reporting cycle for the third quarter of a political
committee to require weekly reports.

Part 54 would establish a $500.00 threshold before
a political committee had met the definition which
requires filing organizational reports and the
standardized reporting schedule applying.

Part 55 would establish a study to determine
whether or not the contents and the timing of all
political committees, electioneering communications and
independent expenditures should be similar in nature.

Part 56 would repeal some of the provisions
regarding disclosure for media advertisements.

Part 57 would study the elimination of the 48-hour
report.

Part 58 would codify the decision in Dixon v.
Rucho with respect to attorney-client privilege and
redistricting communications.

Part 59 would allow a political committee or a
candidate campaign committee to have one raffle per
year.

And Part 60 is the effective date and it's
effective when it becomes law except as otherwise provided.

Mr. Cohen: Actually, the operative parts of the bill become effective January 1, 2014 unless there is another provision in the bill which a number of sections do.

Senator Apodaca: Thank you, very well done; Senator Rucho?

Senator Rucho: Thank you, Mr. Chairman, and thank you staff, clearly delineating; I think everybody having had the opportunity to read the photo voter ID sees that there is a transition between the passage of this bill and its full implementation in the 2016 election. There are plenty of opportunities for individuals to be notified either directly through education, and also at the time of the '14 election primary and general election, they'll -- each of them will be notified at their precincts when they go to vote that photo identification will be required in the 2016 election. Mr. Chairman, I think it is clearly before us and we can respond to any questions, and hopefully when they ask questions, they can identify the sections that they're coming from.

Senator Apodaca: And hopefully the page number also; let me do this. I know we have some
amendments. Let's get the amendments sent up so we can
get those organized and ready and be ready to start
debating in about three or four minutes if we could.
So we'll just take a brief moment. I have a list of
folks who will be speaking. I believe all of them are
against, so. We'll find one for maybe. If you'll
bring forth your amendments, we'll get those put
together, please. Okay, they're passing out -- so far
we have three amendments. The first one is the one
under my name that was passed out. We'll deal with
that first. It's purely technical. I'm sending forth
that amendment for our discussion; Erika, if you will
explain the amendment, please.

Ms. Churchill: Okay, thank you; on the
amendment, line 1 is technical, removing an extra word.
Line 4 is cleaning up an issue with the acceptable
forms of ID, specifically stating that the military ID
nor the veteran's ID card would need to have an
issuance or expiration date. On line 11 is cleaning up
a site to get the -- oh, I'm sorry. On line 11 of the
amendment is to clean up a circular issue with
challenges due to failure to present a photo ID, to
clearly indicate that it is the failure to present or
not --

Senator Stein: Mr. Chair, I'm not sure I
have the amendment.

Senator Apodaca: It’s the one under my name.

Senator Stein: There’s two under your name and I don’t read either of them to be that.

Senator Apodaca: Should be 137-V-2.

Senator Stein: 137-V-2; thank you, Mr. Chair.

Senator Apodaca: You’ve got it? Okay, everybody have it? Okay, go ahead and start over if you will. Okay, let’s start again; everybody ready? All right, let’s go.

Ms. Churchill: On the amendment itself, line 1 is purely technical, deleting an extra word.

Line 4 is cleaning up an issue with the acceptable forms of ID for photo ID, indicating that a military ID card or a veteran’s ID card would no longer have to have an issuance or an expiration date in order to be acceptable.

On the amendment itself, line 11 is to clean up an issue with the ability to challenge a voter who did not present a photo ID. That photo ID would need to bear a reasonable resemblance of the voter. That would be dispositively determined at the poll on election day by the Judges of Election, so it would not be an
acceptable means of challenging the voter.

On the amendment itself, line 15 amending page 8, is to clarify that when someone requests, due to sickness or physical disability in the week prior to the election a mail -- regular mail-in absentee ballot, that that regular mail-in absentee ballot can be delivered to the voter, the voter’s near relative or the verifiable legal guardian of that voter.

On the amendment line 19 which is amending page 11 of the bill is to clarify site.

On line 22 of the amendment which is amending page 12 of the bill is to clarify that it would be unlawful for the owner/manager/director/employer/other person other than a voter’s near relative or verifiable legal guardian when assisting with that regular mail-in absentee ballot to sign the application or certificate that is required to be returned with that mail-in ballot.

On the amendment itself, line 25 which is amending page 26 of the bill, is to clarify that the additional ten at-large observers that could be in the polling place, the list could be sent in by the political party chairs prior to the one-stop site and then amended to include different or additional folks for election day.

On the amendment line 31 which is amending page 31
of the PCS is changing the effective date for the
repeal of the pre-registration program to September 1,
2013.

On page 2 of the amendment line 1, which is
amending page 31 of the bill is to clarify that it
would be unlawful for any person to be compensated
based on the number of forms submitted in terms of
voter registration forms and it does not matter if you
are a government employee or not.

On the amendment line 5, page 2, which is amending
page 38 of the bill, is to make a technical correction
to provide for the effective date of the changes to the
approval of the satellite voting places.

On line 17 of the amendment which is amending page
44 of the bill, is to get the proper term in place on
line 42, deleting, preparing and substituting marking.

On the amendment line 20 which is amending page 47
of the bill is to make a conforming change that goes
with the repeal of the contribution limit for judges
for District and Superior Court which is currently at a
reduced amount of $1,000.00. That repeal is in the
amendment on page 2, lines 28 and 29.

The amendment page 2, line 25 is technical in
nature to get an extra the out of a sentence.

On the amendment page 37 which is amending page
50, line 31 is to insert the word multiple to make it consistent with the other three subdivisions.

The amendment page 2, line 40 is amending Section 48 of the bill to repeal both the television cable and radio ads for candidate-specific communications as well as the mass mailings and the telephone banks.

The amendment page 3, line 1 is conforming to the repeal of the mass mailings and telephone banks candidate-specific communications and on page 3 of the amendment, line 4 which is amending page 51 is making a conforming change to make the phraseology used in the voting in incorrect precinct, part 49, consistent throughout to be just precinct.

The amendment deletes part 53 of the bill and provides for a study of the reporting cycles, not -- so the amended PCS would no longer change the quarterly reporting in the third quarter.

The last change on page 3, line 13 of the amendment changes the caption for Part 58 to state that it's clarifying the scope of Chapter 132 and the Article 17 of Chapter 120 which are the public records statutes and legislative confidentiality.

Senator Apodaca: Thank you, Erika; all right, the discussion debate on the amendment; Senator Stein?
Senator Stein: The provision at the bottom of page 1 of the amendment, line 31 on page 31 eliminating the pre-registration and 13 rather than 15, I'm not as concerned what year you eliminate it. I just want to know why we're eliminating an effort to try to help people get registered to vote.

Senator Apodaca: Senator Rucho; Gerry, would you explain the provision?

Mr. Cohen: Explain what the bill does?

Senator Apodaca: No, the amendment.

Mr. Cohen: The amendment changes the effective date, so pre-registration of voters in high school will end September 1, 2013. Those that previously have been pre-registered as they turn eighteen, which can be all the way through September 1st, 2015, will still be moved to the regular voter roles.

Senator Stein: Mr. Chairman?

Senator Apodaca: Yes.

Senator Stein: My question is people engage the state when they get a driver's license and that is a logical time for them to register. There's no allegations of people voting before they're eighteen. I'm just wondering why we're not helping
people participate in the democratic process.

Senator Apodaca: Go ahead.

Mr. Rucho: Mr. Chairman, I'd like to comment if I may. My son turned eighteen January 30th, missed this last ballot; went through the school process and was pre-registered and the like, and it was very confusing as to when he was supposed to do that. What this does is offer some clarity and some certainty as to when that child or that young person is eligible to vote and registers to vote. And that's what it's designed to do.

Senator Apodaca: Follow-up?

Senator Stein: Did your son not know he was seventeen on election day?

Mr. Rucho: If you would like my son to come visit you; he did, but the clarity was the fact that it was confusing. We got a letter from the Board of Elections which I actually responded to and I asked for them to clarify it. It only made the situation a lot more complicated and complex and wasn't understood — clearly understood and therefore this is a perfect opportunity when they turn eighteen to vote, to register.

Senator Apodaca: Other questions on the amendment; let me send forth -- let me adjust an
amendment here. We need to change a number; Erika?

Ms. Churchill: On the amendment itself, page 3, line 10 should read on page 54 line 16 through 36 by deleting those lines.

Senator Apodaca: Further discussion; all those in favor of the amendment, say aye; opposed, no. Amendment passes. So we have amended bill and let's take another amendment. Senator Clark; let's take up 117-V-1 from Senator Clark; moves to amend the bill on page 11, line 47 by adding the following immediately after the period; delivered in person as used in a previous sentence; also includes delivering the ballot to an election official at a one-stop voting site under Statute 163-227.2 during any time the site is open for voting. The ballot shall be kept securely and delivered by election officials to the site of the county Board of Elections office for processing;

Senator Clark to explain the amendment.

Senator Clark: Mr. Chairman, some people do like the opportunity to complete their ballot but in the comfort of their own home, but at the same time they like to actually go to the polling place and basically submit their ballot. So what this amendment does is essentially allows them to do both. That being said, I ask Mr. Cohen to further explain the amendment.
Mr. Cohen: Right, this is similar to a number of other -- this provision here is similar to a number of other states including Florida where if you have a mail-in absentee voting, rather than mailing it back to the Board of Elections or delivering it to the board office, you can deliver it to an early voting site and turn it in to an election official there during the early voting period.

Mr. Rucho: Mr. President, either to Senator Clark and/or to Mr. Cohen, but in following the process that you’re bringing forward, one -- is everyone eligible to use this absentee ballot and then using the one-stop voting site as their depository? And two, what types of identification are required by the individual or the person? Is that same person delivering that ballot to the one-stop voting site?

Senator Clark: Mr. Cohen?

Mr. Cohen: First, your mail-in absentee vote will have to have the same standards as anything else. It’s looked at by the county Board of Elections before you applied for it and when they’ve received it. There are some changes in this bill on what you have to have on it, but the process of delivering it -- delivering the ballot to the -- anyone can mail it in. If you’re delivering it to the Board
of Elections which would also apply here, it can be
delivered only by the voter or the voter’s near
relative or legal guardian. Those are the people who
could deliver it to an early voting site as opposed to
either delivering it in person to the Board of
Elections or mailing it in.

Senator Apodaca: Senator Hise?

Senator Hise: I’m assuming this
question will be for staff. When someone is sent an
absentee ballot for a particular precinct —

Mr. Cohen: Yes.

Senator Hise: — if they were to bring
that to an early voting site and place it into the
machine, would that ballot not be read as having voted
that day?

Mr. Cohen: They’re not placing it in
the machine. They’re delivering a ballot inside an
envelope to the early voting site just as if they had
delivered it to the board office. If you deliver it to
the board office, they hold it until election day when
they open the envelope and decide to tabulate it. Here
they would just be basically a conduit to be
transmitting the sealed envelope to the Board of
Elections.

Senator Apodaca: Follow-up?
Senator Hise: I'm aware that that's what they're intended to do. My question would be having represented as was already stated, a long time ago in history it was valuable for an individual to get a blank ballot that they could pre-mark for an individual and have the individual bring back out a blank ballot so that they could verify how the individual was voting. My question is if someone has received one of these at home and brings it to one of those sites, is it readable in the machine as the same as their ballot they would receive on that day?

Mr. Cohen: If the election official at the early voting site were to open the envelope and put it in the tabulator, yes, but the statute will require it just as if you delivered it to the board office that the official at the early voting site keep it securely and deliver it to the county Board of Elections office for processing. And with the earlier thing you were talking about is called chain voting.

Senator Nesbitt: Mr. Chair?

Senator Apodaca: Senator Nesbitt?

Senator Nesbitt: I was going to tell Senator Hise if they're doing that, they need to stop that. That's illegal.

Senator Apodaca: Exactly, we're trying to
help that along, Senator.

    Senator Apodaca: Good amendment; any other questions from the committee; okay, amendment’s before us, second amendment, all in favor, say aye; any opposed; so passes. Senator Brock’s in a bad mood, okay. Let’s go to the third. Okay, we have 118-V-2. Senator Clark, tell us what this amendment does. Everybody has it in front of them. I don’t think I have to read to them.

    Senator Clark: Okay, Mr. Chairman; under the current bill, if an individual wants to do an absentee ballot, they have to have two individuals sign it for them, but what this does is it allows you to have your ballot attested to by a notary public. So that -- you may not want to have your brother or your sister, you aunt, uncle or whomever validating your ballot for you. If you’d like, Mr. Cohen can read through the amendment.

    Mr. Cohen: Right, the law up until four years ago required two witnesses. It was changed to one. This committee substitute restores it to two and in the VIVA part of the bill. His amendment would say you could just have one rather than two if the one was a notary public who signed, put their title and affixed their notarial seal to the envelope. So that
would be what he is proposing.

Senator Apodaca: Okay, Senator Hise?

Senator Hise: Is there any limit to the number that a particular notary public could sign off on?

Senator Apodaca: No, I can answer that for you. Okay, what do you think?

Senator Rucho: I think, Mr. Chairman, that this is a reasonable alternative and I think it should probably be considered positively.

Senator Apodaca: Any further discussion or debate on it; Senator Brock?

Senator Brock: Continue my bad attitude here. But I was just asking Senator Clark, if they cannot charge a fee and I don’t think they could charge a fee, but could they refuse to sign it because you may have a notary that works in an office or is a notary in their place of business and they have to provide this service for free; you’re going to take their time from the workday to notarize all these ballots and just take time away from them? I just think it might -- would a notary be able to refuse?

Mr. Cohen: The answer is, yes, they could refuse. If they do accept, however, they could not charge a fee.
Senator Brock: Okay, that's fine.

Senator Apodaca: Any further questions on the amendment; okay, all those in favor of the amendment, say aye; any opposed, no; so passes. Okay, we have the PCS before us as amended; discussion from the committee; Senator Stein?

Senator Stein: You had said in the preliminary remarks that you were comfortable staying as long as needed. I mean, this is an extensive bill. It was six parts, 14 pages, and now it's 60 parts and 57 pages, so I have a whole series of questions on many of the provisions. Is that okay?

Senator Apodaca: Certainly, go ahead.

Senator Stein: Thank you, Mr. Chairman; the first week of early voting last election about 900,000 people voted. Something like 85 percent of the state thinks early voting is a good thing and shouldn't be shrunk. 75 percent have voted early at one point or another. Why are we eliminating a week of early voting?

Senator Rucho: What point are you talking about? What page are you on now; what section, just so we can be clear?

Senator Stein: Gerry can help me. What section eliminates a week off of early voting?
Mr. Cohen: Page 37, part 25.

Senator Rucho: Mr. Chairman, what we’re trying to accomplish --

Senator Apodaca: Please.

Senator Rucho: Thank you, sir; Senator Stein, what we’re trying to do is put some consistency into the process and allow for the facilities to be similarly treated in one county as in being all the counties. It does give still some good flexibility to the county Boards of Election in selecting those. There is probably a savings in the sense that by going from seventeen to the ten days you actually have more opportunity to open up more sites that would open up more opportunity for people to have access to voting during that period of time. And what it does by having that consistency, everyone has an equal access to voting. It does not stop, it still leaves the county the choice of opening on a Sunday or not opening on Sunday, but when it was originally put forward back in 1997, and, Senator Nesbitt, at that time you were a Representative, I believe, and I had this early voting bill in place and I was one of the co-sponsors of that bill, and it was designed to open up the opportunity for access. It’s been altered over the last number of years, maybe tainted in the direction, but what this
does is it sets an equal footing in every one of the counties and that's going to treat everybody equally and fairly.

Senator Stein: Thank you; if -- that's not 100,000 people that need to vote another time and there's no guarantee or no direction in here as to how many early voting sites to open up. So the more you backload the vote, the more you'll have on election day and I know, Senator Rucho, you're an expert in electricity. You have peak load which is the most expensive load and that's going to be when most people are in demand. And election day, the more people you push to election day, the more precincts you're going to have to create, the more voting sites you're going to have to have which is more expensive on a marginal basis than having more early vote.

Senator Rucho: Senator Stein, I think probably you see a lot of the early days in the seventeen-day cycle probably not utilized as much, other than maybe the first day when a lot of folks get excited and then the peak is reduced. But what this does is it gives access with the same hours that will be treating every one of the sites in every one of the counties the same way and there will be the possibility since there is some savings in the time to open up
additional sites. But that will be at the discretion of the county Boards of Elections and what that does is it gives more opportunity for people to vote. You don’t have to go across town if it’s not in your neighborhood, Senator Stein.

Senator Apodaca: One more comment on this; if you look at the chart, you’ll see that voting is actually quite consistent every day of early voting. So if you take those seven days out of early voting, you are going to have to move those people somewhere else. The likely result will be longer lines on election day which leads to my next question, Mr. Chair.

Senator Apodaca: Yes.

Senator Stein: Which has to do with the elimination of straight party ticket voting; North Carolina is one of the most, little d, democratic states in the country in that we elect more statewide offices than most any state in the nation. So on a presidential year, there’s going to be anywhere from fifteen to sixteen offices, and even in an off-year election, it could be seven to ten. That’s seven to ten times -- seven to seventeen times longer for each person to vote. My question to the bill sponsor is the relationship between substantially lengthening by a
factor of ten the amount of time it takes for people to
vote early, half people vote early -- I mean, vote
straight ticket.

Mr. Cohen: 32.

Senator Apodaca: We're trying to get the
page numbers, Senator Stein.

Senator Rucho: What is the section
number of that, please? Do you have the section
number?

Senator Apodaca: Page 43.

Senator Stein: Section 32 is it, Mr.

Cohen?

Mr. Cohen: Yes, sir.

Senator Stein: That eliminates straight
party voting which half the state uses. So for those
half the people we're going to increase the amount of
time by a factor of ten to fifteen. What kind of
analysis have you done in terms of the impact on lines
for people to vote by shrinking early voting and
lengthening the amount of time it takes for people to
vote?

Senator Rucho: What we wanted to try to
do is be sure that all of the down-ballot races -- a
lot of times there are judges that aren't included in
the straight voting are included in the process. If
someone is running for office, they should be included
in that manner and also there are a lot of other down-
balloons that are nonpartisan that get left off. And we
want to try to be sure that the voter, who I have a lot
of respect for as being very intelligent, very
knowledgeable, can come forward and handle that
problem. And also, I understand talking with some of
our staff that we are the exception rather than the
rule. Most states don’t have the early -- I mean, the
straight ballot and what we’re trying to do is find
that they’ve had no problems, so we see no reason why
we can’t conform with what a lot of other states have
done in the system.

Senator Stein: Thank you; my question
was the effect on election administration. What
analysis have you done in terms of the amount of time
it’s going to take for people to vote with fewer days
to vote? What’s the consequence going to be in terms
of the length of lines for people to vote, given that
you’re increasing by a factor of ten on average amount
of time for half of the people to vote?

Senator Rucho: Senator Stein, we believe
that the early voting probably will have more sites
available that they would be able to have more
opportunity in different locations which will spread
out the votes. You don't have folks having to cross
town to get into the early sites. And secondly, we
believe that other states have had no problem with
this. They've -- I'm sure Georgia and some of these
other states vote every bit as much as we do and feel
that that's not been a problem and we don't believe it
will be a problem. And we also believe that there is a
very good possibility that we'll have more attention
paid to judges and to other elections and other
initiatives that may be dealing with nonpartisan.

Senator Apodaca: And let me just add
something to that. We also feel that 2014 will give us
a good run to see how that works and then we can make
adjustments at that point to be ready for '16; Senator
Stein, next question?

Senator Stein: Just a comment on that
before I --

Senator Apodaca: Please.

Senator Stein: Which is that in an off-
year election, the turnout is a fraction of what it is
in a presidential election when you have 70 percent of
the voters voting in a presidential election versus
about 25 to 30 percent in an off-year; I don't think it
will give us any indication of how it's working until
2016.
Senator Apodaca: Oh, I'd have to disagree with that. I think Senator Hise could do some statistical analysis and come up with a pretty good figure, but next question.

Senator Stein: Statistical analysis question; this data from the State Board of Elections, just in the even year elections, the state elections, last six of them, primary in general, there have been approximately 30 million votes cast in North Carolina and there have been two instances of in-person voter fraud. What evidence of in-person voter fraud is compelling you to impose the ID requirement?

Senator Apodaca: Carry on.

Senator Rucho: Thank you, Mr. Chairman; Senator Stein, I'm sure your understanding of how society is today, you can't live in this society without identification, no matter whether you go into buildings, whether you cash checks, whether you pay your groceries with checks, whether you want to get on an airplane, whatever it is, everyone has a form of photo ID. This bill goes to its full extent in allowing and helping individuals that may not have it, especially since we've allowed the DMV to take an active role in delivering and providing at no cost a photo identification so that they can be used in this
manner. There are a number of instances that we know about as an individual basis. I'm sure you've heard the same thing and I'm sure you pay close attention to the fact that some folks have lost their opportunity to vote, because when they go to vote in an early vote, they were told that they had already voted. And for some reason that never seems to get recorded or reported. So what we believe the importance of the electoral process is the fact that we're providing integrity and honesty in the system and what that means is that confidence level will be instilled in the electoral process and therefore back in government and that's something we should all be striving for.

Senator Stein: A brief comment, Mr. --

Senator Apodaca: Please.

Senator Stein: The notion that everyone has a photo ID is just wrong. There -- in our society --

(Public applauds.)

Senator Apodaca: Okay, all right now, we're not going to tolerate that. I'll clear the room. We're going to sit here and act respectful of everyone. Carry on, Senator.

Senator Stein: Thank you; and I ask the same of the audience to not interrupt.
Senator Apodaca: Thank you.

Senator Stein: The fact is that we have ID’s. We have banking accounts. There’s more than one half million adult North Carolinians who don’t have a banking account; therefore, they don’t have checks. There are -- from again, the State Board of Elections, I know we like to have facts when we do our debate. There are more than 300,000 registered voters in North Carolina who do not have a driver’s license. 185,000 of those actually voted in 2012. That’s 185,000 people who are going to be impacted by this requirement. A requirement which the necessity I think is non-existent when you have two instances of in-person voter fraud. You said for some reason they’re never reported. I think there’s a reason they’re never reported because it’s myth; two instances of in-person voter fraud out of 30 million votes cast. That doesn’t even count the off-year municipal elections. I’d have to go to each county and I didn’t have time to do that; a follow-up question on same day voter registration.

Senator Apodaca: Senator Stein, yeah, we’ll do this question. Then we’re going to let some other members. But let’s let Senator Rucho respond to you.

Senator Rucho: Senator Stein, you made a
point that I believe is inaccurate. During the redistricting hearings, a fellow when we were in Durham came up and identified himself and said that he was at a poll on three occasions, I think he said, that he had a chance and he purposely went in to vote under a pseudo-name. And reality is he said he didn’t, but he said he could. And so I don’t believe that your premise is accurate and I believe that the honesty and integrity of the system is paramount. And I also say that the study that you’re alluding to, I think the Board of Elections, we did some analysis of it in talking with folks and it is flawed. That was not accurate, the 300,000 you alluded to. And we have a good phased-in plan to give people an opportunity that may not have an ID an opportunity to have an ID for the 2016 election. That’s plenty of time to give everybody a chance in a society that requires some form of ID to get around.

Senator Apodaca: Senator Nesbitt, he was trying to say Durham, that town of about 30 miles from here. I’m sorry the translator was off; Senator Stein, another question?

Senator Stein: The same day voter registration; about a million people took advantage of that in the last election cycle. People have very busy
lives. Now that they’re no longer being registered, according to your bill, when they get their driver’s license, there’s going to be a whole group of young people, those are the biggest cohort of new registrants every year is people who age in and people who move in. The people who age in, they’re busy. They may be in school or one place or another, or working, and they don’t think to get registered to vote months in advance of the election, so same day registration is an incredible service that the state offers a million people to come in and get registered and vote that same day. Why are you taking that away from the people?

Senator Apodaca: Senator Rucho?

Senator Rucho: Thank you, Mr. Chairman; Senator Stein, you know, to say that our young people -- I know my son fully understood when he turned eighteen when he got the notice to make sure he went by the post office to sign up for the draft. He also had the idea that he needed to vote. I’m not sure that that’s an issue that they’re not excited about knowing that the opportunity is there for them and they know what the rules are to accomplish that. What was the other part of your question, please?

Senator Stein: The one million people who did it, why are you taking this away from the next
million?

Senator Rucho: Well, the problem that we found and what I believe exists is the fact that a lot of Boards of Elections have a very hard time of working their way through a system when someone comes up and registers to vote and votes at the same time. There’s no way and there’s no simple way to validate. What we’re trying to do is give the Board of Elections an opportunity to do their job correctly, validate those individuals and be sure that the election is above board.

Senator Apodaca: Thank you; additional questions from the committee; okay, I think I’ll take some from the audience. Let’s start -- comments; comments, not a question; comments, let’s see. Allison Riggs, please come up and you have two minutes; thank you for coming today.

Ms. Riggs: Thank you; my name is Allison Riggs and first I’d like to comment on what a farce introducing this bill at this late date that does this much damage. The damage to democracy in this state from this is unacceptable. This bill is voter suppression at its very worst. You’re making North Carolina a national laughingstock and you should be ashamed. This bill is a naked attempt to pre-determine
election outcomes by keeping people from voting. This bill steals from North Carolinians opportunities to vote that you know are disproportionately used by voters of color and low income voters. This bill as a whole can only be interpreted as one thing, a cynical ploy to make it harder for certain people to vote. Those are poor people, people of color, elderly people and young people. This bill disrespects and violates state and federal constitutional and statutory protections for the franchised. North Carolinians won’t stand for this. This bill erases the years of progress we’ve made in improving election administration, making more friendly the election experience for voters and encouraging civic participation. North Carolinians won’t stand for this. Voters love same day registration. They love early voting. This bill encourages bullying at the ballot box. You’re creating a situation in which polling places will now be a free for all and the voters who are least likely to be able to withstand that bullying are going to be subject to it even more. This bill does not revise and reform thirty years of election laws. Many of these reforms were enacted since 2000. What it does is it takes away the opportunities that you’ve granted to North Carolinians in the past that
have been beneficial. It takes those away and it
disrespects the right to vote.

Senator Apodaca: Thank you; is it Brent
Laurenz? Is that right; thank you.

Mr. Laurenz: Yes, sir, my name is
Brent Laurenz. I'm with the North Carolina Center for
Voter Education. As proposed, we have a lot of strong
conscerns about this bill and the impact it would have
on voting and civic engagement in North Carolina. Of
particular concern is provision in the new version that
does not allow college ID's to be used from public
universities in voting under the voter ID portion of
this bill. We think that's a bad move because those
are public ID's issued by public institutions. The
second thing we're really concerned about is the
shortening of early voting. As we've heard, over 2.5
million voters used it last year. That's about 56
percent of voters. It's a wildly popular program
across party lines. It's not a partisan issue, so
we're concerned about that and the impact it might have
on longer lines on election day, confusion at the polls
and all that stuff. Second, we're also concerned about
the elimination of same day registration; again,
another tool that can be used to improve civic
participation among citizens; ending pre-registration,
another thing we’re intrigued about. That’s designed just to get sixteen, seventeen year old kids interested in civics and interested in politics and government, engaged in the process at a young age. I think that’s a great thing and I think all children and all students in the state should be taught civics and engaged from as early as possible. Finally, those are our strongest concerns. There’s a litany of other issues in there that are concerning, but we hope the final version of this bill will ultimately address some of these concerns and not do such detrimental damage to voting participation in North Carolina; thank you very much.

Senator Apodaca: Thank you for your comments; Vicki Boyer?

Ms. Boyer: Thank you, sir, for giving the public an opportunity to speak today; in our country everyone is considered innocent until proven guilty. Voter ID requirements say everyone is guilty unless they can prove themselves innocent. Voter ID punishes all the innocent even when one person has not yet committed a crime. We do not have a constitutional right to buy Sudafed, get on a plane or drive a car, but we do have a constitutionally guaranteed right to vote. Americans don’t think of themselves as philosophers, but we’re blessed to live in the first
nation state founded upon an idea, a concept.
According to the Declaration of Independence, the idea
of America is that legitimate governments derive their
just powers from the consent of the governed. That
consent is gained through the process of voting and
voting has become a sacred American right. It says
government is accountable to the people. ID
requirements say people are accountable to the
government. Voter ID says each of us must have the
consent of government in order to participate in
America’s greatest ritual. Unless you’re going to make
all driver’s licenses available for free, we have to
pay for it to boot. This requirement changes the very
nature of the American compact. It replaces voters in
charge of government and puts government in charge of
voters. It allows for a future when one group in power
can limit voters to those who will keep that group in
power. No good American wants to see that. And that
being said, this bill as presented is not about voter
protection but voter prevention. Voter ID diminishes
our sacred American pact. Voter ID diminishes our
democracy. It is un-American. It is wrong. This bill
is bad for North Carolina; thank you.

Senator Apodaca: Thank you; all right,
next we have Jordan Deloatch, is that correct? Please,
Jordan, come forward; thank you for coming today.

Mr. Deloatch: Thank you, sir; as you said, my name is Jordan Deloatch. I'm a citizen of Cary and I'm currently a student at Duke and so I'm here to speak about how this bill would affect students in particular. For example, Freshmen moving in, they are -- they, of course, are going to be very excited to vote. They're just turning eighteen. This is their first opportunity to vote, but they're not necessarily going to be familiar with the rules of the states. They're not necessarily going to be excited to vote unless someone notifies them that, yes, they have to get this registration done as soon as possible. So what I -- like I've done a lot of work to help get people out to vote and yet I know that this voter ID bill would present yet another obstacle that just isn't necessary for people to deal with, not just students, but anyone shouldn't have to deal with getting a photo ID when there just are not cases of in-person voter frauds being reported. The problem with this bill is that it's a solution in search of a problem, and even if it does head off any potential in-person voter fraud, the damage that it does in terms of preventing people from voting is just so much greater that it's a solution that creates more problems. So those are the
main reasons why I'm against this bill; thank you for
your time.

    Senator Apodaca: Thank you for coming;
Brian -- I'm going to destroy it, Brian. I'm sorry;
Schneidewind? I've got a bad last name.

    Mr. Schneidewind: Yeah, it's Schneidewind.
    Senator Apodaca: Okay, thank you, Brian,
for coming today.

    Mr. Schneidewind: Thanks for having me,
appreciate it; for the last nine years I've been a
government teacher at Millbrook High School. It's a
couple of miles up the road. I want to thank you guys
also for the bill, the last couple of hours ago that
was passed. I promise I'm going to work a lot harder
now; thank you for realizing that. And my time when I
earned my Masters degree I became a terrible teacher.
Also, in my time at Millbrook, I was able to -- I've
been able to be the sponsor or our voter registration
drive at which point I registered approximately 2,000
students and I've got to tell you, contrary to the bill
sponsor, this ain't rocket science; pretty simple
process. I go to the students' classroom. I have a
list of the students who are eligible to register. I
ask them if they'd like to, and in about five minutes,
they fill out the voter registration at which point I
double-check it. I then send it on the Women League of Voters who also double-checks it and away we go. So I promise you that voter registration, just like Senator Stein said, among voters is not an issue. The registration process itself I don’t see fraud, you know, assuming that we’re not all hopping in a DeLorean and traveling ninety years back to Chicago. I don’t see that also as being an issue. But the real issue is voter apathy. You know, Senator Stein mentioned that roughly 70 percent of people voting during the -- if I could get your attention, please; thank you; thank you. In the last two presidential elections, we’ve been lucky enough -- yeah, over here; we’ve been lucky enough to have 70 percent of people voting, but consistently in the last two decades it’s been around 50 percent. So I urge you guys instead of asking what can we do to make people -- less people voting, we should be asking yourselves the opposite, all right? And, you know, especially for youth, this is a big -- you know, a big issue making it very hard for people in urban areas to vote. Finally, let me leave you with this, is that over the last few years I’ve had, you know, the pleasure of telling my students that this is a government of the people, for the people and by the people. And if this bill passes, I’m going to have a
little bit harder time looking my students in the eye
and telling them that same thing.

    Senator Apodaca: Thank you for coming;

okay, Alison Greene, next.

    Ms. Greene: Good afternoon, and

thanks for giving me this opportunity; my name is
Alison Greene. I’m a native of Durham County and a
resident of Durham County, but I’m a Lecturer in the
Department of Sociology and Anthropology at North
Carolina State University. I was raised to a life of
civic participation by my elderly mother who was a
leader in the League of Women Voters and other
organizations and it became a hobby of mine to register
voters as soon as I was an adult. Over the course of
my adult life, I registered hundreds and hundreds, if
not thousands, of voters and those were voters who
registered as Democrats, Republicans and Independents.
I’m extremely proud of this and it continues to be one
of my favorite things to do. This bill harms our
democracy, because it’s going to restrict participation
in North Carolina elections. It purports to solve a
problem of voter fraud that by every scientific measure
does not exist. Okay, it will reduce participation in
our elections by elderly people, college students,
disabled veterans and the working poor. We’ve heard
this already, but I personally know people in each of these categories. We’ve heard the statistics. We’ve also heard anecdotes. Every election season I walk my precinct, knock on doors and register voters, wait in front of the grocery store. I am not being a partisan person. I am being a participant in our democracy. Early voting has been a great boon to our state by allowing people with limited transportation and long working hours to cast their votes. In my precinct, this is a very big deal. It means a lot of people who couldn’t vote otherwise get a chance to vote. Many elderly and disabled people I encounter lack current state identification and the wherewithal to get them, even though they have been voting for years. In the 2011 November elections, I help the disabled veteran in my precinct register and vote on the same day. He had no transportation. He could barely walk. He had not had the opportunity before I knocked on his door. He would not have been able to vote if this law was in place. So --

Senator Apodaca: Thank you so much.

Ms. Greene: Okay.

Senator Apodaca: I believe your time has expired.

Ms. Greene: Okay.
Senator Apodaca: Susan -- I’m not going to attempt the last name. Please; Pochapsky, is that correct?

Ms. Pochapsky: Pochapsky, absolutely.

Senator Apodaca: Okay.

Ms. Pochapsky: That’s the way it is spelled.

Senator Apodaca: I was raised in Durham too; thank you.

Ms. Pochapsky: I have owned a home in Durham since 1984. And I would like to remind you regarding voter ID that the voter ID law in Pennsylvania was successfully challenged and postponed when the Judge found that he could not allow the law to go through if even one voter was disenfranchised by the law. And so what I am simply going to suggest to you is that contrary to what you seem to think, you people who -- and I am one of you, who take planes so easily, who have passports, who travel, who have driver’s licenses, there are many, many, many voters who have exactly the same right to vote in this state, but who would be disenfranchised or who would have to pay money to travel to be able -- some kind of money, some kind of hiring help, getting help from friends, something that would be in essence a poll tax in order to procure
this voter ID, particularly the odd requirement that a
student photo ID would not be included as a valid form
of ID. I thank you very much for your attention.

Senator Apodaca: Thank you; let me make an
announcement. I believe everyone here is probably for
the Finance Committee Meeting. We're going to postpone
that and we'll do it on the floor, so next speaker, Rob
Stephens, please.

Mr. Hall: I'm not Rob Stephens.
I'm Bob Hall. Rob is yielding his time to me.

Senator Apodaca: Are you representing the
Democratic Party? Is that correct?

Mr. Hall: Democracy North Carolina;
actually, one of the provisions that we help sponsor is
the pre-registration that you're going to eliminate.
That actually helps Republican voters, new young
Republican voters. 30 percent of the young people
coming in are Republicans, 30 percent are Democrats, so
actually it's helping equalize the plane. I will say
that it's really sad that you're trying to jam so many
of these provisions in here at the eleventh hour. Rob,
do you want to -- oh, sorry; no, truly I'm just sad
that you all feel obliged to jam this kind of thing
through. People that have tried to defend voting
rights and expand voting participation in this country
have withstood water hoses and been beaten and gone through lots and you’re building your legacy here today as you put these measures forward and so I just -- I don’t think it’s going to even help me to try to explain to you what it’s all -- what the damage is, so good luck to you.

Senator Apodaca: Thank you; next, Jamie Phillips; welcome.

Ms. Phillips: Thank you; I am Jamie Phillips. I am here on behalf of the North Carolina NAACP and Reverend Dr. William J. Barber, President. I want to point out as every single person before me has, that these changes to voting laws are impacting specific groups of people. The fewer young people and minorities who vote, the better it seems in your minds. We get it. No one is being fooled. Shouldn’t a democracy ensure elections are free, fair and accessible to make sure every citizen has a say? It is obvious to many North Carolinians, including people who have voted for you in this room, that this bill has been specifically crafted to make participation disproportionately harder for certain voters, specifically seniors. Of registered North Carolina voters who lack ID, nearly 25 percent are seniors over the age of sixty-five even though they make up only 13
percent of the state’s population. Seniors are also hard hit by provisions making it more difficult to add satellite voting sites to accommodate seniors and voters with disabilities. The youth; in a sad move to restrict youth participation in our democracy, this bill specifically bans college student ID’s from being used for voting, eliminates pre-registration for sixteen and seventeen years olds and eliminates the requirement for high school voter registration drives. We should be encouraging the civic participation of young people, not blocking it. And finally, the most blatant and harmful impact of these changes are in voters of color. 31 percent of registered North Carolinian voters who don’t have photo ID are African-American despite comprising just 22 percent of the state’s population. The bill also bans out African-Americans despite comprising just 22 percent of the state’s population. This bill also bans out precinct provisional ballots, striking the votes of people who move, making it much easier to challenge voters’ eligibility and create an intimidating presence at the polls. All we ask is for your conscience and goodwill to overcome your political interests; thank you.

Senator Apodaca: Thank you; last, we have Joshua Vincent; please; welcome.
Mr. Vincent: Thank you; I want to ask everyone who opposes this bill to please stand with me in solidarity as I address the committee. As the State Coordinator for Civic Engagement for multiple 501(c)(3) and partisan turnout campaigns, I say demonstratively that we do not need this bill. How dare we discourage our youth from exercising our right as citizens to contribute to the electoral process by restricting their ability to register and vote early. Further, there's no evidence of an issue of fraudulent voting in this state with signature attestation attached to our in-person voting process. Also, there's no need to confuse the citizens of this great state by adding loopholes and prohibitive costs to our constitutionally guaranteed right to a free and fair education.

Senators, some of you appear to be drunk with power. Why are you so scared of the people? Why are you so scared of people voting? Maybe you've seen that less than 20 percent of North Carolina supports your extremist agenda. Maybe you've seen that the people of North Carolina overwhelmingly support the Moral Monday demonstrators who by the hundreds are engaging in civil disobedience, people you have called outsiders who you sit here and attempt to disenfranchise in front of our eyes and our ears. You know that your extreme right-
wing agenda won't last long. You know that the people behind me, the true moral majority, the Black, White, Asian, Latino of all races, old and young, from all social, economic and religious backgrounds will not stand for this type of race-based fearmongering fundamentalist longing for the days when Black and Brown people were in bondage and women were still uneducated and in the kitchen. The people here have spoken and they are with the demonstrators in the streets and not with the regressive and deceitful legislative practices taking place here today.

Senator Apodaca: Thank you very much; whoever claps you can remove from the room now; okay, from the Committee, Senator Nesbitt.

Senator Nesbitt: Mr. Chair, if I could, three or four questions; I'm sorry I didn't do it awhile ago.

Senator Apodaca: Oh, that's --

Senator Nesbitt: I thought you were going to somebody else. I didn't know --

Senator Apodaca: No, we wanted the public to have their say.

Senator Nesbitt: I got you. General questions I guess for staff that I'm just interested in; when we do this early voting we're going to create
lines. And I know there was a provision about when we close the polls, but if we say that the polls have to close at a certain time and you have 500 people in line, do they get to vote?

Mr. Cohen: The answer is yes. Both early voting and election day, anyone in line at the time the polls close are allowed to vote regardless of how long that takes.

Senator Nesbitt: Okay, and on the question of limiting early voting to one o’clock on Sunday, I --

Senator Apodaca: Saturday, Senator Nesbitt, I believe.

Senator Nesbitt: The last day is a Saturday at one o’clock instead of at 5:00?

Senator Apodaca: Yes, sir, I think it’s that way now.

Senator Nesbitt: Can somebody explain why on the last day when you’ve got the crunch for early voting we would want to close four hours earlier? Has that caused a problem somewhere?

Mr. Cohen: About thirty counties in 2012 stayed open past one o’clock; about half until 3:00 and half until 5:00. I do know that a number of counties reported that when the voting ended at seven or eight o’clock in a number of those counties and even
9:00 that they had some trouble turning around all the 
lists to be available to the precinct judges for 
election day voting by the next morning. So some 
counties did report some practical problems in the last 
election.

    Senator Apodaca: Senator Rucho?

    Senator Rucho: Representative Nesbitt --

    Senator Nesbitt, excuse me; the logistics of carrying 
that load is what we’re looking at to try to help the 
Board of Elections to be able to be prepared for the 
onslaught come election day. So we’re trying to give 
them some ability to meet that demand.

    Senator Apodaca: Next question, Senator 
Nesbitt?

    Senator Nesbitt: Thank you, Mr. Chairman; 
yes, sir, and I appreciate this. These are really not 
hard questions for you. They will get a little harder 
probably. The -- Section 11 authorizes -- now I think 
we have two poll observers from each party. All of a 
sudden we’re going to appoint ten more from each party? 
What in the world are we doing?

    Senator Apodaca: Go ahead, Senator Rucho.

    Senator Rucho: Thank you, Mr. Chairman; 
when you have those poll workers and what was the 
problem was trying to find that someone wasn’t able to
visit or be at their location, what these at-large poll
workers or poll observers do is actually are able to on
a large basis fill in the slot so that that individual
can be there if someone was assigned to that election
precinct or poll is not able to attend. Apparently you
have to sign up to be identified there. This poll
worker on an at-large basis will be allowed to fill in
and represent the organization appropriately.

Senator Nesbitt: I guess this will be for
Gerry. Does the bill provide that only two at a time
will be allowed to work a poll?

Mr. Cohen: Let me read the provision
again. Hang on for a second here. On page 26, line
32 --

Senator Nesbitt: If they work the poll and
when you read the --

Mr. Cohen: Yes, I’m answering that.
On page 26, line 32 and 33, ten at-large; it states
that in addition to the two precinct designated, one of
those ten at-large observers may be at any one polling
place, so it would allow at any one polling place one
more, making three.

Senator Nesbitt: Is that it?

Mr. Cohen: Yes.

Senator Nesbitt: So it’s limited to where
you wouldn’t have but six, three from each party at a time in there, I guess.

Mr. Cohen: That’s correct.

Senator Nesbitt: Okay, and I say that because when you read the analysis and I think it’s true on election day, it really goes quite extensively in to how you’ve got to allow them to have access and they’ve got to be within hearing distance and they can get -- they can go anywhere in the poll they want to and I just say to you all, that has the potential of getting out of hand for both parties when people can run around the polling place and do mischief. So I would suggest to you maybe you look at that and anything you can do to tighten that up I would certainly be for it. I want them to be able to observe and I want them to be able to watch everybody, make sure everybody is doing the right thing, but I don’t want them intimidating people that are trying to vote and I don’t want them intimidating poll workers that are trying to do their job or interfering with them.

Senator Apodaca: We agree with you, Senator Nesbitt. We’ll take a look at that.

Senator Rucho: But I believe there is some remedy to -- I mean, that -- the judge of that area is still in charge and you would hope that nobody
sends a poll worker -- poll observer, not a worker, the
poll observer into the area that's going to be
disruptive. They're there just to monitor. And I
think that it is pretty clear as to what behavior is
necessary for them to do their job and yet not be
impeded in doing so.

Senator Nesbitt: When I read it, it looked
to me like it was balanced the other way. In other
words, if a judge does tell somebody they're done, then
that judge is going to be scrutinized and held
accountable and blah, blah, blah. I'm just saying you
might want to look at the language because I want them
to be able to run the polling place. That's what you
need to be able to do.

Senator Apodaca: Next question; another
question; okay.

Senator Nesbitt: Moving the Presidential
Primary, I'm assuming it would not move the other
primaries, so then you would have two primaries? And
how large is that unfunded mandate? Are you funding
that for the counties?

Senator Rucho: Senator Nesbitt, having
looked at South Carolina and elsewhere, there is
sufficient resources by having a Presidential
Preference Poll occurring within your state at that
appropriate time, that the resources are generated
because of all the activity that exists because of
that. I think South Carolina, if I'm not mistaken,
Senator Brock, actually showed some increased revenues
because of that activity. And you also give the people
of the state an opportunity to have a say in a
presidential election that has meaning -- or
presidential primary has meaning rather than waiting
until May where it often doesn’t.

Senator Apodaca: Let me let Gerry chime in
here.

Mr. Cohen: Under the North Carolina
election law, counties are responsible for most
election expenditures other than some state canvassing
and training, so the direct costs of most of the
separate Presidential Primary would be paid by the
counties.

Senator Apodaca: Next question, Senator
Nesbitt?

Senator Nesbitt: Thank you, Mr. Chairman;
I think what I heard was yes, it's an unfunded mandate.
You all are not --

Senator Apodaca: Not quite in those terms,
but I believe you're correct.

Senator Nesbitt: Could someone kind of
explain to me these weakened disclosure requirement on independent expenditure committees? I thought we wanted to go the other direction and have disclosure to who these people were that were dropping the bucks, but as I read it, it goes the other way.

Senator Apodaca: Specifics?
Senator Nesbitt: Maybe we can ask staff.

There are two or three places in here where it does that. And if they don’t know, I’ll wait and ask it later when I can find it, but I can’t --

Mr. Cohen: Which part of the bill, Senator Nesbitt?

Senator Nesbitt: I’m not sure exactly where it is in the bill, but there’s language in here somewhere that talks about not having to disclose who it is that’s doing direct candidate -- I think it’s called direct candidate expenditures or electioneering communications.

Ms. Churchill: I believe Senator Nesbitt is referring to part 56. There’s -- repealing the requirement that -- for electioneering communications and independent expenditures, that they no longer would have to have the disclosure of the names of individuals or persons making the five largest donations to the sponsor of that electioneering communication or
independent expenditure; page 56 of the bill.

Senator Nesbitt: And why would we want to do that, Mr. Chair? That's what I'm -- the question is why would we want to have less disclosure about independent expenditures as opposed to more on both sides? I mean, that cuts both ways.

Senator Apodaca: Can you answer that?

Page 56; what section was it?

Ms. Churchill: Section 56.

Senator Apodaca: Section 56, I'm sorry.

What page number there; okay, I see your name there, Senator Rucho as a defendant, okay.

Mr. Rucho: Thank you, Mr. Chairman and Senator Nesbitt; the laws have gotten so confusing as far as election laws that what this tried to do is simplify it, clarify it and in essence get rid of any possible criminalization that occurs because of the confusion and the gray area of the law. And what this did is it tried to eliminate that and simplify it so that every candidate can understand what's expected of them and the areas that might run into problems. And that's the purpose behind why it has been clarified and simplified.

Senator Nesbitt: Mr. Chairman, it's pretty clear when you say you don't have to tell anybody who
gave you the money. I guess that’s clarifying, but --

    Senator Apodaca: That’s not -- I don’t believe it says that.

    Senator Nesbitt: Well, you’re striking out Subsection 7, the sponsor shall disclose the names of individual persons making the five largest donations to the sponsor within a six-month period prior to the purchase of the advertising. You’re striking that out.

    Ms. Churchill: The provision that’s being discussed is a provision that is required in media advertisement that would require the media ad to actually contain the information about the five largest donors with respect to electioneering communication and independent expenditures. And Senator Nesbitt is correct. That requirement would be being stuck by the FCS.

    Senator Apodaca: For the media section, correct?

    Ms. Churchill: For the media section only.

    Senator Apodaca: But the reporting section they would still have it, correct?

    Ms. Churchill: Correct.

    Senator Apodaca: Thank you; all right, just won’t be on your TV screen, just your picture.
Senator Nesbitt: Let me ask this of staff. I’m not sure where I’m going. I just read this and it looks peculiar to me, but some of your independent expenditure committees don’t have to report who gave them the money. And that may be federal and it may not apply to this, but somebody please explain to me what we’re doing because it looks to me like you’re taking away the right of the public to know who the people are putting the money up.

Senator Apodaca: Please, Erika.

Ms. Churchill: I’ll try. With respect to electioneering communications and independent expenditures, if the donor is making the donation for the purpose of furthering an electioneering communication or an independent expenditure, the information on the donor should be reported to the State Board of Elections. That is not being altered by this provision. The provision is only altering the requirement that the five largest donors be disclosed in the media ad.

Senator Apodaca: Follow-up?

Senator Nesbitt: That makes it a little better, Mr. Chairman, but I still say for your average person out there that receives an ad, if you put down there paid for by the Republican Party, paid for by the
candidate, paid for by the Democrat Party, people
understand that. If you say paid for by the Citizens
for Good Government, they have no earthly idea who is
sending that ad to them. And I think it ought -- I
think there's a purpose for having it on there so that
people get a gist of who this crowd is, whoever it may
be, on our side or yours. So I think it's -- I would
ask you to look at that provision and think about it a
little bit because it -- I hadn't been onerous that I
know of. I haven't had a complaint yet from anybody
having to list that. And if they've got to be listed
-- the problem is the people getting the communication
aren't going to go look up the elections records to see
who gave the money. That's not the purpose of it. The
purpose of it is so they know when they're getting the
ad, who said it.

Senator Apodaca: I'm sure the other side,
Senator Nesbitt, make them aware of who paid for the ad
ultimately; Senator Rucho?

Senator Rucho: No further comment on
that; I would like to -- if he has any formal
questions.

Senator Apodaca: Any other committee
questions; okay, Senator Rucho.

Senator Rucho: Thank you, Mr. Chairman
and members of the committee; a lot of the discussion
was talking about the voter ID and under the guise that
there was no problem or not something that is
necessary, bottom line is we're the last Southeastern
state that would be introducing this photo ID. All the
others have done. None of them have had the situation
where they've had a decline in voter turnout and
actually some of them have actually showed an increase
because people have confidence in the fact that
everybody only votes once and their vote matters. And
what that means is that you've established integrity
into the electoral process. There has been a lot of
discussion about this early on. I think, Mr. Chairman,
four or five hours in the House, I think Representative
Lewis talked about a lot of these issues that were
discussed at length and had a lot of public comment and
so there -- this is not something that has been put on
people at the very last bit. We talked about
government valid ID's. Those are ones that we can have
confidence in and everyone can have confidence in. You
know, your college ID's whether they be in the
University System in the State of North Carolina or
private, there's inconsistency throughout the entire
system with the college ID's and it's felt that to be
valid and people have confidence in, you want a uniform
way of producing them and that's why the list is before you as to what constitutes valid ID. There was a discussion earlier about the fact that senior citizens and/or disabled individuals have been put upon by this bill and it's totally erroneous because of the fact that there has been a lot of discussion with staff and like with a lot of people in the disability rights groups and they were appreciative of the fact, especially nursing homes and the like, that we accommodated a lot of their language in the base of this bill and have alleviated most of their concerns. Mr. Chairman, with that being said, I would hope that we could pass this bill and re-establish a level of integrity and confidence in the electoral system and I urge the members to vote for it.

Senator Apodaca: Senator Brock.

Senator Brock: Thank you, Mr. Chairman; at the appropriate time I'd like to move the favorable report to the proposed committee substitute as amended.

Senator Apodaca: Thank you, Mr. Brock; I am going to hold that a minute; Senator Stein?

Senator Stein: Thank you; I have a question, Mr. Chair. This is -- this is a voluminous bill and the fact that the House has debated it, this is the first time the Senate has debated any of these
provisions. So I think we're -- let's not overstate
the amount of process this bill has received. I do
appreciate the opportunity to ask a question. Part 38
on page 46 repealing the judicial elections fund; we
all received a letter from the entire -- well, scratch
that -- 14 of the 15 judges on the Court of Appeals,
bipartisan group, imploring us to maintain the Judicial
Elections Fund. The judges have to be impartial and
people who historically give to judicial races tend to
be those parties that are before the judges and I don't
think it necessarily impairs the independence of the
judiciary, although there are cases in other states,
notably West Virginia, where that has been -- the
Supreme Court has held that that has happened. Why are
we clouding the independence and integrity of our state
judiciary by eliminating this important advancement in
elections?

Senator Apodaca: Senator Rucho?

Senator Rucho: Thank you, Mr. Chairman;

Senator Stein, you as well as I know one of the hardest
parts of campaigning is going out and soliciting
campaign contributions. When you get something from
somebody, it doesn't mean that your vote is
compromised. You have people that are concerned about
issues that you may be concerned about and that's why
they help you. In this case, what we're looking at is
not having government interceding or interfering in the
process of the electoral process of judges, and as long
as we maintain that process, we believe that the
government shouldn't be using that kind of taxpayers
money for folks they may or may not want to support.
So we feel it is a better way of putting this forward.
I wouldn't expect any -- knowing that campaign -- you
know, soliciting campaign contributions being the
hardest part of the election campaign you would expect
the judges not to be very interested in having that and
so therefore that's probably why they would have said
we'd rather keep the money coming so we don't have to
work hard at it.

Senator Apodaca: Follow-up?

Senator Stein: Follow-up with staff; am

I right that the judicial candidates have to raise a
certain amount of money from a certain number of voters
in order to qualify for these funds?

Mr. Cohen: I'm sorry, Senator.

Could you repeat the question?

Senator Stein: For judges to qualify for
the judicial funds, do they not have to raise a certain
amount of money from a certain number of contributors
in order to get that money?
Mr. Cohen: My understanding is that that is correct, though I would note that the judicial campaign financing was also repealed in the budget voted in the Senate today.

Senator Stein: I can vote against that as well.

Senator Apodaca: Senator Nesbitt?

Senator Nesbitt: Thank you, Mr. Chairman; just a comment on the bill; I am -- I would feel remiss if I didn't make the statement in the committee because we've still got time to maybe fix it by giving directives in there. You're going to have a situation with this bill where you've had people who have voted all their lives who are going to show up at the polling place and not have what they need to vote. That is outrageous. I mean, when they have that track record of voting and they're regular people and they live in a rural community and they're there, there ought to be a provision in here for people who are known to everybody in there to be able to vote. I just raise that because that's going to happen on your side just as much as it will happen on ours. Second thing is, restricting early voting is going to cause a problem. The first thing that happened after we got early voting enacted was that the local boards -- we actually put a
provision in that said that the satellite sites would be agreed on unanimously. No board could agree on anything unanimously on purpose and it was a way to block all the satellite sites. We had to come back down here and pass another bill, you may remember it, where we said if they can’t agree then the State Board will make the decision trying to keep oversight and balance in it but to get some sites out there. And if they do that again and don’t open enough sites out there, you’re going to create lines. And this has been done -- you’re talking about, we’re the last state in the Southeast to do voter ID. We’re about the last state in the Southeast to create voter lines. This is exactly what they did in Texas where they wouldn’t open -- I mean, in Florida where they wouldn’t open another site, they wouldn’t open enough sites and they had people lined up around the building. And I am concerned that that’s going to occur again and that will hurt your voter as much as it will hurt our voter. It’s just a bad deal, and if you can figure out some way to tell them to put enough polling places out there, I would appreciate it because I don’t think they will unless we tell them to. And I’m not sure how to tell them. And those lines are -- it’s the most insidious thing in the voting process and it’s what
brought about early voting. We were getting down to
where on election day we'd have two and three hour
lines and people would drive in the parking lot and
just turn around and drive back out. They weren't
going to stand there that long. And it's our
responsibility to make sure that voting is not a two-
hour burden on somebody. They ought to be able to go
in and vote and do their civic duty and leave and it
not be an ordeal for them. So I would ask you based on
what I just told you, if you can to try to fix the
problem of somebody on voter ID being able to
participate and most of all to make sure we don't have
this problem of them not setting up enough satellite
sites in order to handle the flow of the people so that
we don't have lines.

    Senator Rucho: Mr. President -- Mr. Chairman?

    Senator Apodaca: Senator Rucho?

    Senator Rucho: Senator Nesbitt, I think
every one of the Boards of Elections for each of the
counties fully understand. I know in my county knows
how many folks are going to estimate and make sure that
we have sufficient polling locations opened up both on
election day and on early voting. Their goal is to
make that operation run as smoothly as possible. I'm
not sure we should be dictating to them and telling
them to do this. Their goal is to get that election
process done in a timely and an effective manner. You
know, the original purpose of the early voting was to
accommodate the fact that this society has changed
where a lot of folks had a lot of time, today with our
busy society going from one location to the other and
doing things. That's why early voting was put out
there, at least in my way of thinking, Senator Nesbitt,
and I see that as a good step. I see that there were
steps taken that have abused it for gamesmanship and
partisan advantage. And what this does is it levels
the playing field. Every county will follow the same
rules and everyone will be given the same opportunity
to vote. And, you know, that's what this is about.

Senator Apodaca: Senator Meredith?

Senator Meredith: Thank you, Mr. Chairman;
I have a question. Senator Rucho, Senator Nesbitt
brought up a point about people coming to the polls and
having issues. In 2014 does the bill not state that we
will -- can you --

Senator Rucho: That's a great question,
Senator Meredith. This is a phased-in approach. And
during the primary and the general election of '14, the
individuals that come to vote will, one, they'll say,
you know, I've got my ID and that's great. Well, you

don't need it, but you'll have it; you'll need that in

the 2016 election cycle. And so there's going to be an

opportunity for the ones that are likely to vote will

be there plus a lot of other information shared so that

everyone understands and they've had a period to

adjust, a phased-in or transition period to know that

on the 16th everyone will know that that is a

requirement and -- we used to vote one day, Senator

Nesbitt, before we brought in early voting. We

survived it. I don't know in your county, but in my

county there are two and three and four hours of

waiting in early voting lines and people either stay

there or don't stay there or they find another suitable

time. We've given them lot of other opportunities to

-- you know, to practice their right of voting and this

will do the same thing, but probably in a more

efficient manner.

Senator Apodaca: Thank you, Senator Rucho;

I didn't hear fair and legal one time. Senator Brock

moves that we vote to approve the PCS as amended with

-- rolled into a new PCS with any corrections for

alphabetical errors or grammatical errors made and

unfavorable to the original. All in favor, say aye;

any opposed, say no; so passes. Thank you; we are
adjourned. We’re going to start session about 4:15, 4:20, so don’t rush.

(The proceedings were adjourned.)
NORTH CAROLINA
WAKE COUNTY

CERTIFICATE

I, David L. Overby, Notary/Reporter, do hereby certify that this Rules Meeting was transcribed under my direction and that the seventy-eight pages which constitute this Rules Meeting are a true and accurate transcript to the best of my ability from the audio CD's provided to me.

I certify that I am not counsel for, or employed by any party in this action, nor am I interested in the outcome of this action.

IN WITNESS THEREOF, I have hereunto set my hand this 12th day of December, 2013.

_______________________________
David L. Overby
Notary Public
Certificate No.: 19930120037
SENATE DEBATE ON
HOUSE BILL 589
VIVA/Election Reform

Senate Session

2nd Reading

Held on
Wednesday, July 24, 2013

Senator Louis Pate, Deputy President Pro Tempore, Presiding
P R O C E E D I N G S  

3:13 P.M.

Senator Pate: House Bill 589; clerk will read.

Reading Clerk: House Bill 589

VIVA/Election Reform.

Senator Apodaca: Mr. President.

Senator Pate: Senator Apodaca, for what purpose do you rise?

Senator Apodaca: Motion please.

Senator Pate: State your motion, sir.

Senator Apodaca: Mr. President, I move the rules be suspended to the end that staff may join Senator Rucho on the floor.

Senator Pate: Without objection, so ordered.

Senator Rucho: Mr. President --

Senator Pate: Senator Rucho, you are cleared to speak on the motion.

Senator Rucho: Thank you, sir; and members of the Senate, this election reform bill is something that is going to work to bring up to date an outdated archaic state election code that has long been in need of repair to improve the election landscape in the State of North Carolina, but more importantly what it does is it re-establishes a level of confidence in
the electoral process and also in our state government. The electoral process, there are a lot of questions as to experience and honesty and what we hope to do with this bill and what we will do with this bill actually is re-establish that element of confidence and certainty. It restores transparency of the election process, creates clear guidelines that everyone can understand, follow and reduce the opportunity for any type of political gamesmanship by any group. Part of the bill, and again we discussed this at length during the Finance Committee. A lot of good questions were asked. I'll go over briefly with it and then we'll respond to any questions that may come about. In the photo ID portion of it, and this is a voter ID. Approximately 70 percent of the people in North Carolina, actually over that, are in support of the fact that a photo ID is critical to an honest election process. And what our bill guarantees is that any North Carolina citizen that wants to vote will have the opportunity to vote. It establishes a list of valid government-issued ID's including driver's licenses, non-operator ID's to military ID's, travel ID's, passports, which will be presented at the polling booth at the time of voting. The -- in an effort to try to make this an easy transition, this bill over the next
year and a half allows for that transition. In 2014
the requirement of a voter ID will not be there. The
people that do go vote will be told that it will be
necessary in 2016 so that we can have a voter ID
process in place to help guarantee the fact that all
the votes matter equally. There are thirty states
which currently have voter ID. North Carolina is one
of the last in the Southeast to introduce this measure
for honesty and integrity in the electoral process and
we believe it will go a long way to building confidence
back in our voters and our citizens. The second part
of it is going into early voting which our bill
streamlines early voting to a process of ten days
rather than seventeen while providing counties the
flexibility to increase the overall number of early
voting hours, ensuring ample time for voters to make
their choices or voices heard. This also gives the
flexibility for the Boards of Election to expand the
number of available sites, and as they do that, it
makes it -- provides more access to the voters in early
voting to go to those sites and reducing the long lines
by expanding the number of locations. And this can be
done by narrowing the numbers of hours -- excuse me,
ten days from seventeen. You can actually have more
polling sites opened for about the same amount of
money, so that works in a very beneficial way in providing access to the voters to be able to go and vote. What it does do is it also sets standards as to the voting hours across the 100 counties. Everyone will be treated the same way. Lack of consistency has been a problem. People say, well, why am I not voting or why don’t I have the same amount of time? We want consistency throughout the entire 100 counties in the state to do so. It also allows time for -- to verify voters' information by repealing same day registration and which will ensure accuracy. It’s been a challenge for the Board of Elections to be able to identify and validate everyone that has come there on the basis of one-day registration and what this does is it just strengthens the requirements for also absentee ballots. It also has a situation where we talk about campaign finance. Our bill takes public money out of politics. Funding campaign is not prudent or appropriate for the use of tax dollars. There are a lot of folks that say, hey, I never wanted my money spent for that, and therefore that is out of the game. The current program requires candidates to participate and adhere to a relatively low spending threshold in the campaign finance reform and/or in the government supported funding. There is also a provision, and I’ll mention
the fact, it was reported that there will be an increase from the $4,000.00 to a $5,000.00 maximum. I believe it was 1982 that $4,000.00 maximum was established. And if you just do the CPI from then to now, that $4,000.00 would be really $16,000.00. But what we’re trying to say is that there will be a $5,000.00 limit. It will be adjusted I think every two years by using the CPI index. I know everybody in this room fully understands that the money is less, but the cost of campaigning, whether you use TV, media, direct mail or whatever, constantly goes up. And so what this does is it helps eliminate some of those problems. We have a situation where the bill reduces the opportunity to gain shift in the timing of candidate withdrawal. What that does is it ensures that all parties will have a fair notice on open seats. We eliminate straight ticket voting allowing voters to choose the person, not the party, and it also allows and helps each of the voter pay close attention to the nonpartisan elections which at this point, the judicial elections and a lot of other elections, some county commissioner elections, and those down-ballot races and initiatives do deserve the scrutiny and the vote of the individuals that are voting. It also provides that the earliest someone can register is on their eighteenth birthday. There is a
lot of confusion. In my own son's situation, he had
pre-registered and then got a letter, wasn't quite
eighteen, thought he was supposed to vote. The bottom
line is, everyone that turns eighteen will know it's
time to go vote and therefore will get registered
appropriately. And finally, the bill restores North
Carolina's voice in a presidential election by moving
up the date of the North Carolina primary. That will
be a primary election for a presidential preference.

Many times having an election in May, primary election,
we in North Carolina don't have very much say in the
selection of a presidential candidate in the parties.
This thus gives us an opportunity to become active in
that process and allow our citizens to act accordingly.
I will comment about one report that was on WRAL. They
commented about the fact that when someone is at the
polls at the time, let's say, 7:30 when the polls
close, anybody in line, the same way the law exists
today, at 7:30 if that line goes well beyond that,
everybody votes. WRAL should be sure their facts are
accurate before they make a misstatement like that.

Mr. President, I believe I've gone over the list. I'll
be delighted to attempt to answer any questions on this
and I would urge that everyone take advantage of this
election reform and give us an opportunity to pass this
good election and put some confidence and honesty and
integrity back in the electoral process; thank you.

Senator Pate: Further discussion,
further debate.

Senator Blue: Mr. President.

Senator Pate: Senator Blue, for what
purpose do you rise?

Senator Blue: Will Representative Rucho
yield for a question?

Senator Pate: Senator Rucho.

Senator Blue: I'm sorry; Senator Rucho.

Senator Pate: Will you yield for a
question?

Senator Rucho: Yes, sir.

Senator Blue: Senator, will you
recognize; over here.

Senator Rucho: Excuse me.

Senator Blue: Thank you.

Senator Rucho: Representative Blue.

Senator Blue: Just a quick question
because it's something that we had wrestled with and
talked about and considered in the past, but with this
two primary system that you're setting up, who's going
to pay for those two primaries? Is it going to be the
state paying for it or our local governments, counties
going to have to pay for them, because I think each
costs in excess of $5 million to $10 million?

    Senator Rucho: Yeah, the counties will
be paying for that, yes, sir.

    Senator Blue: Follow-up?

    Senator Pate: Do you yield to a follow-
up?

    Senator Rucho: Yes.

    Senator Pate: Go ahead, sir.

    Senator Blue: So in presidential years,
counties will pay for the primaries, both primaries as
well as the primary in May which would be for statewide
and state officials as well as any run-off as well as
the same thing in November. Do you have any idea of
how much additional money that's going to cost counties
if you have a two primary system?

    Senator Rucho: Well, Senator Blue, I
would assume -- I don't have the actual dollar figure,
but I'm assuming that that would be well absorbed by
the fact that we would have similar to South Carolina
where they have a significant increase in resources
coming into that area that those resources can be
adjusted accordingly by the state to the county.

    Senator Blue: Follow-up?

    Senator Pate: Does the gentleman yield?
Senator Rucho: Yes.

Senator Blue: But as you conceive it right now, this will be an additional cost to the counties --

Senator Rucho: Yes.

Senator Blue: -- and the state is not doing anything to offset those additional costs?

Senator Rucho: There's nothing in the bill that offsets it.

Senator Bryant: Mr. President.

Senator Pate: Senator Bryant, for what purpose do you rise?

Senator Bryant: To ask Senator Rucho a question.

Senator Pate: Senator Rucho, do you yield?

Senator Rucho: Yes.

Senator Bryant: Senator Rucho, in your preliminary remarks, you mentioned that you were -- there would be more voting sites under early voting as the time has been shortened. And I was wondering is there some provision in the bill that would provide for more sites or any number of sites, because I didn't see that and I just wanted to make sure I haven't missed something.
Senator Rucho: Thank you; yes, I do. I will say to you, Senator Bryant, the bottom line is -- and just to use an example, let's say it cost $1 million in Mecklenburg County to run this early voting for seventeen days. It will be less for seven days, but you can use that same amount of money to expand the number of locations, have more access throughout the entire county and therefore we believe that will solve the problem that has been questioned about voter lines. I know we in Mecklenburg County can use that because many times during presidential years we have two and three hour waits, so we would welcome that and I'm sure every other county would enjoy that same opportunity.

Senator Bryant: Follow-up, Mr. President.

Senator Pate: Does the gentleman yield?

Senator Rucho: Yes.

Senator Bryant: That decision, though, is left to the county boards of commissions and they could decide to have one site, would that be true? Is that correct?

Senator Rucho: Yes, that flexibility is there and what they will do is meet the needs of their citizens. And if they don't meet the needs of their citizens, the wrath of the citizens will be put upon them.
Senator Brock: Mr. President.

Senator Pate: Senator Brock, for what purpose do you rise?

Senator Brock: Speak to the bill.

Senator Pate: You’re recognized. Go ahead.

Senator Brock: Let me just address a few of the concerns about the presidential primary which will be in 2016. The -- looking at some older numbers, the economic impact survey on New Hampshire in 2000, the economic impact of their early primary was $264 million to the state. Iowa was over $60 million. And looking at recent numbers for our neighbor South Carolina in 2012, which is interesting if you live in the Asheville market, the Charlotte market or the Wilmington market, media market, you already see the ads for the campaigns in that area. So the campaigns are already spending money in this state that would just have to pick up the Greensboro, Winston-Salem market and the Raleigh market. Looking at some numbers for South Carolina, when they had their election in 2012, they had over 600,000 people voting in their election. North Carolina is about twice the size, so you’re looking at an election of 1.2 million people. North Carolina had five presidential debates. Now
talking to a friend of mine from New Hampshire, in New Hampshire they believe that they will speak personally with the next President of the United States. When they’re talking about snow removal in New Hampshire or corn subsidies in Iowa, I wish they were talking about our issues. I’ve worked on this issue for a long time. When we were leading the nation in job loss in the recession, I wish they’d talked about North Carolina issues on the national scene. And of one of those debates in Myrtle Beach, there was a $14 million economic impact to Myrtle Beach, $14 million. I don’t think South Carolina has seen any type of impact like that since South of the Border opened. And in the weekend right before, Charleston, they saw a $500,000.00 increase in the tourism just in Charleston. We already share the media market with South Carolina. North Carolina will make it more attractive for the campaigns to come here. The New Bern market is one of the cheapest on the East Coast. It’s close to Washington, D.C. We already see the presidential candidates coming into our areas to raise money. Now some people may be able to go to it and wave as the candidates come by those expensive dinners. But the ordinary people, the everyday people can’t. And I think people in North Carolina should have the same
type of experience of those people in New Hampshire and
Iowa and now South Carolina, that we get a chance to
talk to the presidential candidates one on one, to talk
to them when they come to our small towns. And I’ll
say this; North Carolina is a lot better place to visit
than any other state in the Union. I urge you to vote
for the bill.

Senator Ford:        Mr. President.
Senator Pate:        Senator Ford, for what
purpose do you rise?
Senator Ford:        To debate the bill.
Senator Pate:        You have the floor.
Senator Ford:        Thank you, Mr. President
and ladies and gentlemen of the Senate; as a freshman
in the minority party, when I came to Raleigh I came up
here with an open mind. Everything that I am learning
about the state legislative process I am learning from
you. Voter ID has been very unpopular among many. I
am one of three Democrats in this chamber that put
their name on a voter identification bill, a bill that
would have guaranteed that no registered voter is
denied the right to vote and to prevent the
unauthorized use of a registered voter’s voting
privilege through the fraudulent mis-use of a voter’s
-- registered voter’s identity, Senate Bill 235. I
believe that we should protect the integrity of the voting process and I understand the arguments against that. However, for me, whether it is one person or 10,000, one is one too many. But this bill goes beyond protecting, Senator Rucho, the integrity of the process. But it restricts access to voting. To me, this is un-American and it does a disservice to North Carolinians. I cannot support a bill that restricts democracy. Number one, it eliminates same-day voting registration. Number two, it eliminates pre-registration for teens. In 2012 nearly 50,000 teenagers pre-registered, most as unaffiliate with any particular party. And last, it reduces early voting. Folks, we should be expanding the voting process for all while protecting the integrity of the voting process. This is not voter reform. This is voter suppression. I cannot support the bill.

Senator Stein: Mr. President.

Senator Pate: Senator Stein, for what purpose do you rise?

Senator Stein: Send forth an amendment.

Senator Pate: The gentleman may send forth his amendment. The clerk will read.

Reading Clerk: Senator Stein moves to amend the bill.
Senator Pate: Senator Stein, you're recognized to speak on the amendment.

Senator Stein: Thank you, Mr. President, members of the Senate; I'd like to follow up on this point on early voting that Senator Ford just raised. This bill shrinks from seventeen days to ten days the number of early voting days. In the 2012 election, general election presidential year, general election, 900,000 people voted in that first week of early voting, 900,000, nearly a million people. Two and a half million people voted early. In fact, a majority of North Carolinian voters, 56 percent, voted early in 2012. This is one of the most wildly popular pro-citizen initiatives this state government has ever taken. In fact, there was a poll, 85 percent of the people of this state support early voting, because 75 percent of the people have early voting. You all are reducing the number of days. You are reducing the availability of early voting. Senator Bryant asked Senator Rucho, well, how do we know that we're not going to lose the number of hours of early voting that's available to the people. There's nothing in the bill that will ensure that the people have access, the same number of hours of early voting, over that ten-day window as they do over a seventeen-day window. The
amendment I send forward addresses that point and it's pretty straightforward. All it says is however many hours you as a county had early voting in the primary over seventeen days, have the same number of hours available over ten days. And if you need more sites to get to the total number of aggregate hours, do that. If you need to have it open longer in the day, do that. It has a standard for the off-year election where fewer people vote. It has a standard for the primary when fewer people vote and then it has a standard for the general election of the presidential year when the most people vote to ensure, as Senator Rucho has assured us with his ever confidence, that the counties will not end up shrinking the availability of early vote. So if you all want to ensure that the citizens of this state have the same access to early voting that they have today with ten days as they have for seventeen days, you will support this amendment and I encourage you to do so. I have put up on the dashboard something interesting. It's the chart, four-page chart, and what it does is it shows a couple of interesting things. One is it shows how many people vote early and you can see as Senator Rucho said in committee yesterday, that there's a big number of people vote the first day and then it drops off to the end. The data shows something
else. What you see is a fairly stable number of people vote on every weekday. There’s a drop-off on the Sunday vote, but it’s still an important time for people to vote. The next page of that chart actually shows who votes and what you’ll see is that in the first seven days in North Carolina, the experience has been that African-Americans disproportionately vote on the first seven days of early voting which coincidentally are the days that you all are stripping out of the early vote process. Also I’d like to put a note on the dashboard, there’s a study in the Election Law Journal by Michael Herron and Daniel A. Smith entitled Souls to the Polls: Early Voting in Florida in the Shadow of House Bill 1355. This describes the experience -- it’s also on the dashboard. Do you have that one; thank you. It shows the experience of what happened in Florida. It shows it empirically. It shows it -- who is disadvantaged when you make this change. You all would be shocked to know that it’s African-Americans, Hispanic, younger and first-time voters who are disproportionately affected by a reduction in early voting. I’m sure you all are shocked of that reality. I encourage you to support this amendment; thank you.

Senator Rucho: Mr. President.
Senator Pate: Senator Rucho, for what purpose do you arise?

Senator Rucho: To speak on the amendment.

Senator Pate: The Senator has the floor.

Senator Rucho: You know, Senator Stein rambles on with his charts and talks about a bunch of other things, but the reality is the first seven days of early voting can still be voted on by anybody no matter whether they’re African-American, White, Latino, whatever. Nothing prohibits that except there’s a very good possibility, especially in the bill, Senator Bryant, that says that each county board of elections must have their plan approved by the State Board of Elections, and if there are some counties that aren’t meeting the needs, that will be addressed by that portion of the bill. So in reality, what this does is the early voting portion of this is mandated, is taken care of by the State Board of Elections to ensure that everybody is being treated the same and treated fairly. We’re actually offering more opportunity for other locations. It isn’t a matter of how many sites. It’s a matter of how many voting booths you have at your site. And if you can spread out more voting booths
across more sites, that will help alleviate any of those problems. So with that being said, you know, they talk about some of the issues, but -- let's see if I've got this right -- eighteen states do not currently offer in-person early voting like North Carolina does and, Senator Stein, I will remind you when I came here in 1997, one of my first bills was early voting. Senator Nesbitt was engaged in that same time and Senator Kinnaird. I'm a full supporter of early voting. I believe in this society we must offer some options, because we're just a lot busier than we were forty and fifty years ago. So I'm a strong supporter of early voting and I believe in it, but I also believe that everyone should be treated the exact same way in all 100 counties. There shouldn't be any special preferences or special treatments. And with that being said, I urge that you oppose Amendment 1.

Senator Blue: Mr. President.

Senator Pate: Senator Blue, for what purpose do you rise?

Senator Blue: To debate the amendment.

Senator Pate: You have the floor.

Senator Blue: Mr. President and ladies and gentlemen of the Senate, I'm concerned about this bill as much from the standpoint of its fiscal impact
as many of the other issues that are raised. My question to Senator Rucho was a legitimate one about the additional cost to counties for having a system of duplicate or multiple primaries. Let me tell you a quick story about Wake County, and Wake County has a woman named Cherie Poucher as our Supervisor of Elections. She’s a Republican. She worked here in the General Assembly for the Republican Minority Leader in the House, and I respect her as much as you can respect any individual, and she is respected by most of the elected officials in this county because she runs fair elections. But if you were to ask Cherie about this bill and this amendment, she would tell you that in Wake County where we have over 600,000 registered voters, where we have somewhere approaching 200 precincts or polling places, that early voting and having the number of hours basically that we’ve had has saved Wake County tremendous dollars because we haven’t had to open new polling places. My precinct has over 6,000 people in it and yet we don’t have lines on election day. My precinct is a precinct that looks like Wake County. We don’t have lines on election day because of early voting. It has saved the county commissioners and the Board of Elections at least two or three extra polling places because of the number of
hours that are available. Now if you start restricting
hours, we’re going to have to have new polling sites to
accommodate these 6,000-plus voters -- I said people --
6,000-plus voters. And if we had 200 precincts in Wake
County, each precinct would have upwards to 3,000
people in it to vote on the same day. So we can’t go
back, Senator Rucho is absolutely right, to where we
were in 1997. But on these rapidly growing counties,
if you start cutting back on the number of hours for
early voting, not only are you creating more polling --
requirements for more polling places, and they’re
tougher to find now. You can’t use schools when
they’re in session because you’re interrupting the
kids. You’re not using churches and stuff as much as
you used to. You’re not using rec centers. They’re
tougher places to find. And we ought to sort of get
with it with the new technology and the ability to
determine whether somebody who says they are who they
are should show up early to vote and that’s what early
voting does. It moves us from the 20th century I think
reasonably into the 21st. Senator Stein’s amendment
that there would be the same number of hours as we
already have at least serves as a finger in the dike,
at least as a finger in the dike. The fact of the
matter is in these rapidly growing counties you need
more hours of early voting to keep from spending more
money to open more polling places, having to buy more
voting machines. You know, these machines are used
once a year, twice a year on however many days we’re
voting. We ought to be aimed at buying as few of them
as possible. You know, we can’t create more days we
don’t have to pay for the extra days. There’s 365 in a
year. We don’t buy new days. But we have to buy new
machines when you start compressing this voting time.
So not only the cost of the new machines, the cost of
the new polling places, you’re adding additional costs
for the election process. So I would urge that you
would support this amendment.

Senator Pate: Further discussion; further debate?

Senator Ford: Mr. President.

Senator Pate: Senator Ford, for what
purpose do you rise?

Senator Ford: See if the distinguished
Senator Rucho would yield to a question.

Senator Pate: Senator Rucho, do you
yield?

Senator Rucho: Yes, sir.

Senator Ford: Can you explain to me
again who would bear the costs of these expanded voting
sites?

Senator Rucho: The voting sites would be
borne by the county boards. Let me just clarify that
too so that we understand. When Senator Blue was
talking about the precincts and he’s got 6,000 members
or people in his precinct, this also as part of Section
24, also requires a study so that we evaluate the mega-
precincts like in Cumberland County or like in his
county with 6,000 voters and the General Assembly will
come back with recommendations on size, border,
population and the like to help eliminate some of his
concerns regarding the size of the precincts. And also
you’re not buying new equipment. The Board of
Elections is using the same equipment that’s on general
election day, moving it to the location so it’s not
purchasing new equipment. It’s utilizing it more
efficiently.

Senator Ford: Follow-up, Mr. President.

Senator Rucho: Yes, sir, I do.

Senator Pate: Yes; go ahead, sir.

Senator Ford: Thank you; would you
consider this to be an unfunded mandate from the state
to the counties?

Senator Rucho: From what Senator Brock
said, I probably would say not.
Senator Pate: Further discussion; further debate; Senator Tucker, for what purpose do you rise?

Senator Tucker: To debate the bill.

Senator Pate: You have the floor.

Senator Tucker: Excuse me, debate the amendment. I'm sorry.

Senator Pate: Okay.

Senator Tucker: Mr. President, may I ask Senator Rucho a question?

Senator Pate: Senator Rucho, do you yield?

Senator Rucho: Yes, sir.

Senator Pate: Senator Tucker, go ahead.

Senator Tucker: Senator Rucho, in the new tax plan, are there not unencumbered dollars that will be coming to the counties in the new tax plan?

Senator Rucho: Yes, sir; the way the tax plan and the county and the municipal tax returns will -- they will be greater than they presently are now, yes, sir.

Senator Tucker: Okay, thank you, sir; just a comment, Mr. President, if I may.

Senator Pate: You are recognized to speak on the amendment.
Senator Tucker: Yes, sir, on page J-6 in the budget, the Help America Vote Act, which is commonly known as the HAVA funds, we appropriate in general government about $400,000.00 and for that $400,000.00 that we appropriated, these additional funds will allow the state to access $4 million of HAVA federal funds for information technology in state elections. So there is some money so that I don’t think, Senator Ford, that it’s justified to say it’s an unfunded mandate. They do have dollars coming their way; thank you.

Senator Pate: Further discussion; further debate?

Senator Meredith: Mr. President.

Senator Pate: Senator Meredith, for what reason do you rise?

Senator Meredith: To see if Senator Stein would yield to a question.

Senator Pate: Senator Stein, do you yield?

Senator Stein: I do yield.

Senator Meredith: Thank you; Senator Stein, I have one question about eliminating the -- the days we’re eliminating we’re disenfranchising certain voting demographics. The first day of early voting is the
first day of early voting, so I’m a little confused how the first -- we’re eliminating -- the first seven days being eliminated when the first day of early voting is the first day of early voting. Can you explain that?

Senator Stein: I’d be happy to. If we got rid of early voting altogether, then the first day of early voting would be election day.

Senator Meredith: Yes, sir.

Senator Stein: And what has proven to be the case is that if we had everybody come out on election day, we would have to have massive expansion of the number of precincts which would entail having more money on the county’s part. You’d have to train many more people, buy more machines. So every day you compress the schedule, you’re pushing it toward election day. What has happened historically and I don’t know why, but African-Americans have voted at the very beginning of the process. The fact that you would be moving it back, yes, there’s always going to be a first day, but you’re going to reduce the number of days in which people can vote. And furthermore, African-Americans vote disproportionately in the entire early voting process. So if you’re restricting the opportunity to vote early voting, then you are reducing their opportunity to exercise the franchise in the way
that they have -- factually empirically have done. My 
amendment will mitigate the damage of reducing early 
voting by ensuring the same number of hours. My 
amendment will mitigate the damage by reducing the 
number of hours. The key is to make sure you have the 
same number of poll hours available to voters. I agree 
with you that if you do that, then the damage is going 
to be less so, but if you just shrink early voting 
without a guarantee, the counties are going to offer 
voting to people, pushing people to election day which 
is a work day which can impact on people's ability to 
participate.

Senator Meredith: Thank you.

Senator Hise: Mr. President.

Senator Pate: Senator Bryant, for what 
reason -- for what purpose do you rise? Senator Hise, 
for what purpose do you rise?

Senator Hise: See if Senator Stein will 
yield for a question.

Senator Pate: Senator Stein, do you 
yield?

Senator Stein: I yield.

Senator Hise: Senator Stein, just to 
clarify from what I heard you say; if counties under 
their choice maintain the number of poll hours that
they currently have, they open additional sites and
maintain them, that they have mitigated the impact to
minority communities from reducing the days by seven?

Senator Stein: They have not -- I'll
answer. They've not eliminated it, but surely the
impact will be less if there are more hours. But what
we have seen in experience, we've had two general
elections where we've had this number of early voting
days, actually three or four general elections, it just
continues to increase, is that more and more people are
availing themselves of early voting. If you shrink it,
you're not only going to hurt African-Americans, you're
hurting everybody. In fact, Republicans are
participating in early voting at an increasing clip
faster than are Democrats. What you're doing is you
are inconveniencing the people of North Carolina from
their ability to participate in the election of their
representatives. And we should make voting as
convenient as possible.

Senator Hise: Follow-up.

Senator Pate: Senator Hise asks another
question. Senator Stein, do you yield?

Senator Stein: I do yield.

Senator Hise: Back to the point we were
getting to originally, so it is your claim that any
effect that you believe could be perceived can be
mitigated by the decisions the counties make?

    Senator Stein:   It is conceivable if the
counties expand the number of early vote sites and
increase the number of hours it would mitigate the
damage. That doesn’t mean that there would not be
damage, but it would be mitigated.

    Senator Apodaca:  Mr. President.

    Senator Pate:    Let me make one
housekeeping notice. Senator Jenkins is excused for
the rest of the evening. Senator Apodaca, for what
purpose do you rise?

    Senator Apodaca:  See if Senator Stein will
yield to a question, please.

    Senator Pate:     Senator Stein, do you
yield?

    Senator Stein:   I’d be happy to.

    Senator Apodaca:  Senator Stein, I’m
intrigued by your amendment.

    Senator Stein:   Thank you.

    Senator Apodaca:  And I think it might be
something we can work with. Would you be willing to
displace it a moment so we can huddle up and maybe make
this work? I think it really has some good points in
it.
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on that first week of early voting, we had 705,751
people exercise that right to vote early. What did we
see happen in 2012, four years later? We had 903,303
people vote early during the first week of early
voting. What does that tell us? If we go back 2012,
roughly one-sixth of the registered voters in this
state came out and voted during that first week. They
did it because it’s convenient. They did it because
it’s a time that they can focus on the candidates,
focus on the issues, get out there and exercise that
privilege the way we should want them to. That’s the
right thing to do. So what this amendment would do, it
would say that when we have our presidential elections,
which is going to be every four years, we will go back
to allowing the additional week for early voting,
because during that additional week, people are more
likely to get out there, vote early, do what they’d
like to do in terms of voting for candidates of choice.
Regardless of whether they are Republicans, Democrats,
unaffiliated, they can do it at their convenience. We
want to avoid the long lines on election day. I can
remember years in Durham where they had to end up
having matters go before the court so that they could
extend voting to 10:00 P.M. because people were in line
waiting to vote. We don’t want those types of days.
We don’t want lines wrapped around buildings, lasting two or three hours because not everybody can wait two or three hours to vote. And we’ve seen that in other states. We need to be encouraging early voting to the maximum extent feasible and possible. I guarantee you today that if you were to take a survey or poll of registered voters and ask them what their thoughts are about whether you need to contract that period by a week or expand it by an additional week, I guarantee you that overwhelmingly they’d want to see that time frame expanded. Now the only thing I’m asking us to do is every four years when those presidential election cycles come, that we go back to the type of voting that we are doing right now that resulted in roughly one-sixth of registered voters turning out to vote, over 900,000 people. That’s something we should all be in favor of, so I ask for your support.

Senator Pate: Further discussion and debate; Senator Rucho, for what purpose do you rise?

Senator Rucho: Mr. President, to debate the amendment.

Senator Pate: Senator Rucho, you are recognized.

Senator Rucho: You know, again, Senator McKissick is absolutely correct about the fact that we
will try to do everything we can to reduce the lines so that everyone will have a good opportunity to go to the polls. If we work with Senator Stein on this issue, we're not just interested in the presidential years, we're interested in all and if there's an expansion and if you go from -- I use my county, we have ten locations to twenty locations, that gives a better opportunity for people without having to travel across the county to be able to go vote. And that being said, and if we work with Senator Stein on this issue, this amendment will not be needed and I urge you to vote no on Amendment Number 2.

Senator McLaurin: Mr. President.

Senator Pate: Senator McLaurin, for what purpose do you rise?

Senator McLaurin: To speak on the amendment.

Senator Pate: Gentleman has the floor.

Senator McLaurin: Thank you so much, Mr. President, members of the Senate; I'm thinking about this from my perspective as a business person that employs about thirty people in my community and business people all over North Carolina, small business people who want their employees to get to the polls and vote. And what Senator Stein has put forth is I think
a very pro-business friendly pro-employee amendment
that will enable us as employers to encourage people to
get out and vote early. And I think that’s positive.
It’s something that we should all be able to feel good
about and it would be positive for our workforce; thank
you.

Senator Pate: Let me see if I have my
order right. Senator Stein has an amendment that has
been displaced and we are now discussing Senator
McKissick’s amendment; any further discussion?

Senator McKissick: Mr. President.

Senator Pate: Senator McKissick, you’re
recognized.

Senator McKissick: What I will do in the
interest of trying to see if we can work something out
on these issues relating to early voting, I will ask
that it be displaced temporarily as well because they
address in many respects the same issue. But this is
uniquely different because we’re asking about doing
this on presidential elections years. So I really do
believe that in presidential election years we ought to
approach this in a way that allows people to vote as
freely and openly as possible, notwithstanding what we
may do on the other off years. So I don’t mind
displacing it temporarily to see if we can address some
issues in their totality, but I do believe it addresses something that deals uniquely with what occurs in presidential election years.

Senator Tillman: Mr. President.

Senator Pate: Senator Tillman, for what purpose do you rise?

Senator Tillman: Ask Senator McKissick a question.

Senator Pate: Senator McKissick, do you yield?

Senator McKissick: I do.

Senator Tillman: Are we displacing your bill or are we still talking about it?

Senator McKissick: What I've asked is that we displace it temporarily so we can see if we can work out something in its totality.

Senator Pate: Senator McKissick has displaced his amendment; further discussion and debate on the bill.

Senator Rucho: Mr. President.

Senator Pate: Senator Rucho, for what reason do you rise?

Senator Rucho: Mr. President, to debate the bill and also to send forward an amendment; members of the Senate, let me just bring you up to date on a
few facts about elections. One of them, there are
thirty states which currently have a voter ID in place
and thirty-three states have passed voter ID laws.
Forty-one states do not currently have same day
registration. Thirty-eight states do not currently
offer pre-registration for teenagers younger than
eighteen years old. Thirty-five states do not
currently offer straight ticket voting. These are all
the facts and these are working in other states. We’ve
taken a good step forward with the early voting as
we’ve described if we include Senator Stein’s
suggestions. You know, we already anticipate the Board
of Elections will increase -- the State Board of
Elections will in essence mandate an increase in the
number of locations and probably in the hours which
will surpass what presently is occurring. We would
anticipate that this will solve all of the problems
that are being addressed and I think they will prove to
be a non-issue. That being said, Mr. President, I’d
like to send forward an amendment.

Senator Pate: Gentleman may send
forward his amendment. Clerk will read.

Reading Clerk: Senator Rucho moves to
amend the bill.

Senator Rucho: Mr. President.
Senator Pate: Senator Rucho, is this bill on the dashboard? It is. You’re cleared to debate your amendment.

Senator Rucho: Thank you, sir; this amendment makes a number of various technical and clarifying changes after yesterday’s meeting regarding absentee ballots and timing for special elections. And we also move to study the issue of defining political committees that prove to be a question as to what it really constitutes. There are other parts of the bill clarifying the process for a county to confirm voter registration for a voter who requests an absentee ballot, clarifying the absentee ballots must be receive by the Board of Elections. If the ballots are not received by the election day, the absentee ballot must be postmarked by election day, received within three days of that date. Technical changes to correct statutory placement of provisions authorizing voter registrations at senior centers, applies changes requiring special elections to be held at a time of a primary or general election, special elections for bond referendums in 2013; removes new language regarding poll observers and instead requires election oversight to study the bill. That was brought up yesterday as to questions about the observers and we tried to address
that and we’ll continue doing so; clarifying changes to
retain language allowing registered voters to update
registration information at one-stop sites. Mr.
President, there are a lot of technical changes in
there. I’ll do my best to respond to any of the
questions, but I urge you to move forward. This was a
result of yesterday’s discussion during the rules
committee and also a number of questions that were
brought up by members trying to get some clarifying
language and that’s exactly what this tries to address.
I urge you to pass amendment.

Senator Blue:       Mr. President.

Senator Pate:      Senator Blue, for what
purpose do you rise?

Senator Blue:      Representative -- Senator
Rucho yield for a question.

Senator Pate:      Senator Rucho, we’re
going to get you over here yet. Would you yield to a
question?

Senator Rucho:     Yes, sir.

Senator Blue:      Senator Rucho, I -- and
I’m sorry because we don’t have a split screen so I
don’t see exactly what’s being changed with the
amendment, but I do think that we are sort of adjusting
one of the most fundamental rights, if not the most, in
a free society. I’m just trying to figure out --

Senator Rucho: What are you alluding to, so I can try to identify the spot?

Senator Blue: I’m trying to figure out what we’re really changing. I’ve read the amendment and in certain places it says that you’re repealing sections and I’m just trying to follow it since I don’t have the bill. And before it goes to a vote, I want to understand it. And so if you would, bear with me.

Senator Rucho: Okay.

Senator Blue: You described three or four things that this amendment does and I was trying to follow it in the bill. If you have in some synopsized form the five or six things that this amendment does, I’ll try to follow it. I simply didn’t follow you when you were explaining it. I was trying to match it to the bill and I couldn’t do it because I don’t have a split screen.

Senator Rucho: Yes, sir, we’ll share that with you.

Senator Blue: Okay.

Senator Rucho: Right now.

Senator Tillman: Mr. President.

Senator Pate: Senator Tillman, for what purpose do you rise?
Senator Tillman: Thank you, Mr. President; are we still on the amendment or are we back to the bill?

Senator Pate: We're on the -- Senator Rucho's amendment, Amendment Number 3; Senator Nesbitt, for what purpose do you rise?

Senator Nesbitt: Thank you, Mr. President, and I don't know who to address this to. Let me ask Senator Apodaca.

Senator Pate: Senator Apodaca, do you yield?

Senator Apodaca: Yes.

Senator Nesbitt: Senator Apodaca, this is extremely difficult to try to digest and listen to the debate on this bill. Can we displace this and I'm thinking that in a little while -- I know you all are working on something on this other thing. Maybe we can caucus for a little while and everybody can go over this and figure out how it fits. It's very hard on the dashboard to fit it into the bill and see where it is. And a lot of this just deletes things.

Senator Apodaca: About 4:30, Senator Nesbitt, does that work?

Senator Nesbitt: That would be fine. And if there are others, I mean, we may want to go ahead
with the amendment process so we know what all is cut
there, but at some point I think it would do well for
both of us to go look at some of this stuff.

Senator Apodaca: I don’t know of any
others. I mean, I’ve got one, Senator Nesbitt.

Senator Nesbitt: We have several.

Senator Apodaca: Good to know; yeah, send
them on over. We’ll look at.

Senator Nesbitt: I didn’t want to surprise
you.

Senator Apodaca: Okay, I’ll give you mine,
too, okay; thirty minutes or 4:30?

Senator Nesbitt: We’ll try that.

(Recess at 4:04 P.M. with Amendments 1, 2 and
3 pending.)
PROCEDINGS

5:20 P.M.

Senator Pate: The Senate will come to order. Please take your seats. The chair understands that House Bill 589, Amendments Number 1, Number 2 and Number 3 have been displaced and the bill is before us, House Bill 589.

Senator Stein: Mr. President.

Senator Pate: Senator Stein, for what purpose do you rise?

Senator Stein: I would like to withdraw Amendment 1 and submit a new amendment.

Senator Pate: Amendment 1 is withdrawn and you are recognized to submit your new amendment which will be Amendment 4. The clerk will read.

Reading Clerk: Senator Stein moves to amend the bill.

Senator Pate: Senator Stein, you are recognized to explain the amendment.

Senator Stein: Thank you; members, this amendment does three things. One, it says that as many -- whatever sites you open have to be open for all during early voting. You can’t stagger them in. And they have to be open the same number of hours, although you can stagger the hours so some could be open earlier, some later. That’s up to the county boards.
It also says that the county boards, if they can't find public facilities to site early voting sites, they can go to private facilities if necessary. And the more important part is, as we discussed earlier, that at a minimum the counties have to offer the same number of hours to early voters that there were in 2010 if it's an off-year election and 2012 if it was a presidential election. And I commend the bill -- commend the amendment to you.

Senator Pate: Further discussion?

Senator Rucho: Mr. President.

Senator Pate: Senator Rucho, for what purpose do you rise?

Senator Rucho: Mr. President, Senator Stein was so persuasive and convinced us that it was a good thing to do and we fully agreed because we're all involved and interested in making sure that we have access to our citizens to have their voice heard, I will ask that the Senate will support Amendment Number 4.

Senator Brock: Mr. President.

Senator Pate: Senator Brock, for what purpose do you rise?

Senator Brock: See if Senator Stein will yield for a question.
Senator Pate: Senator Stein, do you yield?

Senator Stein: I yield.

Senator Brock: Senator Stein, I want to say this is a fair question to you or anyone no matter which side we are on election day voting, but one concern I've had for a long time on this is some of our workers that we have are -- I would say this. They're overworked. On election day they're there from 5:30 until. They cannot leave and, you know, with the people that are volunteering this is a great civic service. But I'm just wondering about having these amount of hours as the prolonged early voting cycle. Are we going to look at making it even tougher for people to commit 12, 13 hours per day during the early election cycle?

Senator Stein: I do not believe that we will. The number of hours are the same so that if you have X number of hours being worked in 2012, you'll have that same number of hours. My understanding is that there is no continuous work requirement of anyone who works at a poll for early voting so that you can actually substitute people out during the day.

Senator Brock: So it's not cumulative; follow-up?
Senator Pate: Yes, go ahead.

Senator Brock: So it's not cumulative hours of 2012. It's just the same hours a day from 9:00 to 5:00. It's not cumulative hours from 9:00 to 5:00 for the numerous days before, but now since we're using a shorter period, you're not trying to add starting early election voting earlier in the day and extending it later into the afternoon?

Senator Stein: I think that a county board can deal with the problem in a couple of different ways. If they have fewer sites, they're going to have to leave them open longer because you're losing seven days of early voting. And all the hours that were available to the people to vote in those seven days are no longer available to people for their convenience to vote. So those hours need to be added somewhere in the last ten days of early voting. If the county adds more sites, those hours can be applied to that site. If they keep the same number of sites, they will have to extend the number of hours, but you can have different people work shifts during that period of early voting.

Senator Brock: Mr. President, just to speak to the amendment.

Senator Pate: You have the floor,
Senator Brock.

Senator Brock: I think it shows an issue that we have no matter if we have a longer period of time or a longer day, an issue that we have in the state is finding the good people to work and it becomes a tougher and tougher burden to find those people to work in the precinct and I think that’s one thing we have to look. It’s on both sides. It’s not a partisan issue. It’s really tough for the Board of Elections to find good people to work these hours and we might want to take a look at that during the interim, some way to be able to spell a lot of these people because we have a lot of good senior citizens, but sometimes it’s pretty tough to ask somebody to work a 12 or 14 hour day during the election cycle where when we had a longer cycle we could set an extra day. That’s a long time to commit for our election workers. And now we’re looking at additional hours which makes for a longer day. So, you know, it’s a Catch 22 and I would hope during the interim we can take a look at it and find a way where we can spell some of our elections workers to make sure we don’t overwork our best people; thank you.

Senator Pate: Senator Bryant, for what purpose do you rise?

Senator Bryant: To ask Senator Stein a
question.

Senator Pate: Senator Stein, do you yield?

Senator Stein: I yield.

Senator Bryant: Senator Stein, looking at your amendment, tell me if I'm correct in the way it works; that you will have each county to calculate the number of hours they provided early voting in those respective years, '10 or '12, by multiplying the number of hours their sites were open times the number of sites to get a total number of hours and then that just creates a floor for the number -- a numerical floor for the number of hours and sites they will have ongoing and they can apportion that by sites and times as they would deem appropriate. So it just creates some kind of boundary and standard across the state. Is that what -- am I understanding this?

Senator Stein: I think your understanding is perfect. It's precise. My hope is that county boards of election recognize this is a floor because the percentage of people who are voting early has increased each and every election and the population of our state is increasing each and every year. And so my hope is that they will offer more sites because the more sites they offer the people the
more convenience they're giving their citizens and that's what we really should be about here.

Senator Pate: Further discussion; further debate on the amendment; hearing none, the question before the Senate is the passage of the amendment to House Bill 589, Amendment Number 4. All in favor will vote aye; all opposed will vote no. Five seconds will be allowed for voting and the clerk will record the vote. Forty-seven voting in the affirmative and one in the negative. The amendment passes and the bill is back before us.

Senator Apodaca: Mr. President.

Senator Pate: Senator Apodaca, for what purpose do you rise?

Senator Apodaca: I need to send forth an amendment that was sent forth earlier. It was probably Number 3 if I had to guess, or whatever. My amendment, I'd like to send it forth.

Senator Pate: Senator Apodaca is recognized to send forth his amendment. The clerk will read.

Reading Clerk: Senator Apodaca moves to amend the bill.

Senator Apodaca: Thank you, Mr. President, members; I'll explain the amendment.
Senator Pate: Yes.

Senator Apodaca: Thank you; this amendment was brought forth by various groups dealing with the disability folks and handicapped folks and trying to get it as accommodating as we can at the polls. So what we have done is agreed to study this and bring it back to us next year so we can implement strategies to help these folks get to the polls and accommodate them best we can. That's all this does. It says they'll present to the 2000 -- regular session in 2014, make the final report and hopefully be ready by the major election in '16. I ask for your support.

Senator Pate: Further discussion; further debate; Senator Nesbitt, for what reason do you rise?

Senator Nesbitt: Thank you, Mr. President; to speak on the amendment.

Senator Pate: You have the floor, sir.

Senator Nesbitt: This is the one that we've reviewed and it's appropriate.

Senator Pate: Further discussion; further debate; hearing none, all those in favor of the passage of Amendment Number 5 to House Bill 589 will please vote aye, all those in favor. And all those opposed will vote no. Five seconds will be allowed for
voting and the clerk will record the vote. Forty-eight having voted in the affirmative and none in the negative. The amendment passes. The bill is back before you.

Senator Rucho: Mr. President.

Senator Pate: Senator Rucho, for what purpose do you rise?

Senator Rucho: I would like to withdraw Amendment Number 3 and forward a new amendment, please.

Senator Pate: Amendment 3 is withdrawn and Senator Rucho may present his new amendment. The clerk will read.

Reading Clerk: Senator Rucho moves to amend the bill.

Senator Pate: Senator Rucho you’re recognized to explain the amendment.

Senator Rucho: Thank you, Mr. President, ladies and gentlemen of the Senate; this is pretty much the same as we discussed minus some cleanup in this bill that took care of this language that Senator Stein managed so that it wouldn’t be redundant. And then secondly there was an issue dealing with bond referendum dates that has been eliminated. I urge that you to pass this amendment.

Senator Pate: Further discussion and
debate on the amendment: Senator Nesbitt, for what purpose do you rise?

Senator Nesbitt: Question for Senator Apodaca.

Senator Pate: Senator Apodaca, do you yield?

Senator Apodaca: Yes, sir.

Senator Nesbitt: Senator Apodaca, I apologize to you. I thought we were going to do a perfecting amendment, but since it’s a new amendment, we need to review it if we can have an opportunity to do that.

Senator Apodaca: Okay.

Senator Nesbitt: Just displace it for ten minutes and I’ll have our staff read it and just make sure we know what we’re doing.

Senator Apodaca: That’s fine with me; ten minute recess, Mr. President?

Senator Nesbitt: Well, we can move on with other amendments if we can just displace this one.

Senator Apodaca: Sure, is that all right, Senator Rucho? Let’s displace that amendment and we’ll move forward on the bill.

Senator Pate: Amendment 6 is displaced.

The bill is back before you.
Senator McKissick: Mr. President.

Senator Pate: Senator McKissick, for what purpose do you rise?

Senator McKissick: To bring back that displaced amendment from earlier, I believe it probably would have been perhaps Amendment Number 2.

Senator Pate: Number 2, I'm not sure that we had it displaced. I thought you were contemplating that, but at any rate it's back before us at this time.

Senator McKissick: Okay, as indicated earlier, what this particular amendment would do, it's separate and distinct from what Senator Stein had suggested. I think that in off years what his recommendation is certainly would make sense, off-year elections. But in presidential years, we have unprecedented turnouts. As indicated, right now we have over 6.4 million voters here in North Carolina. We know that if we go back to 2008, we had about 705,000 who participated in voting in the first week of the early vote period. That's simply in the first week alone. We know that this past year, in 2012, we had over 900,000 -- 903,000 to be exact, who were participating in the early vote period during the very first week of early voting. So what this amendment
would do would simply say that when we’re having those
presidential elections, where there’s unprecedented
turnout and we want to avoid those long lines on
election days, we want to convenience voters as much as
we can. We want to increase participation in the
process, that we will restore the one week that would
otherwise have been cut simply in the years where there
are presidential elections. So I ask for your support
because I think all voters, regardless of their party
affiliations, enjoy voting early. We see that there
was a 200 person increase simply between 2008 and 2012
where 200,000 voters additionally participated. And I
feel certain that if you were to ask today, all of them
who participated early before in that first week of
early voting would want to see that restored certainly
in our presidential election years or general
elections.

Senator Rucho:       Mr. President.
Senator Pate:        Senator Rucho, for what
purpose do you rise?
Senator Rucho:       To debate Amendment
Number 2.
Senator Pate:        You have the floor.
Senator Rucho:       Mr. President, members of
the Senate, I thank Senator McKissick for his
willingness to step forward and do something to help.
I think based on Senator Stein's amendment when we put
a floor on there of the number of hours that existed in
'12 and in '08, this really is addressed and what it
does is it doesn't prohibit the county boards and/or
the state board from increasing the hours if the need
arises. That gives them the flexibility, so I urge
that since we've already addressed this issue, we vote
no on Amendment 2.

Senator Clark: Mr. President.

Senator Pate: Senator Clark, for what
purpose do you rise?

Senator Clark: Speak to the amendment.

Senator Pate: Senator Clark you have
the floor.

Senator Clark: Before I speak to the
amendment, I ask Senator Brown to yield for a question
if that's okay.

Senator Pate: Senator Brown, do you
yield?

Senator Brown: I will.

Senator Clark: Senator Brown, if I
remember correctly, you do have some military
installations in your district, right?

Senator Brown: Yes.
Senator Clark: Is it Seymour and --

Senator Brown: Camp Lejeune, New River Station.

Senator Clark: They have a very large military population, right? And it’s probably not uncommon that throughout the year they have training activities. Sometimes they go maybe a week, sometimes ten days where they’re working 24/7.

Senator Brown: That is true.

Senator Clark: Thank you; Mr. President, I have a concern with our veterans because also I’m from Fort Bragg where we have a large military population and throughout the year they’re engaged in training events. Sometimes they go for weeks, sometimes up to ten days 24/7. So I’m concerned about making sure that we have a wide enough span of time so that we can accommodate our military members who might potentially be engaged in training activities. I mean, when they’re engaged in those 24/7 training activities, they can’t just up and go and run to a polling place and vote. So I think it’s probably during those presidential elections for our veterans, let’s have an expanded time period so that they can take advantage of the opportunity to vote as well.

Senator Tillman: Mr. President.
Senator Pate: Senator Tillman, for what purpose do you rise?

Senator Tillman: Ask Senator Clark a question.

Senator Pate: Senator Clark, do you yield?

Senator Clark: Yes, I do.

Senator Tillman: We treasure the military vote very much as all of you do and especially those who represent them. We have absentee ballots that are available to the military including everyone else and they’re always going on training sessions and sometimes they’re not convenient and they are around election time. But in anticipation of that, each and every one of them could do an absentee ballot without I don’t think a lot of problem. They’ve been doing that in the past.

Senator Clark: Well, actually, that’s -- it’s not that simple, because I’m talking about for instance like at Fort Bragg where it’s a mission training complex, a lot of time the rank and file folks don’t even know they’re going to be engaged in training at any particular time. So if all of sudden we tell them they’re going to have to participate in a MRX, they won’t know that so they’re not going to be
submitting or requesting an absentee ballot in advance.

Senator Rabin: Mr. President.

Senator Pate: Senator Rabin, for what purpose do you rise?

Senator Rabin: I have a little bit of experience with the military. I think the amendment in the bill as therein stated right now is just fine. It will work out fine. In my experience, it's never been an issue. They can get the absentee ballot if they work on it; if the system would work better. And I've never known a commander who would deny the soldiers the right to vote and give them part time off. It just doesn't happen; hasn't happened in my experience. I won't say it won't happen once in a while, but in general, smoke and mirrors; thank you.

Senator Pate: Further discussion; further debate?

Senator Stein: Mr. President.

Senator Pate: Senator Stein, for what purpose do you rise?

Senator Stein: To debate the amendment.

Senator Pate: You have the floor.

Senator Stein: Thank you; this isn't smoke and mirrors. This is about people being able to vote in the election that they care about the most more
than any other, the general election and a presidential
election is the one where we have the greatest turnout
because it's what resonates with people the most. We
all know that all elections are important and we wish
people would participate in all elections. But in the
last presidential election, we had 900,000 people come
in that first seven days. And yes, we've mitigated the
problem with the amendment and I appreciate your
support of the amendment, but Senator McKissick's idea
just says on one election, one time every four years
let's keep it at seventeen days. It is an absolutely
sensible amendment and I support it and encourage you
to vote for it as well.

    Senator Clark:    Mr. President.

    Senator Pate:    Senator Clark, for what

    purpose do you rise?

    Senator Clark:    Speak to the amendment a

    second time.

    Senator Pate:    You have the floor.

    Senator Clark:    I served in the military

    for twenty years as well and in my experience it has

    been a problem. Matter of fact, I can remember during

    the last presidential election when I was actually at a

    polling site seeing a few troops show up there being

    escorted by one of their leaders and I guess they felt
pressure because they needed to get back to the post
and I can remember hearing one say, well, I'd like to
to get to vote and he says, well, we have to get back to
the post. We just don't have time. It doesn't matter
as long as we have elected the president you shouldn't
be concerned with that. So time pressures can have an
impact on our military troops and I'm certain that
probably the Major or the Lieutenant Colonel or the
Full Bird Colonel certainly wouldn't cotton to such,
but when you have those troops down there that maybe
are the rank of Sergeants, Staff Sergeant, something
like that, they're tending to try to please their
leadership, so sometimes they do things that they
probably should not do. So I think it's probably in
the best interest that we try to look out for those
soldiers who may be lower down on the totem pole to
make sure that they are given as much time as possible
to go to vote.

Senator Pate: Further discussion;

further debate?

Senator Hise: Mr. President.

Senator Pate: Senator Hise, for what

purpose do you rise?

Senator Hise: Speak on the amendment.

Senator Pate: You have the floor.
Senator Hise: Thank you, Mr. President, members of the Senate; we set forth an election process and we worked, county commissioners and other plan for elections that are coming each year so that we elect everyone from Soil and Water Conservation to President. It is not the purpose of our elections to provide a different system and a different timetable depending on which elections happen to be on the table that year. This is about consistency, that we will do our elections and provide people the equal opportunities when they are electing county commissioners as when they’re electing the president. This amendment changes that. This amendment says that when we’re fortunate enough to choose the electorates for our president that we open the system up in different areas differently than we do it at other times. It’s time that we put consistency, that’s what this bill is about, across the state so that people cannot continue to use the election policies to advantage themselves. So I ask that you oppose this amendment.

Senator McKissick: Mr. President.

Senator Pate: Senator McKissick, for what purpose do you rise?

Senator McKissick: Speak on the amendment a second time.
Senator Pate: You have the floor.

Senator McKissick: To be completely and totally consistent, it would be best not to change existing law, but that's not what this bill does. This bill radically changes existing law. It's a voter suppression act. We don't even want the kids in high school in their civics classes to get pre-registered to vote.

Senator Pate: Senator McKissick, will you stick to the amendment that's before us?

Senator McKissick: Absolutely, but I want to be very clear, based upon Senator Hise's comment, that we are doing something that is different because what we are doing is changing existing law. I would be very happy if we did allow the additional week in every election year in every election cycle. I think that would be the right thing to do. But since this bill is proposing to decrease it and because it is decreasing it, I'm simply asking that as a convenience to voters, those voters who came out en masse in 2008, those that came out en masse in 2012, those that will come out en masse again in 2016, that we respect the fact that they don't want to wait in very long lines, that they don't want to sit there and have to wait for some court to enter an order so all the people waiting in line can
possibly vote, because when we have those two and three
hour lines, a lot of people don’t stay there. They
don’t get a chance to exercise that constitutional
privilege. So this is simply as an accommodation to
voters regardless of whether they’re Republican,
Democrat or unaffiliated, but simply as an
accommodation to voters to give them that extra week.
Yes, it would be better if it was consistent every
year, but I’m taking for granted the fact that that’s
—— my best wish will not be realized. So I’m simply
saying to be fair and reasonable to those voters who we
know will go back. Those voters, a sixth of whom in
this state came out and voted in the first week this
past year in 2012, those voters who will come out again
at the next presidential general election, that they
get that privilege.

   Senator Pate:  Senator Ford, for what
   purpose do you rise?

   Senator Ford:  Mr. President, to speak
to the amendment.

   Senator Pate:  You have the floor.

   Senator Ford:  Just briefly, and I want
to be real consistent here. For me it’s about
expanding the voting opportunity process. We just
heard from one of our members talking about the
military. Why would we not want to accommodate our
military? We're talking about voting here, folks,
voting. Give people the opportunity to vote.
Regardless of how they vote, I just want them to vote.
I cannot believe that I'm listening to you talk about
limiting a voting process. This is extremely
disturbing to me. Can we please move on and support
this amendment?

Senator Pate: Further discussion;
further debate; hearing none, all those -- the question
before the Senate is the passage of Amendment 2. All
in favor will vote aye. All opposed will vote no.
Five seconds will be allowed for voting and the clerk
will record the vote. 17 having voted in the
affirmative and 31 in the negative, the amendment
fails. The bill is back before the Senate.

Senator Rucho: Mr. President.

Senator Pate: Senator Rucho, for what
purpose do you rise?

Senator Rucho: I think we're all set to
take back the amendment that was put aside. I think it
was Amendment Number 6.

Senator Pate: Amendment 6 is back
before us. Senator Rucho, you are recognized to speak
on the amendment.
Senator Rucho: Thank you, sir; I think we've already explained it and I believe Senator Nesbitt has had a chance to review it and I think we're ready for vote. I urge you to vote for this amendment.

Senator Pate: Senator Nesbitt, for what purpose do you rise?

Senator Nesbitt: To speak on the amendment.

Senator Pate: You have the floor, sir.

Senator Nesbitt: Thank you, Mr. President; and in order to be reciprocal here, Senator Rucho was so persuasive and he amended his amendment that we now support the amendment and I urge everyone to support it.

Senator Pate: Further discussion; further debate; hearing none, the question before the Senate is the passage of Amendment Number 6. All in favor will vote aye. All opposed vote no. Five seconds will be allowed for voting and the clerk will record the vote. 45 having voted in the affirmative -- I'm sorry. We have some more who haven't checked in just yet. 47 having voted in the affirmative and 1 in the negative, Amendment 6 passes and the bill is back before us.

Senator Kinnaird: Mr. President.
Senator Pate: Senator Kinnaird, for what purpose do you rise?

Senator Kinnaird: To debate the bill.

Senator Pate: You have the floor.

Senator Kinnaird: Senator Rucho has quoted a poll that says that 70 percent of the population supports voter ID. But there is a great deal in this bill beyond voter ID that people simply do not support. Straight party voting, 500,000 more Democrats voted in the last election than Republicans. And now we’re removing straight party voting. That’s a little odd to my way of thinking. But what is really popular with the public is early voting. Well over 75 percent of people very much like and participate in early voting. So it is very odd to me that we would limit the most popular part of voting. And in addition, I have a personal interest in this, because like Senator Nesbitt and Senator Rucho, I introduced a bill on the behest of the students of the University of North Carolina at Chapel Hill. They were looking for a place where they could vote on campus, all of them at once. And what we came up with, working with Senator Nesbitt, was actually early voting. So my students had asked me and I was very glad to introduce that, and when it became early voting, everybody won. And we were all very
pleased about that. And this will have an impact, this bill, in addition to these other parts in early voting, because 29,200 UNC students just at Chapel Hill alone will be disadvantaged and 12,500 in just my community college in Durham, in Chapel Hill, in Orange County will be disadvantaged. And why would we want to disadvantage our young voters, those who are going to be sitting here some day, those who are going to be making the public policy that we are making? Why we would want to disadvantage them by making it harder for them? So to that end, Mr. President, I am sending forth an amendment.

Senator Pate: Senator Kinnaird, you may send forward your amendment. The clerk will read.

Reading Clerk: Senator Kinnaird moves to amend the bill.

Senator Pate: Senator Kinnaird, you are recognized to debate the bill -- your amendment.

Senator Kinnaird: Thank you, Mr. President; what we are going to do is restore this to where we were before so that we're back to the second Tuesday before an election so that we have again enough time that these students and all students across the state, in the military and everybody else has enough time, because we know that it has worked and over 75 percent
of the population would like to have that advantage.  
So I urge your support of this amendment; thank you.

Senator Rucho: Mr. President.

Senator Pate: Senator Rucho, for what purpose do you rise?

Senator Rucho: Debate Amendment Number 7.

Senator Pate: Senator Rucho, you have the floor.

Senator Rucho: Thank you, Senator Kinnaird, for bringing forth your amendment; this issue has been addressed in providing additional hours under Senator Stein’s amendment in actually offering some additional time based on the flexibility in the county and on the State Board of Elections to provide the opportunity for more satellite locations to meet the needs of every one of the 100 counties and the population with in those counties. There’s no need to change what we’ve already got. We’ve got a good plan in this bill and I urge you to oppose Amendment 7.

Senator Kinnaird: Mr. President.

Senator Pate: Senator Kinnaird, for what purpose do you rise?

Senator Kinnaird: To speak a second time because I wasn’t clear what this does; when it sunsets,
which we would say, well, let’s find out what works in your bill, we’re thinking that we’re putting a sunset on it so that we can find how this would work and then it comes back to where it was.

Senator Pate: Further discussion and further debate; hearing none, the question before the Senate is the passage of Amendment 7. All in favor will vote aye. All opposed will vote no. Five seconds will be allowed for voting and the clerk will record the vote. 16 having voted in the affirmative and 32 in the negative, the amendment fails. The bill is back before the Senate.

Senator Graham: Mr. President.

Senator Pate: Senator Graham, for what purpose do you rise?

Senator Graham: Speak to the bill.

Senator Pate: You have the floor.

Senator Graham: Voting is one of the most fundamental and cherished rights for all citizens. For me it is intellectually dishonest to say that this bill is about election reform. It’s not about restoring integrity to the voting place in North Carolina. Integrity has already been established. It’s not about providing voting transparency. Transparency has been established. It’s not about making sure that we don’t
have any political games being played. Games are being played as we speak. It's not about providing confidence, honesty, integrity and trust in government. Trust is being lost as we speak. It’s not about what other states are doing across the country. They’re doing the same thing that we are doing, denying access for people to vote. It’s not about students not knowing that if they pre-registered at sixteen, they can’t vote until eighteen. It’s about hurting and taking away the right to vote for the elderly across North Carolina, for those who are poor, people of color and students. It’s about impacting urban communities throughout North Carolina, whether it’s in Mecklenburg or Guilford or Forsyth or Wake or New Hanover County where a lot of people go to vote on election day. They will be severely impacted. For an example, last year in Mecklenburg County 280,000 citizens or 62 percent of the voters early voted. On election day only 170,000 folks voted. To cut back early voting on election day will severely impact Mecklenburg County. It will cost money. It will require additional voting sites and locations and it will disrupt voting on that day. I predict it will happen in all urban counties across North Carolina many of whom by coincidence just happen to be Democratic, probably just a coincidence. It’s
about creating longer lines, buying new equipment, Section 2 claims, and other things that will happen because of this bill. Why in the world would we want to end straight party voting? By coincidence maybe because Democratic voters do that, I don’t know. Why would we want to cut down the length of time for people to vote? Senator Ford is correct. We should be -- we should be expanding opportunities for people to vote. Why in the world do we want to end same day registration and voting? And why are we picking on the kids? Pages in this body come every week since January. They’re fifteen and sixteen years old. They’re seeing government in action. They can get a driver’s license. They could get a probational driver’s license for graduating privileges. But yet they can’t pre-register to vote because somehow it gets confused -- gets confusing between sixteen and eighteen. They just can’t figure it out. Why in the world will we not allow college students in North Carolina to show their college ID’s? We’re talking about accredited universities. We’re talking about Wake Forest, Duke, Johnston C. Smith, Winston-Salem State. Why can’t these college students use their ID’s to be eligible to vote? They’re raising more money by this bill. Major corporations, others can contribute
more money, but the people get less access. This bill
goes against everything that we should stand for.

Senator Brock:       Mr. President.
Senator Pate:        Senator Brock, for what
purpose do you rise:

Senator Brock:       Will Senator Graham yield
for a question?

Senator Graham:      Not at this time, thank
you, sir.

Senator Pate:       Senator Graham does not
yield. Senator Graham, you have the floor.

Senator Graham:      This bill goes against
everything that we should stand for as Americans, as
North Carolinians. The basic right to wake up whether
it's two weeks before election day or on election day
and not have to worry about artificial barriers in my
way to vote. Now the Supreme Court recently made a
decision and they moved the speed bump along the way to
slow states like North Carolina down and now you've got
that sucker in fifth gear and you're moving it; no
speed bumps in the way you think. But I predict this,
this body has talked a lot about creating jobs in North
Carolina, and we have for the legal community. Lots of
jobs, bad bills, going to court; this bill is yet
another example. I met a couple of students today at a
press conference discussing this issue, students in North Carolina that attend our public and private institutions, many of whom were former pages in this building, coming to their state capitol saying why are you doing this. Why is this bill punishing me and impairing my right to vote? One student even said, asked the question to Senator Berger about it, I’ll just ask it out loud and he can answer it if he wants to. Question by William Barber, III, North Carolina State Youth College Division of the NAACP, why, Senator Berger, do you wish to eliminate pre-registration for sixteen and seventeen year olds who will soon be future participating citizens? He asked me. I told him I didn’t know, that I want to create access, that in Charlotte we have kids voting program and we kind of take our children to the polls with us and we go vote one way and the kids will go vote in another location where they can practice participating in democracy. But yet we are eliminating that today. Now I understand that we are one of fifty states and I understand that, you know, just like movies, you know, you want -- you make a movie and you get a hit and all of a sudden six months later someone else has the same movie with a different title trying to get a hit too. So I understand, you know, Pennsylvania passed this law
and Florida passed this law, but it was bad in Florida and the guys from Pennsylvania basically said it, we are passing this bill to assure that Romney wins Pennsylvania. They said it. It wasn't about electoral reform. It wasn't about honesty and integrity in government. It was about winning. He lost that state. This is about winning, putting in place artificial barriers, denying students the right to vote; college ID's, can't use that? Mr. President, I'd like to send forth an amendment.

Senator Pate: Senator Graham is recognized to send forward his amendment. The clerk will read.

Reading Clerk: Senator Graham moves to amend the bill.

Senator Pate: Senator Graham, you have the floor to explain your amendment.

Senator Graham: Thank you, Mr. President; members of the Senate, this amendment does three basic things. One, it restores pre-registration for high school students. It is not difficult. It is not cumbersome and in fact I have an experience too, my daughters said the same thing too. They didn't have any trouble getting it done and they clearly understood that they couldn't vote until eighteen, but they were
eager to register when they got their license. And when they turned eighteen, they were eager to vote for their daddy. This amendment also restores same day registration and it makes sure that if you are from an accredited college or university, you can use your college ID, Duke, Wake Forest, Chapel Hill, Elizabeth City, Winston-Salem State, Livingstone. I think this is -- if we really want election reform, I think this amendment at least moves us in the right direction. I hope you'll accept it.

Senator Apodaca: Mr. President.

Senator Pate: Senator Apodaca, for what purpose do you rise?

Senator Apodaca: Motion, please.

Senator Pate: Senator Apodaca, you're recognized for a motion.

Senator Apodaca: Thank you, Mr. President; I move that Amendment 8 be laid upon the table.

Senator Brunstetter: Mr. President.

Senator Pate: Senator Brunstetter, for what purpose do you rise?

Senator Brunstetter: Second the motion.

Senator Pate: The motion is to table Amendment 8.

Senator Graham: Mr. President, nullify.
Senator Apodaca: Mr. President, this is a non-debatable motion.

Senator Pate: All those in favor of the motion proposed by Senator Apodaca will vote aye. All those opposed will vote no. Five seconds will be timed and the clerk will open the vote.

Senator Tillman: Mr. President.

Senator Pate: 34 having voted in the affirmative and 14 in the negative, the amendment passes. The bill is back before us. Senator Tillman, for what --

Senator Tillman: We're back on the bill.

I believe, Mr. President, we're back on the bill.

Senator Pate: The amendment lies on the table. Now we're back on the bill.

Senator Tillman: Thank you, Mr. President; Senators and -- Senator Graham, you're long on oratory and short on facts. You need to take a look at what Georgia did when they passed -- they're demographically a lot like North Carolina, have a higher minority population than we do. Otherwise, the demographics are about the like; right, Senator Goolsby? Check what happened after that 2012 voter ID law; see if it didn't go up, more so for minorities even than the Whites. It's a fact. That's not rhetoric. That's not playing
to the crowd and the TV cameras. That’s a fact. An overwhelming majority of minority voters favor voter ID. That is a fact. Overwhelming majority of voters in general favor voter ID. Voter ID, you’re wanting to know why we’re doing this bill. And the people that I talk to say why in the world haven’t you done this bill. Thirty-five other states have and they’re getting good results. You named a couple of states and I just ask you to check the one closest to us with the demographics most like us and see what the results are. Voting increased in all sectors, all races greatly ever since then. That’s a fact. And if anyone thinks that proving who you are is going to disenfranchise anybody and we’re going to give them an ID -- no, Senator, I won’t yield. If someone is going to give them an ID and they still say that they can’t vote, that’s foolishness.

Senator Stein: Mr. President.

Senator Pate: Senator Stein.

Senator Tillman: I will not yield for a question.

Senator Pate: He does not yield.

Senator Tillman: When I finish, you can ask all you want to, Senator Stein. I’ve heard about 15 minutes of it and I’m going to give you only five.
The people I hear from want to know why in the world we haven't done this to get voter integrity out there. And you say, well, there's only a couple of cases, Senator Stein. If you don't check it, you ain't going to detect it. We don't know how many thousands of cases. And one-day registration, you think it's such a great idea to have mobs and mobs of people up there that have never bothered to register in a huge election and they want to come in on election day and register to vote and then you've got to deal with that provision and check all those out. That creates havoc. That creates the opportunity for fraud and everything else. If you don't think enough about voting to make sure you're registered -- it used to be 30 days in advance, Senators, until recently. This is good common sense voter integrity election law and I'm proud that we can offer this bill and not a single soul will be disenfranchised. What it does, it does disenfranchise fraud. And a lot of people don't like it, but, folks, the people I've talked to, minorities as well as Whites, say sure, it's common sense and we ought to be able to prove who we are, and anybody that would say that we shouldn't have to do that, to me don't want election free and election with integrity. I think that's what this bill does and I'm proud that we could
offer this legislation.

Senator Parmon: Mr. President.

Senator Pate: Senator Parmon, for what purpose do you rise?

Senator Parmon: Thank you, Mr. President; to speak on the bill.

Senator Pate: You have the floor.

Senator Parmon: As I sit here and listen at this debate, I reflect on the number of years as a young woman helping to prepare African-Americans to vote. So as I sit here, this is very disheartening for me. And as I listen to us talk about photo ID, that's no longer an issue in this bill. House Bill 589 is purely and simply a voter suppression bill. And as we celebrated and thought about Representative Womble came today to celebrate on the House side the good deed -- a good deed we thought, but us justly compensating victims we created with sterilization. I thought about how closely we are coming to doing that again today.

As elected officials and policy makers, we are taking it upon ourselves to pick winners and losers in this state by creating barriers to voting and to the constitutional rights of the citizens of this state.

I've heard us compared to Georgia. I've heard us compared to Florida, Pennsylvania. But I want to
remind every one of us that we are North Carolinians. And one young lady sent me a text to say that I am not from Georgia. I’m not from Florida. I’m from North Carolina and I want my constitutional right to be recognized. I do not want you all to give barriers and put up barriers that will make it difficult for me to vote in the state of North Carolina. And I will tell you as an African-American, as a woman, I fit most of the categories that people talk about when we talk about the barriers. And I remember too many African-Americans that I’ve had to work with to encourage, elderly people that have -- for years were afraid to vote. And now we’re here again creating confusion and chaos about a constitutional right. This is immoral. It’s evil and it’s unnecessary. And I tell you I am offended as a North Carolinian and as an African-American woman to be discussing here today on this floor barriers to suppress the vote; thank you.

Senator Pate: Further discussion; further debate?

Senator Robinson: Mr. President.

Senator Pate: Senator Robinson, for what purpose do you rise?

Senator Robinson: To speak to the bill.

Senator Pate: You have the floor.
Senator Robinson: Voting is a constitutional right and anyone anything that stands in the way of that suppresses that right. It is my position that House Bill 589 stands in the way of many who exercise or want to exercise their right to vote. Different from you, Senator Tillman, a large majority of my constituents are African-Americans and I would say that 99.9 percent oppose this bill. I also came from Georgia forty-five years ago and I came out of a segregated South that denied my mother, my father, my grandparents and everyone else the opportunity to vote. That is a treasured and a precious right that in this bill you’re trying to take from people. I want all of you to get a copy of the recent biography of former Supreme Court Justice Henry Frye, the first African-American elected to the North Carolina House of Representatives in the 20th century who served in this Senate from ‘81 to ‘82 and in 1999 became the Chief Justice of the Supreme Court in North Carolina, the first African-American. Justice Frye is one of my constituencies, one of my friends and he’s a church member where I’ve been a member for forty years or more. In Justice Frye’s own words he talks of how he was denied the right to vote in Ellerbe, North Carolina. After graduating as the Valedictorian from
Mineral Springs High School, he moved to Greensboro to attend North Carolina A&T State University where he graduated Summa Cum Laude. He was a Second Lieutenant in the United States Air Force and rose to the rank of Captain. When Frye returned to Ellerbe, North Carolina to vote, he was required to pass a written test to register to vote. They did not approve his right to vote. He had to return, but his failure of the test motivated Justice Frye to become an attorney so that he could prevent others from enduring the same humiliation. Why, you say, do I recite this? First, so some of you understand some of the history, the bad history of this state in terms of voter suppression and the struggle that many of my predecessors had in obtaining that right; secondly to accentuate the fact that voting rights have been denied for centuries in this country; and thirdly to say that years ago the right to vote, the right to deny anyone’s right to vote was based on the color of one’s skin under the guise of literacy. I want you to read Justice Frye’s biography so you too will learn and understand one of the ugly parts of history -- one of the uglier parts of North Carolina’s history. But hopefully you’ll understand the mistakes that you’re repeating in this legislation. This legislative year becomes a new day in the history
of North Carolina. House Bill 589 denies the right to
vote based on a valid photo ID, based on your
acceptable standards. Probably one of the most
appalling section is Section 2.2, the reasonable
resemblance determination, which says if the election
official determines the voter's photo ID does not bear
any resemblance to the voter, the judges of election
precincts would be required to rule on the matter. Now
I've been a chief judge, one for about ten years. Now
Senator Clark the other day showed me his acceptable
photo ID and I would say as a previous chief judge that
his former appearance, still, dark skin, young, long --
elongated face with a beard of black hair does not
really look like him today. He has a bit of aging in
his face and a little gray on that head. So an
election person in his precinct might determine that
Senator Clark is just another young Black man in
Fayetteville perpetrating someone who desires to vote.
As a matter of fact, Senator Clark might say that my
gray hair does not resemble my photo some years back at
Bennett College. How appalling this is, you say, but
how appalling is this legislation that takes this great
state of North Carolina back to the days when voting
was denied to my parents, grandparents and many of your
parents and even when I fought for the rights of my
people to vote and to register them. Do you want to return to the Jim Crow South? Recent data shows that more than 318,000 registered voters in North Carolina lack a photo ID. It is no surprise that the photo requirement disproportionately affects African-Americans. We are 23 percent of all registered voters, but 34 percent of those without a North Carolina photo ID. We too as women are disproportionately affected. We make up 54 percent of voters, but 64 percent of those without a state issued photo ID. Democrats, of course you know this, are nearly three times as likely not to have a photo ID as Republicans. Nowhere in this bill is a photo ID required for an absentee ballot, however. Mr. President, I'd like to send forth an amendment.

Senator Pate: Senator Robinson, you may send forth your amendment. Clerk will read.

Reading Clerk: Senator Robinson moves to amend the bill.

Senator Robinson: This amendment --

Senator Pate: Senator Robinson, you may explain the amendment.

Senator Robinson: Yes, thank you, Mr. President; this amendment would assure that anyone who shows up at the polls without one of the approved state
photo ID's or whatever those requirements are and has to leave to go downtown somewhere or to a DMV and get a photo ID, and I know a lot of elderly people that I served as a Chief Judge in my precinct who would have to do that because all they have is a Bible with their names on it and birth date. But this would mean that they would have the same opportunity as anyone using an absentee ballot, the same opportunity. It means that they wouldn't have to go down and try to come back again and vote. Instead, they could use one of the same items that absentee ballots are able to use. And you see those listed here and I don't have to recite those to you. But if it's good enough for people to use who are sending in absentee ballots to get counted, it ought to be good enough for people who come to voting sites without their photo ID's and they can vote that same day. I commend the amendment to you.

Senator Goolsby: Mr. President.

Senator Pate: Senator Goolsby, for what purpose do you rise?

Senator Goolsby: Will Senator Robinson yield for a question?

Senator Pate: Senator Robinson, do you yield?

Senator Robinson: Yes.
Senator Pate: The lady yields.

Senator Goolsby: Thank you, Mr. President; how many North Carolinians did you say are without ID's and would require them from the state?

Senator Robinson: The data that I received says -- let's see, 318,000 registered voters lack ID. And that came from a Charlotte Observer article.

Senator Goolsby: Yes, ma'am; would she yield for another question?

Senator Pate: Senator Robinson, do you yield?

Senator Robinson: Yes.

Senator Goolsby: Do you know that back in 2005 when Georgia went through this same exercise, the liberal newspaper said that there would be 600,000 voters that would be disenfranchised and require ID's? Are you aware of that, Senator?

Senator Robinson: Sure, I am.

Senator Goolsby: And are you aware also, ma'am -- further question?

Senator Pate: Yes, go ahead, sir.

Senator Goolsby: That when the facts came in, since 2007 when Georgia actually cleared this law through the courts that 29,611 ID's over the last seven years have actually been issued. Are you aware of
that?

Senator Robinson: Yes; as a matter of fact, Senator Goolsby, my sister is the manager of one of those precincts. And are you aware also, as I answer you, that a lot of those folks who actually did not vote are not being counted?

Senator Goolsby: Yes, ma’am, and would you agree with me that 600,000 which was originally alleged versus the 29,611 is a far cry from the initial number put out by the liberal press?

Senator Robinson: Are you aware -- yes, but are you aware also of what the current number of unregistered voters there are in Georgia and registered voters as opposed to those who have photo ID’s?

Senator Goolsby: I’ll yield for a question. Yes, ma’am, go ahead.

Senator Robinson: I already --

Senator Goolsby: No, I am not.

Senator Robinson: -- asked you the question. You’re not. Okay, do you have another question?

Senator Goolsby: I do, one more. Will she yield for one more question?

Senator Pate: Can we go through the chair to ask and answer questions?
Senator Robinson: I apologize, Mr. Chair.

Senator Pate: Senator Goolsby, you have a question of Senator Robinson?

Senator Goolsby: I do.

Senator Pate: Senator Robinson, do you yield?

Senator Robinson: Yes.

Senator Goolsby: Are you aware, ma'am, that from 2006 before voter ID was implemented in Georgia through 2010 that Black voter participation rose by 44 percent and that Hispanic voter participation rose by 67 percent and White participation rose by only 12 once photo ID in Georgia was actually established, my home state?

Senator Robinson: Yes, I am aware and now you're aware that -- may I ask him a question too?

Senator Pate: Senator?

Senator Goolsby: I yield.

Senator Pate: Senator Goolsby yields, yes.

Senator Robinson: Okay, are you aware that Georgia is Republican controlled, and prior to the 2000 years, the majority of the voters in Georgia were White Americans?

Senator Goolsby: Yes, ma'am, I'm only --
yes, I am. Will you yield for a question?

Senator Pate: Senator Robinson, do you yield?

Senator Robinson: Yes.

Senator Goolsby: Ma'am, the years I'm talking about are actually 2006, the year before voter ID was implemented in Georgia through 2010. We're talking both the 2008 and the 2010 election. That is the first year that President Obama ran and then the off year, that voter participation in Georgia with minorities, Blacks rose 44 percent, Hispanics rose 67 percent. White voter participation only went up 12 percent. Aren't those good numbers for minorities? Would you at least agree with that, Senator?

Senator Robinson: You know, Senator Goolsby, I don't agree with you because it ought to be 100 percent.

Senator Pate: Let's --

Senator Robinson: I'm answering, Mr. Chair. It really should be 100 percent participation by minorities because minorities are the ones who are denied the right to vote for centuries in this county and their rights were suppressed. And you again are doing the very same thing so that you will not have the turnout of minorities in the next election.
Senator Graham: Mr. President.

Senator Pate: Senator Graham, for what purpose do you rise?

Senator Graham: Ask Senator Robinson a question.

Senator Pate: Senator Robinson, do you yield?

Senator Robinson: Yes.

Senator Graham: Do you represent anybody in Georgia?

Senator Robinson: No, my mother still lives there, but I represent North Carolinians.

Senator Hise: Mr. President.

Senator Pate: Senator Hise, for what purpose do you rise?

Senator Hise: Speak on the bill.

Senator Pate: You have the floor.

Senator Hise: Thank you, Mr. President, members of the Senate; we’ve heard a lot of numbers tossed out there today. I guess it’s a good start. 300,000 individuals don’t have ID’s issued in the state, particularly state issued ID’s from the DMV. I think we’re missing out -- the first fact is that when you look at identification cards and driver’s licenses, first the DMV issues more than the adult population of
the State of North Carolina. So there are more out
there than the census say we have people over sixteen
in the State of North Carolina that exist. Now there
is a question as to whether or not those match up with
the state voter database. The state voter database
would also indicate that in 2012 8,241 people voted who
were 112 years old. It’s called legacy data in the
system. Everyone who is registered to vote prior to my
Junior year of high school, ’93, is a legacy system and
we’re not required to have full data in order to be
registered to vote, so therefore they put in blank data
systems such as 1-1-1900 as their date of birth when
they upgraded the system. When those do not match with
the DMV numbers now, i.e. the person was not born in
1900, it is showing that there is not a match in the
database. That person doesn’t have an ID. That’s
simply not the case. The numbers are vastly inflated.
And we’ll talk about ID’s. I know this has kind of
been here. I brought my community college ID where I
Teach. I just ask the first question for anyone here,
what does Mayland Community College ID look like? What
does a Western Carolina ID look like? What does East
Carolina’s look like? Now if you were to add all
that’s been proposed previously to 55 community
colleges, 16 universities, 36 independent colleges, 107
ID's that you're asking every precinct worker to be able to identify if they come through. That's why we've limited this. The individuals know what a passport looks like or a driver's license in the State of North Carolina. I also say that this same ID says nothing --

Senator Stein: Mr. President.
Senator Hise: Sure, I'll yield.
Senator Pate: Senator Stein, for what purpose do you rise?
Senator Stein: To see if Senator Hise will yield for a question.
Senator Pate: Senator Stein -- Senator Hise, do you yield? Senator Stein, go ahead with your question.
Senator Stein: Does your community college ID have the name of your community college on it?
Senator Hise: Senator, it is emboldened in the logo, but other than that, it does not.
Senator Stein: Follow-up question, Mr. President.
Senator Pate: Do you yield, Senator Hise?
Senator Hise: I yield.
Senator Stein: We talked a lot about Georgia. Are you familiar that no fewer than 50 Georgia universities, colleges and community college ID's are a valid form of photo ID in order to vote in Georgia?

Senator Hise: I am not aware. I have not mentioned Georgia and am not aware of where they -- what their laws are. I can -- I am aware of North Carolina's community college and university system and the types of ID's that they issue.

Senator Stein: One final follow-up question.

Senator Pate: Do you yield?

Senator Hise: I yield.

Senator Pate: Yes.

Senator Stein: Thank you, Mr. President; Senator Hise, do you think that if somebody goes to the trouble to make a fake ID with your community college on it might also be able to go to the trouble of making a fake ID that looks like a driver's license in North Carolina?

Senator Hise: Mr. President, and I think some of our transportation people may respond better to this. Actually if I look at my driver's license and from identifying holographic images,
reproduction things that are available on this that make it I would say at least exceptionally difficult, I will say that spending several years working as a hall director as well, I didn’t have a lot of trouble identifying what was a false identification that I was handed for someone claiming to be over twenty-one years of age on several occasions that we’re going through. That’s not a difficult determination in looking through these. But we also have a few other things, if I may continue, that would come through that are also important for voting. This also indicates an address, so when you show up at the voting polls and you have to give your name and address, this indicates an address. The key thing to a passport and a driver’s license now in the State of North Carolina and I believe many of you were responsible for this change, is that when a driver’s license is issued from the DMV it is not handed to you. It is actually mailed to the address on the license. So it’s a further verification that you receive mail at that address that is going forward. So we have not only verified that you are a resident, that you claim to be who you are, that the address you have claims to match more than we’ve handed something that looks like your picture moving forward. It’s quite simple. Voting is a right. Voting is a right worth
protecting in the State of North Carolina. I do come
from an area in the state that's probably got more
stories on voter fraud than you'll ever hear. I can go
to areas and show you ballot boxes from the '50's and
'60's that were fished out of the river because they
were replaced with ballot boxes. I can tell you the
names of individuals at other times who I was told that
members of the other party could just hand a couple of
hundred dollars to and they could predict election
results within a hundred votes because that's how they
filled them out moving forward. We haven't suddenly
changed as a society so that doesn't occur. It's gone
underground. Several of these individuals that I'm
aware of all these accusations still hold very -- or
until recently held very high positions in the board of
elections across the state. But I'm here to tell you
that voter fraud is still real in this state. There
were times that were epidemic. And whatever we can do
to protect the integrity of that system and today we're
taking steps in doing that and requiring a valid ID
issued and verified by the state when a person shows up
to vote is a common sense measure and I'm confident the
voters of North Carolina see it that way as well.

Senator Clark: Mr. President.

Senator Pate: Senator Clark, for what
purpose do you rise?

Senator Clark: Ask Senator Hise to yield for a question.

Senator Pate: Senator Hise, do you yield?

Senator Hise: I yield.

Senator Clark: Senator Hise, when it comes to statistics, we often forget our basic statistics that we had in college. It's accurate that the correlation does not necessarily imply causality, is that correct?

Senator Hise: That is correct.

Senator Clark: Okay, so oftentimes we want to say, well, in Georgia from 2006 to 2010 they implemented voter ID and the voter population -- or at least Senator voting by African-Americans went up; therefore, one caused the other. But we can't really say that, right?

Senator Hise: I yield, Mr. President.

Senator Pate: Yes.

Senator Hise: I think that you have shown -- it is different to say there is a cause, but I have seen no other explanation for the correlation.

Senator Clark: Okay, well, I'll give you that then. Okay, Georgia, the increase was 17 percent,
okay, from 2006 to 2008 -- I mean, from 2006 to 2010 in terms of African-American voting. In North Carolina, the same time frame we didn’t have voter ID, the percentage of African-American voting went up 40 percent. That’s 23 percent more. So what’s the cause for that?

Senator Hise: There is a correlation when you look simply at the State of Georgia between they increased these and the time period they had passed voter ID. In the State of North Carolina, we had no such stimulus. So if there’s an increase that is attributable to that, that 40 percent had we passed this at that time could have been 60 percent, 65 percent. Correlations do have a direction and a positive correlation would indicate a positive correlation.

Senator Clark: Mr. President.

Senator Pate: Senator Clark, for what purpose do you rise?

Senator Clark: To speak to the amendment.

Senator Pate: Yes.

Senator Clark: Okay, we have just seen in the State of North Carolina voter participation by African-Americans in 2006, 2010 went up by 23 percent
more than it did in the State of Georgia because North Carolina did not have the voter ID. So if we’re going to say the correlations does imply causality, I would say that the reason it went up so much more in North Carolina was because we did not have the voter ID.

Senator Pate: Senator Davis from Greene, for what purpose do you rise?

Senator Davis: To see if Senator Hise would yield for a question.

Senator Pate: Senator Hise, do you yield?

Senator Hise: I will yield.

Senator Davis: Thanks, Senator Hise; what I would like to do is just shine some light perhaps and just get your response. Outside of serving here, I’ve actually been in education, higher education for fifteen years actually as a Sociologist. The first thing I would like to clearly clarify in terms of methodology in the past conversation, correlation and causation are two different methodologies. So I would like to establish that. Correlation is the relationship. Causation is cause and effect. Even though this has been part of the conversation, it’s come up a couple of times in this chamber and I’ve heard it before, when we look at the results in
Georgia, I would concede, based on the facts as reported, a 44 percent increase amongst the minority community. However, it would appear to be a loose use of the data to draw a conclusion of causation, the cause being a law was passed and the effect being more minorities therefore voted. There is in the world of research what’s called the Hawthorne Effect. When a subject may be aware that they’re actually being under investigation, they may perform differently.

Senator Apodaca: Mr. President.

Senator Pate: Senator Apodaca, for what purpose do you rise?

Senator Apodaca: Are we going to have a question sometime or are we going to have a dissertation?

Senator Pate: Senator Davis, please get to your question.

Senator Davis: I will, Mr. President. Long story short, what we don’t know in terms of the intensity is were they responding because of their opposition to the law because advocacies rally or are they opposition because they favor the law. And my question is, would you not agree that a more longitudinal study examining this over time would be a more concise way of drawing a conclusion of causation?
Senator Hise: There's some absolute --

Senator Bryant: Mr. President; excuse me.

Senator Pate: Senator Hise, you're allowed to answer the question.

Senator Hise: There's some absolutes in studies. First of all, one of those is more data and a longitudinal study always leads to better conclusions. That's the nature of it, although at some point you get diminishing returns. Causality is not provable by data. You cannot prove causality. It's impossible. You can however prove that a correlation exists. In this study to be reported as a correlation, you are in the probability that it's less than one in 1,000 that it could not have occurred.

Senator Bryant: Mr. President.

Senator Pate: Senator Clark, you have your microphone on. Do you wish to speak? Senator Bryant, for what purpose do you rise?

Senator Bryant: I'd like to send forward an amendment, Mr. President.

Senator Pate: I believe -- we have an amendment on the floor we're going to get around to in a little bit.

Senator Bryant: Excuse me, Mr. President.

Senator Rucho: Mr. President.
Senator Pate: Senator Rucho, for what reason do you rise?

Senator Rucho: We’ve had a lot of great debate, probably a good time to vote on this amendment and I urge you to vote no.

Senator Pate: Is there further discussion or debate? Hearing none, the question before the Senate is the passage of Amendment Number 9.

Senator Stein: Mr. President.

Senator Pate: Senator Stein, for what purpose do you rise?

Senator Stein: To see if Senator Robinson will yield to a question.

Senator Apodaca: Mr. President.

Senator Pate: Senator Apodaca.

Senator Apodaca: You were calling the vote. Continue.

Senator Pate: I agree.

Senator Stein: Mr. President, point of order.

Senator Pate: State your point of order.

Senator Stein: I was recognized to ask a question and you recognized me. I’d like to ask my question, please.
Senator Apodaca: Mr. President.

Senator Pate: Senator Apodaca, for what purpose do you rise?

Senator Apodaca: Point of order.

Senator Pate: State your point of order.

Senator Apodaca: Senator is out of order. He shouldn’t have set up when you were calling the vote.

Senator Pate: The chair rules that Senator Apodaca is correct. I was calling the vote. I mistakenly recognized you. Forgive me. The question before the Senate is --

Senator Nesbitt: Mr. President.

Senator Pate: Senator Nesbitt, for what purpose do you rise?

Senator Nesbitt: Point of order.

Senator Pate: State your point of order.

Senator Nesbitt: Thank you, Mr. President; just for the group in here, I’m as tired as everybody else is in here. But we’re always interrupting the president when he’s getting ready to do something else. And the president always recognizes anybody. This thing’s going to be over shortly if we can just have

...
enough patience to get to the end of it. And I wanted
to raise that because I hope we’re not going to be out
of order forever if somebody gets up and gets your
attention that you missed.

Senator Pate: Thank you for that; I’m
going to stick with the decision that has been made
that the -- we’re going to go ahead and vote on this
amendment and then I’ll recognize Senator Stein to
speak after the amendment has been taken care of.

Question before the Senate is the passage of Amendment
Number 9 to House Bill 589. All in favor will vote
aye. All opposed will vote no. Five seconds will be
allowed for voting and the clerk will record the vote.

Before we announce the vote, Senator Walters and
Senator Curtis have both been excused for the rest of
the session. 14 voting in the affirmative and 32
voting in the negative, the amendment fails. Senator
Stein, I’ll recognize you for your question.

Senator Stein: Mr. President, thank you;
as my question concerned Amendment 9, I no longer seek
to be recognized.

Senator Pate: Thank you.

Senator Barringer: Mr. President; Mr.
President.

Senator Pate: Senator Barringer, for
what purpose do you rise?

Senator Barringer: To change my vote on Amendment 7; I should have voted no. I apologize.

Senator Pate: Senator Barringer changes her vote on Amendment 7. 15 to 33 is the final tally;
any other amendments that haven’t been taken care of yet?

Senator Bryant: Mr. President.

Senator Pate: Senator Bryant, for what purpose do you rise?

Senator Bryant: To send forward an amendment now at the appropriate time.

Senator Pate: Now is the appropriate time. You may send your amendment forward. The clerk will read.

Reading Clerk: Senator Bryant moves to amend the bill.

Senator Pate: Senator Bryant has the floor to explain the amendment.

Senator Bryant: Colleagues, this amendment would impact Part 32, vote the person, not the party, Section 32.1 by deleting that section and maintaining for us the right to vote a straight party vote. Since 1925 North Carolina has had straight party voting and is one of twelve states to still do so. In
2012, 1.4 million Democrats, 1.1 million Republicans and 25,000 Libertarians voted a straight party ticket. 56 percent of the voters voting in that election, 2.6 million almost of a 4.5 million turnout voted a straight party ticket. Contrary to the description of these voters as low information voters, these voters are often supporting the candidate slate of their respective parties. In addition, this is a major convenience to our voters. 80 percent of Black voters and 45 percent of White voters, approximately, vote used straight party voting in 2012. In a local election year where there is a partisan election, it will take the voters almost seven times longer to mark on average seven races that would be on those ballots and during state election years it will take these voters seventeen times longer. North Carolina is amongst the third or fourth -- three to four states with the longest ballots and the longest number of elected offices on our ballot. We are making it take longer to vote at the same time that we are cutting the early voting period and we have new election officials all over the state due to the changes in the party of the Governor and when we don't really know yet how these early voting locations will be expanded and to what extent. There are two documents on the dashboard
that will show the racial disparity involved in
eliminating state party voting and the diversity
involved in the use of state party voting. If we could
have the first -- the scatter shot graph on the
dashboard, please, for the members; if you would look
at this scatter shot graph, and you may have to scroll
it up to see, the dots on the graph indicate the
numbers of Black voters turning out in the 2012
election. The left axis is the number of -- is the
percentage of Black voters in each precinct. The
horizontal axis at the bottom goes up to 100 percent.
That would be the percent of straight party voting.
You would see the significant trend of the graph to the
right indicating the large number of Black voters who
vote a straight party ticket. And also it indicates
some 40 percent on average, 40 to 45 percent of White
voters who mark a straight party ticket. So both --
there's a racial disparity involved and also
significant diversity involved at the same time. The
major thing to note is that this -- eliminating
straight party voting will result in longer lines and
voting time in precincts across the board, first of
all, and aggressively so -- egregiously so in
predominately Black precincts. Can we see the next
chart, please? The next chart on pages 1 through 3,
and you can just scroll it. If you look at this chart first, the first several pages are the high number, the top number of precincts; top 100 precincts with the highest percentage of straight party voting. If you look at the last two columns, it says percent SP, that's the percent of straight party voting and then the final column is the percent of Black turnout; again correlation. You can see the high correlation between straight party voting and the percent of Black turnout in the top 100 precincts. And that would be in pages 1 through 3, I think it is. You scroll through pages 1 through 3. Those would be the top 100 precincts. You see the high correlation, even at the end of the first 100 precincts you're just getting to some 60 and 70 percent numbers, mostly in the 80 percent range. Then pages 4 through 6 you see the precincts with the lowest, the lowest 100 precincts where straight party voting occurs, those percentages; again, even those percentages in the 38 percent range and going down; and then the low, in some instances almost no percentage of Black voter turnout in those precincts. So there is a high correlation between straight party voting and the participation of Black voters and eliminating straight party voting will result in a significant racial disparity. Mr. President, may I ask -- I'd like to ask
Senator Rucho a question.

Senator Pate: Senator Rucho, do you yield?

Senator Rucho: Yes.

Senator Pate: He yields.

Senator Bryant: Senator Rucho, my question is, were you aware of the disproportionate use of straight party voting by Black voters as you were considering this provision in the bill?

Senator Rucho: I was never aware of the chart that you have before you. I have confidence in every voter in the State of North Carolina to choose people that they believe are the ones they wish to vote for regardless of party and also I'm very concerned about the fact that a lot of the nonpartisan and down-ballot candidates are ignored and that really is not the way we would like to have democracy occur in North Carolina.

Senator Bryant: Follow-up, Mr. President?

Senator Pate: Senator Rucho, do you yield to another question?

Senator Rucho: Yes.

Senator Bryant: I was wondering, given this information and there's probably even more information available about this correlation, are you
willing to reconsider the elimination of straight party 
voting as you see the significant negative racial 
impact it may have and then the resulting longer voting 
time in these precincts where 80-some percent of the 
people in the precincts will be taking seventeen times 
longer in the state elections to vote than would 
currently be the case in our present voting situation?

Senator Rucho: I don't agree with your 
premise and secondly I don't look at race as who's 
going to vote. What we're trying to do is make sure 
that we have an equal opportunity for every single 
person to vote and it's not designed on race in any 
manner and, you know, that's not even what we're even 
talking about here. What we're saying is this is a 
fair, honest way to provide everyone an opportunity to 
vote and that's exactly what it's all about.

Senator Bryant: I'd like to finish my 
explanation of the amendment, Mr. President.

Senator Pate: Go ahead, Senator Bryant.

Senator Bryant: In wrapping up, I think 
it is important for you to see that there is a 
significant negative racial impact in the elimination 
of straight party voting under the Voting Rights Act, 
even though we don't have to have pre-clearance in our 
targeted counties any more under Section 2, the issue
of a disproportionate impact on Black voters is still
going to be an important issue that has to be reviewed
and would still provide some constitutional concerns.
And so I'm asking the members to please vote to adopt
this amendment because of the negative racial impact
and the constitutional and voting rights issues
implicated in that, but also because of the efficiency
for all voters, 45 percent of White voters who will
have to take seven times or seventeen times longer to
mark a ballot, requiring more time, et cetera. And
then the 80-some percent of Black voters in
particularly significantly Black precincts that will be
taking seventeen times and seven times longer. So for
those reasons, I would ask that you please vote to
adopt this amendment; thank you.

Senator Newton: Mr. President.
Senator Pate: Senator Newton, for what
purpose do you rise?
Senator Newton: To see if Senator Rucho
would yield for a question.
Senator Pate: Senator Rucho, do you
yield?
Senator Rucho: Yes, sir, I do.
Senator Newton: Thank you, Senator Rucho;
Senator Bryant just gave us a lot of hyperbole about
straight party voting and minorities and so forth, and I wanted to ask you, as I read the section on straight party voting being eliminated, is there anything in there that says minorities can't vote in the election?

Senator Rucho: No, sir, and there's nowhere throughout the entire bill. It is an opportunity for every single person in the State of North Carolina that is registered to do so.

Senator Newton: Follow-up?

Senator Pate: Does the gentleman yield?

Senator Rucho: Yes, I do.

Senator Newton: As I read the bill, Senator Rucho, aren't there a total of eleven different days that a registered voter, especially a minority voter, could go to vote? Did I count that right? Ten days of early voting and one day on election day?

Senator Rucho: That is accurate, yes, sir.

Senator Newton: Is there anything in the bill that says that a minority voter can't vote on those eleven days?

Senator Rucho: No, sir, there is an equal opportunity for every single voter to vote during any of those eleven days.

Senator Pate: Would the gentleman like
to ask another question?

Senator Newton: Yes, Mr. President.

Senator Pate: Do you yield, Senator Rucho?

Senator Rucho: I do.

Senator Newton: Thank you, Senator Rucho; on the straight party voting, is there anything in this bill on ending the straight party voting that eliminates the party label for a partisan election? In other words, if it's a partisan election, like say a state senator's race or, you know, Governor's race or something like that, if there is a Democratic nominee, wouldn't it be denominated as a Democratic nominee?

Senator Rucho: Just like it's always been, R's, D's, L's and the like.

Senator Newton: Follow-up?

Senator Pate: Does the gentleman yield?

Senator Rucho: Yes, I do.

Senator Newton: Is there anything in the bill that would prevent a minority voter from being able to identify which party they wanted to vote for on any one of these individual elections?

Senator Rucho: Not a thing; same as it is today.

Senator Newton: One last follow-up?
Senator Pate: Does the gentleman yield?

Senator Rucho: I do.

Senator Newton: Thank you, Senator Rucho; so if a minority voter wanted to vote for all of one party, would they still be able to identify all those candidates and check or punch the button for each one of those candidates?

Senator Rucho: They would be able to identify the party affiliation of every one of the candidates and vote accordingly on their wish.

Senator Newton: Thank you, Mr. President; may I speak to the amendment?

Senator Pate: You have the floor.

Senator Newton: Thank you, Mr. President; Senator Bryant, I know that you weren’t suggesting that the fact that I filed a bill identical to this language for the last two years to eliminate straight party voting, I know that you and I know each other well, so I know that you weren’t suggesting that I would do that for a reason of suppressing minority votes because I certainly would never do such a thing. I certainly was not aware of any data, even if it’s accurate, that would somehow keep a minority voter from voting for whoever they chose to vote. The reason I filed legislation in the past which your amendment would
essentially take out of this bill that exact same language. The reason I did that is because I think people should vote for the person and not the party. You and I come from the same neck of the woods. The Democratic party has been very dominant in our neck of the woods. Wouldn't you agree to that? I mean, I think you would agree to that. It's the home of -- the area of two Governors. Jim Hunt was there, four-time Governor from my -- I guess what you'd say my back yard or maybe I'm in his back yard, depending on how you want to look at it; pretty dominant. In fact, back in the day Republicans used to get dragged away from the polls and get beat up pretty good if they dared to show their face to vote back in the day. So -- I mean, some people back in the day other than minorities also know about voter suppression. I mean, that's a real recorded fact. I know people that that happened to back in the day. And that's not right. Voter suppression is wrong. I'll be the first one to say that. Republican, Democrat, Black, White, Male, Female, whatever, if you're a registered voter, you're legal, you're entitled to vote. Nobody should be intimidated. There shouldn't be any thugs there at the polls, you know, whether they be Black Panthers or anybody else, keeping people from voting. Nobody
should be suppressed from voting, but it boggles my mind how in the world we can take the idea that if you’re not allowed to punch one button and vote for all one party, regardless of how qualified or unqualified some of those nominees are, that somehow you’re suppressing minority votes. And I take umbrage to that.

    Senator Parmon: Mr. President.
    Senator Pate: Senator --
    Senator Newton: And I don’t yield for a question at this time, but afterwards, Senator Parmon, out of respect for you, I’ll certainly yield for a question.

    Senator Pate: Senator does not yield.
    Senator Newton: I take umbrage to that.

I hope Senator Bryant understands why I might get my hackles up a little bit about that. I think people should vote for the person and not the party. Now everybody that knows me in this chamber knows I’m a loyal Republican. I fight hard for my party just like all the good Democrats do. But there has hardly been -- I’ll admit it. There has hardly been an election to go by that there hasn’t been at least one Democrat that I voted for, at least one. I don’t need a straight party vote to pick out my candidates. And we’re going
to try to slap a racist label on the idea that people
ought to vote for the person and not the party? We’ve
heard a lot of that today. We’ve heard too much of
that today. The idea that we’re going to keep our
elections honest and fair and that we might actually
ask people to think about who they’re voting for
instead of what party, it somehow amounts to racism.
We hear a lot of stuff in this chamber. We hear a lot
of stuff in this chamber. It’s probably time for us to
tamp down the rhetoric and get real about all this. I
urge my colleagues to defeat this amendment.

    Senator Parmon: Mr. President.
    Senator Pate: I believe that Senator
Parmon had a question for Senator Newton. Senator
Newton, do you yield?
    Senator Newton: I do.
    Senator Parmon: Thank you, Mr. President;
Senator Newton, I heard you talk about racism and
certainly I know how you feel, because I’ve lived it,
worked to try to reverse it. But my question is if you
don’t want to deal with the fact that the amendment
deals with African-American -- other people, not only
African-American, but other people being impeded in
their voting by having to go down and select by name,
the time element. I heard Senator Bryant say seventeen
times as long to vote in the state election. Does that
cause you concern? Forget about race. Just think
about the time. Does that cause you concern?

Senator Newton: Thank you, Mr. President; no, it actually doesn’t because there are so many
different ways that we can vote. We can vote by
absentee and sit at home and take our time and pick all
these candidates out. I worked many polls. I’ve seen
many people walk in with the sample ballot and work
through it very quickly and I’ve seen other people with
the same sample ballot who sat there for 15 minutes
trying to make sure they had it exactly the way they
wanted. I think -- that gives me no concern at all.

Senator Parmon: Follow-up?

Senator Pate: Follow-up, do you --

Senator Newton: Yes.

Senator Parmon: Senator, I just want to
say to you why we come in here and we think we act with
authority of all knowledge, in different cultures and
in different incidents, I know many people in my
community, seventy, eighty, ninety years old, cannot
read the complete ballot. And that’s no fault of their
own, because it was a time that they couldn’t read. It
was against the law. And here again, we’re talking
about elderly people. I remember just last election
taking a 103 year old woman to the polls who was frightened to death to vote for her first time. So when we come in and think that we have all the answers, we need to consider all the facts. So when you say someone that’s elderly that’s got to take time and go down a ballot, that’s inconsiderate and it’s suppressing that voter, because I’m going to tell you, many elderly folk will not be able to do it.

Senator Graham: Mr. President.

Senator Newton: I’m sorry. I thought there was a question.

Senator Pate: I did, too. Senator Graham, you’re recognized.

Senator Graham: Speak to the amendment; drive away to the polls, poll taxes, African-Americans were beaten for wanting to vote. They were discouraged by various tactics and means not to vote. So I’m just a little maybe sensitive based on history that we have to protect today. Representative Butterfield said earlier today about her ninety-one year old mother that she had to be able to read the Preamble to vote. Today you can go through the ballot and vote for the man and not the party without changing a thing if you want to do that. You could do it today. I choose to do that myself, because there are some people at the local
level on the other side that I’ve voted for before. I want good government, Democrat, Republican or Independent. So you can vote for the man today and not the party. But I think it is intellectually dishonest to say when you look at the facts as she’s brought out that African-Americans don’t vote in high proportions straight ballot voting and that won’t impact their vote. I think to say that that should be discounted or that doesn’t exist or it’s just hyperbole, it’s just intellectually dishonest. I think it’s -- and again, this is nothing new. All we have to do is look throughout the country and see some of the other proposals --

    Senator Rucho:    Mr. President; point of order.

    Senator Pate:    Senator Apodaca --

    Senator Rucho, what is your question?

    Senator Rucho:    Please don’t call me Apodaca.

    Senator Pate:    It’s been a long day.

    Senator Rucho, please state your --

    Senator Rucho:    When is Senator Graham going to get off the speech for Congress and actually talk about this amendment.

    Senator Nesbitt:    Mr. President.
Senator Pate: Let me answer that question. I’ll be right with you, Senator Nesbitt. Senator, will you stick to the amendment that’s before us today?

Senator Graham: Mr. President, I am speaking to the amendment on the floor. I do not need to be reminded about doing that.

Senator Pate: Continue your remarks.

Senator Graham: And if anyone is out of order, it’s Senator Rucho. That’s who needs to be reminded about order in the chamber, not me.

Senator Pate: Please continue with your remarks on the amendment.

Senator Graham: I treat everybody in this chamber with respect. Even if I disagree with you, I respect you and respect your opinion and I expect nothing less from anybody here. It is a fact based on what was presented by Senator Bryant that African-Americans indeed, Senator Apodaca, vote in high proportions more -- just I’m looking at you, you’re a friend. You give good gifts.

Senator Apodaca: Mr. President.

Senator Pate: Senator Apodaca, for what purpose do you rise?

Senator Apodaca: Will Mr. Graham yield to
a quick question? He may want to on this one.

Senator Graham: Yes, sir.

Senator Apodaca: Senator Graham, I heard you in your opening remarks, sir, when you were talking about this amendment, you talked about voting for the man. You never once mentioned voting for a woman and I just wanted to mention that.

Senator Graham: Man in the universal term.

Senator Apodaca: Okay.

Senator Graham: And woman.

Senator Pate: Continue, Senator Graham.

Senator Graham: It's late, Mr. President.

Senator Pate: Amen.

Senator Graham: The point I'm trying to make is this, is that straight party voting does provide yet another artificial barrier for African-Americans who choose not, Senator Newton, to take the time as I do and kind of go through the ballot, but want to go in there, pull the lever, Democratic or Republican, to vote and get out of the way and allow the next person in line to do the same.

Senator Bryant: Mr. President.

Senator Pate: Senator Bryant, for what purpose do you rise?
Senator Bryant: To speak on the amendment a second time.

Senator Pate: Senator Bryant, you have the floor.

Senator Bryant: Thank you, Mr. President; I just wanted to be -- clarify one thing. I was very -- worked to be very careful and I always work to be very careful when I'm talking to you all here about issues of racial and cultural difference because I know how easy it is to -- for it to be taken personally or taken in the wrong way. But I was very careful to use the words disproportionate use, negative racial impact, disparity, racial disparity. And the reason I went to the trouble to present the charts and the tables was because I knew it was possible that it was not a conscious intention of everybody in here to propose a policy that would have a negative impact on purpose. So with that in mind, I presented the data. So I'm not suggesting that this is a racist in the I-S-T sense and that word proposal, that's not what I'm trying to suggest. I'm trying to make it clear that it has a negative racial impact, so everyone can keep that in mind and it is the impact that would have legal and constitutional consequences, not whether somebody intended purposely to do it or not. So I'm just
wants to make that clear and also to make it clear
that under current law you can vote for the straight
party ticket and then select any individual by name of
the other party that you want to vote for and have both
those votes count. So that process is currently
available under our current system of straight party
voting. I just wanted to clarify those two things and
ask please that you would vote to adopt this amendment;
thank you.

Senator Pate: Further discussion or
debate?

Senator Rucho: Mr. President.

Senator Pate: Senator Rucho, for what
purpose do you rise?

Senator Rucho: Just to debate the
amendment; the -- we've heard a lot of good discussion
and just to remind everybody that I would urge you to
vote no against Amendment Number 10.

Senator Pate: Senator Nesbitt, I
believe I owe you a return visit. Did you have remarks
to make?

Senator Nesbitt: I think Senator Graham
expressed it better than I could.

Senator Pate: Thank you.

Senator Clark: Mr. President.
Senator Pate: Yes.

Senator Clark: I ask Senator Rucho to yield for a question.

Senator Pate: Senator Clark asks Senator Rucho to yield for a question.

Senator Rucho: Yes, sir, Senator Clark.

Senator Clark: I don't want to belabor. It's too long here, but currently it is correct that we can vote or choose to vote for any candidate we want and we don't have to choose to vote just checking one box, right? We don't have to do straight party. I'm sorry.

Senator Rucho: I'm sorry. Repeat that again.

Senator Clark: Currently we can choose to vote for any candidate on the ballot without choosing the straight party ballot option?

Senator Rucho: That's correct.

Everyone, partisan, nonpartisan and everything, you get a chance to vote for every one of them up and down the ballot.

Senator Clark: Okay, we have that choice; okay, follow-up?

Senator Rucho: Yes, sir.

Senator Pate: Do you yield?
Senator Clark: I'm getting confused on the choice question because I'm wondering what's wrong with having a choice because we also want to have choice to where we send our children to school, is that correct?

Senator Rucho: I'm not sure what this is relevant to.

Senator Clark: I'm trying to determine when is it good to have choice and when is it not good to have choice. What's wrong with having choice on the ballot box like we have -- or we want choice when it comes to sending our kids to a particular school?

Senator Pate: Senator Rucho, do you yield to that question?

Senator Rucho: No, it's not relevant.

Senator Pate: Further discussion, further debate on the amendment?

Senator Stein: Mr. President.

Senator Pate: Senator Stein, for what purpose do you rise?

Senator Stein: Thank you; to debate the amendment.

Senator Pate: You have the floor.

Senator Stein: Just as a preliminary matter; Senator Bryant was just pointing out a factual
matter about the use of this convenience and it is a factual matter that approximately 80 percent of African-Americans use it, approximately 40, 45 percent of Whites use it. That's just a fact and it's a racial impact to change it. That -- you can have the most innocent purpose intent in the world to change this, but it is having a racial impact. But where I wanted to go with my comments is to remind people how many people use straight party voting in North Carolina. It's 2.5 million North Carolinians, 56 percent. The majority of people in this state choose the convenience of straight party voting. What you all are saying is we want to deny the people, two and a half million, the convenience they choose to utilize. My wife and I tend to vote together. She likes to fill in every bubble. I don't. What I do, Senator Newton, because I occasionally split my ballot too is I will go straight party Democrat and every time I want to vote Republican, I mark Republican. My wife takes about ten minutes longer than I do. What you all are consigning to the people of North Carolina, two and a half million, take ten minutes more. That's 416,000 extra hours it's going to take the same number of people to vote in the booth and it's going to back up that line out the back of the voting area. So we've compressed
early voting. We’re taking away a convenience which
2.5 million North Carolinians choose to exercise. By
the way, 1.1 million Republicans appreciate the
opportunity to do a straight ticket for you all. I
encourage you to support this amendment.

Senator Pate: Further discussion or
debate on the amendment?

Senator Robinson: Mr. President.

Senator Pate: Senator Robinson, for
what purpose do you rise?

Senator Robinson: To debate the amendment.

Senator Pate: Senator Robinson, you may
debate the amendment.

Senator Robinson: I, too, appreciate the
data that Senator Bryant shared. It is factual data.
Regardless of how you take it, it’s factual data. And
I would say as well, based on my own family history, I
have an aunt who’s ninety-eight; one, ninety-five; my
mother’s ninety-one; and then my experience at the
precinct where I worked that a lot of the folk who vote
straight ticket are elderly, Black and White. And a
lot of those same people have to use their Bibles for
identification, Black and White. And so even though I
don’t have the statistics to support it right now, I
would go as far to say that those are the same folks
who could not read. I know that historically for
African-Americans, like Senator Parmon said, they were
denied the right to read and to write, different from
my own grandparents who set up schools and taught a lot
of people, there were still a lot of folks who couldn’t
write and who had to mark that X and they were excited
about exercising their right. So whether the voter is
Republican or Democrat and they’re elderly, when they
come to the polls to vote, if they have to check every
box, you are suppressing their right as well, too. And
I don’t think that’s what you intend to do, but there
are a lot of older people who want to vote, but will be
frightened, who will be scared away and who will be
intimidated when you tell them they don’t have a choice
to vote straight ticket but that they have to vote by
selecting every box. It becomes a long day for them.
It’s tiring. It’s trying. And as you get older, you
will see what the situation becomes as your body begins
to break down as well, too. It becomes really a
challenge to you being able to get out and to exercise
your right.

Senator Tillman: Mr. President.

Senator Pate: Senator Tillman, for what
purpose do you rise?

Senator Tillman: To ask Senator Apodaca a
question.

Senator Pate: Senator Apodaca, do you yield?

Senator Apodaca: I do.

Senator Tillman: I don’t know that we’ve ever cut off debate. I do know that I’ve heard the same issue debated on each one of these fourteen times over tonight. I’ve not heard a new issue since the first 30 minutes of this. Of course, the call is up to you, Senator. I can stay here all night. I’ve got some peanuts over here I can eat.

Senator Kinnaird: Mr. President.

Senator Apodaca: Senator Kinnaird, I have the floor; thank you. Mr. President, I never got a question; thank you.

Senator Pate: Senator Kinnaird?

Senator Kinnaird: I have a new issue. It’s one sentence long.

Senator Pate: You’re recognized. You have the floor.

Senator Kinnaird: Actually, we’re on the amendment. I’m sorry.

Senator Pate: That’s correct. Further discussion and debate on the amendment; hearing none, the question before the Senate is the passage of
Amendment Number 10. All in favor will vote aye. All opposed will vote no. Five seconds will be allowed for voting and the clerk will record the vote. 15 voting in the affirmative and 30 in the negative, the amendment fails. The bill is back before you.

Senator McKissick: Mr. President.

Senator Pate: Senator McKissick, for what reason do you rise?

Senator McKissick: To debate the bill.

Senator Pate: Senator McKissick, you have the floor.

Senator McKissick: I've listened to a lot of discussion over the last hours or so about voting rights here in North Carolina. But one thing I think back about was my childhood growing up over in Durham where I saw so many people who were never registered to vote before, become registered to vote. I'd assist them, knocking on their doors some days, make sure they got a ride to the polls because the only place you could register to vote back then was at the precinct itself so people came into the precinct. There were situations where people had to recite a provision of the constitution or prove a certain degree of literacy before they could vote. But one thing which I saw that I was always very impressed with was the fact that
after they voted for the first time, after they had exercised that very sacred constitutional right, a sense of ownership in our election system, a sense of pride, that they would almost boast about having the right to vote and being able to exercise that privilege. The thing that we should be about as a General Assembly is expanding that right, expanding that privilege as much as possible. That’s why this bill deeply, deeply concerns me, because I do see it as a voter suppression act when we cut back early voting by a week when we see unprecedented number of voters going out in that first week of early voting. That’s something that reduces the potential for people to get out there and vote. When we look at the fact that there can’t be same day voter registration, something that many people exercise during that early vote period, that’s something that we should be deeply, deeply concerned about because there will be people who don’t think about it, may not have it foremost in their minds, that would come in there during that early vote period and they would register and vote the same day and vote for that candidate of choice. If we look at the fact that, yes, we’re getting rid of straight party line voting, regardless of what your party affiliation is, that’s something that many should be concerned
about why. Unfortunately, there's frequently somebody at the top of that ballot, maybe it's somebody running for President, maybe it's somebody running for Governor, whatever that position might be, it draws people to the polls, that they can identify with that party affiliation. And, yes, because of that party affiliation, they choose to vote a straight party ticket line. That's something that we should be concerned about because people will be denied that privilege from this point forward. And when we look at what's happened -- what's going on with the contributions, we now see that people will be able to contribute not $4,000.00, but $5,000.00. When we look at what's being able to be contributed by corporations that can donate to parties that can be used for operational expenses, it appears that the effort of what we're doing here is not only to suppress votes, but to suppress a certain section of the population from voting and perhaps it's that segment of the population that didn't get the extended unemployment benefits. Perhaps it's that segment of the population that didn't get Medicaid coverage. Perhaps it's that segment of the population that's going to be disproportionately impacted by tax reform. That's what we're looking at; in some respects hurting an awful,
awful lot of people, but yet allowing those
corporations to give unlimited contributions to these
parties. The totality of what we’re looking at today
is something that I wish we were not having to vote
upon at all. And certainly the voter ID issue as it
first emerged, well, we now have a compilation of what
I think are some of the worst tactics that we could put
together in one bill during elections. Voter ID is
where this all started. Well, yeah, we can go back to
2008 and what do we know? There were forty-nine cases
of fraud in this state and we had four million people
out there voting; forty-nine cases. That’s it, forty-nine.
Go to the State Board of Elections. They’ll
send you over the data. And if we look at the number
of people who don’t have voter ID’s today, yes, there
are approximately 318,000 people, and that will come
from your State Board of Elections. If you want exact
numbers, I can give them to you. So there are people
who will be potentially disenfranchised who are unable
to exercise that privilege in voting and it will become
more challenging. It doesn’t disguise the fact that in
many respects with the redistricting that has occurred,
with the new districts that are upon us today, with the
fact that when Obama ran in North Carolina back in 2008
and won by about 12,000, 13,000 votes, this past year
2012 he lost by about 100,000. We’re not a blue state. We’re not a red state. We’re a state of people who are independently minded. But we do know that when you deliberately manipulate the voting rights of people in this state so that a certain segment of the population might be disproportionately impacted, that might swing the election one way or the other, in my mind that’s the wrong thing to do. We need a level playing field and this bill doesn’t provide it. And I don’t plan to vote for it and I would encourage all others not to.

Senator Rabin: Mr. President.

Senator Pate: Senator Rabin, for what purpose do you rise?

Senator Rabin: To speak on the bill.

Senator Pate: You have the floor.

Senator Rabin: When we talk a little bit about constitutional rights, I have, like you have, sworn to support and defend at least two times and at least once for this state. I enjoy my constitutional rights and I want my constitutional right to vote to be sure that my vote counts 100 percent and is not diluted. That dilution to me is what causes some of the suppression of votes that I’ve heard so much about. The second thing I’d like to say is I also recall not too long ago in this chamber we passed a bill, we’ve
been talking about voter ID and photo ID and how hard
it is to get, yet we passed a bill in here that said in
order to pick up your pet at the shelter, you had to
have government photo ID. I think that that’s the
least we could ask of ourselves when we go to the polls
and we put in a -- sort of a grandfather clause to
ensure that people would not be inconvenienced in the
next election, but in the one after that, they were
given the opportunity to be informed. I think this is
a good bill. It does not suppress anybody’s vote and
it certainly gives me my constitutional rights in full
or comes closer to it; thank you. I encourage you to
support the vote, by the way.

Senator Pate: Senator Nesbitt, for what
purpose do you rise?

Senator Nesbitt: Thank you, Mr. President;
to speak on the bill.

Senator Pate: You have the floor.

Senator Nesbitt: Thank you, Mr. President
and members of the Senate; this reminds me of something
a fellow said over in the House years ago. He said
we’ve missed two or three good opportunities to stop.
And I’m going to give you another opportunity to stop.
I’m going to try to bring this thing to a close so we
can end this round of debate. I think it’s been
healthy. It's been good. And I would say to the
members -- and it's been heated. And I think that's
healthy and good. And I would say to the members that
we've all got to be tolerant and understand that we all
don't have the same life experience and we all haven't
heard the same things all of our lives. And we haven't
heard the experiences that people have had in this
world that other members may have heard. I come from a
county that elected the first woman to the General
Assembly, Lillian Exum Clement. She was elected -- a
single female trial attorney in Buncombe County in the
'20's. She was elected to come down here the year
before women had the right to vote in a state that
voted not to give women the right to vote. The '20's,
women couldn't vote. This is fairly modern history and
women that sit here today have heard that history. We
all know the problem that minorities have had forever.
It resulted in the Voting Rights Act to try to
straighten out some of the problems we had here in
North Carolina. And those problems are not imagined.
They're real. They're very real. Lots of people have
been disenfranchised from voting intentionally in this
state, so we can't pretend that there's not this
history and that there's not this problem. And when
somebody points out to you that you're hurting a group
of people, it doesn’t mean that you’ve got a bad heart. It means that you’ve got bad facts and they’re trying to tell you that and they’re just trying to say you need to pay attention to this, because up here we have unintended consequences all the time. There were two of them in this bill that we fixed and one in the amendment. So with that said, laying the groundwork a little bit, I want to do a little revisionist history on this. I haven’t engaged when we’re accused of mucking up the state all this time. I will before the session’s over. But we started out today when we said that the system is broken. Now that’s how the leadership in this state prefaces everything. The Governor, everything he touches is broken and he’s got to fix it. And then he proceeds to come up with some, to me, what are pretty exotic ideas on how to do that. I think some of you all agree with that in some cases. But he declares it broken and says we’re going to fix it. This system isn’t broken. North Carolina’s not a bad state. I will go that far on the big debate. But this system, for goodness sakes, of all the things we’ve got, we’re not Florida. We haven’t had hanging chads. We haven’t had problems and we have been proactive in trying to solve the problems we have had; long lines at the polls. Back in the early ‘90’s, we
were having three and four hour lines at our polls and
we were proactive about that and we created early
voting. It was bipartisan when we created it. It was
a good thing. It solved the problem and voters are
better off for it. And we've done other things to make
it easier for people to vote. Now the problem you've
got with this bill, and I'm going to run through these
things with you. I cannot find anything in here that
makes it easier for anyone to vote. Everything you're
doing in this bill makes it harder for people to vote
and when you do that, we know that will suppress the
vote. You make them stand in a line four hours. Some
of them are going to go home. They aren't going to do
it. You fix it to where they can't register close to
the election, some of them are not going to think about
it in time and they aren't going to get registered, so
they won't vote. Same day registration, I don't know
of a single problem we've had with that and it allows
somebody who gets interested in the election to come in
there and vote and that's a good thing. If there were
fraud and people were coming in there that weren't --
but I don't think there's been any. I have not heard
it if there has. The program where we went into the
schools and taught civics and registered young kids to
vote, that's a good thing. You're teaching them about
government and about civics and their responsibility
and voting is part of that. Let's get you signed up
and then you'll be ready to vote when you turn
eighteen. We're not going to do that anymore. We're
just -- we did financial literacy in here and I
supported us doing that to teach kids how to balance a
checkbook, how to do basic things, but we aren't going
to go in and get them ready to vote now. We were.
Early voting I touched on awhile ago. That is not
broken. It just isn't broken. The people -- what
little capacity is out there in early voting they're
going to find because they're accelerating the number
of people that use it. And it's a relatively new
thing. I can't remember the first election we had, but
it was around 2000. It hasn't been around that long
and people that try it like it. Not using student
ID's; I've got to tell you, when I was listening to the
debate about student ID's and how, well, there's fifty
of these colleges and I was looking and in his hand was
a photo ID. But it may not be right and it may be
fraud and it may be that somebody didn't do it and it's
not protected. I don't know how to tell you this, but
that sounds like big brotherism to me. Everybody out
here is not a thief and a crook and nobody's trying to
break in a polling place and if somebody shows you a
photo ID to vote, it's probably accurate. So if we're trying to identify people, make it as easy as possible to identify them and get that out of the way and then let them vote. Straight party voting; you heard it awhile ago -- by the way, Senator Stein, I don't believe I'd have told that if I was you about splitting your ticket. That is a convenience for the voters. That's all that is. And you've heard how many people use it. Lots of people use it. Now you make it seventeen times longer to vote when you get there. I think and we think that you're going to create lines by limiting early voting like you're doing. We think it's going to be difficult for young people to vote under this bill. We think that you will make it much more difficult for minorities and seniors to vote under this bill. And all of these things will suppress the vote. And I don't know in this state, once again I take everybody at their word, but in other states these same tactics have been used to suppress the vote. They caught that one guy on TV saying we got voter ID passed and that's going to elect George -- that's going to elect somebody. I've forgotten who it was. It was a Republican he thought he was electing; Mitt Romney I think, yeah. And we've had ideas like tax parents if their kids vote someplace else. More corporate money
being able to flow in without being disclosed, I’ve
even heard arguments that voter ID will increase voter
participation. Now I want somebody to give me the -- I
want somebody to diagram that for me and show me how
that happens; that creating voter ID is going to
increase voter participation. It just won’t do that.
Now it might stop some fraud or it might do some other
things, but it’s not going to encourage people to get
out and vote. And when you shake all this down and you
put all this together in one bill like we’ve got in
front of us here, it kind of packs on to what I
mentioned to you all one time before, big government
conservatism. We’re going to get in here and we’re
going to invade space and we’re going to regulate it to
pieces and fix it to pieces and the net effect is going
to be voter suppression. It can’t be anything else.
And the best thing we can do is stop and start over and
I urge you to vote against this bill.

Senator Pate: Further discussion and
further debate; hearing none, the question before the
Senate is the passage of House Bill 589 on its second
reading. All in favor will vote aye. All opposed will
vote no. Five seconds will be allowed for voting and
the clerk will report the vote. 32 having voted in the
affirmative and 14 having voted in the negative, House
Bill 589 --

Senator Apodaca: Mr. President.

Senator Pate: Senator Apodaca, for what purpose do you rise?

Senator Apodaca: Object to third reading.

Senator Pate: Senate Bill 589 passes its second reading with objection to the third reading from Senator Apodaca, will remain on the calendar.

Senator Bryant: Mr. President.

Senator Pate: Senator Bryant, for what purpose do you rise?

Senator Bryant: I want to ask that the words of the debate for today and the words of the documents submitted be spread upon the journal.

Senator Pate: Without objection, so ordered.

(The second reading was concluded at 7:37 P.M.)
NORTH CAROLINA
WAKE COUNTY

CERTIFICATE

I, David L. Overby, Notary/Reporter, do hereby certify that this Senate Session was transcribed under my direction and that the one hundred forty-three pages which constitute this Senate Session are a true and accurate transcript to the best of my ability from the audio CD's provided to me.

I certify that I am not counsel for, or employed by any party in this action, nor am I interested in the outcome of this action.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of December, 2013.

__________________________
David L. Overby
Notary Public
Certificate No.: 19930120037
SENATE DEBATE ON
HOUSE BILL 589
VIVA/Election Reform

Senate Session

3rd Reading

Held on
Thursday, July 25, 2013

Senator Tom Apodaca, Chairman,
Rules and Operations of the Senate Committee, Presiding
PROCEDINGS

1:13 P.M.

Senator Apodaca: Let's start with 3rd reading of House Bill 589, clerk.

Reading Clerk: House Bill 589, VIVA/Election Reform.

Senator Apodaca: Senator Rucho, explain the bill.

Senator Rucho: Yes, sir, thank you, Mr. President and members of the Senate; we had a very robust discussion yesterday, and talked about a lot of different subjects. We do have, Mr. President, an amendment talking about some points of clarification, and I will at this moment submit the amendment to you and to the Senate for discussion and it should be on the dashboard.

Senator Apodaca: Send forth your amendment. Senator, it is my understanding, too, we need to place it on the dashboard. I don't believe they have it. Senator Rucho, do you have the gray copy, please, of the amendment?

Senator Rucho: Mr. President.

Senator Apodaca: Senator Rucho.

Senator Rucho: We just found a little glitch in the amendment and we may need to displace this -- the bill.
Senator Apodaca: Senator Brunstetter, do you have your hearing aids back in?  
Senator Brunstetter: I just did, Mr. President, and I'd like to move that we temporarily displace this bill and move on with the rest of the calendar.

Senator Apodaca: Okay, without objection, so ordered.

(This portion of the proceedings were concluded at 1:14 P.M.)
PROCEDINGS 1:45 P.M.

Senator Apodaca: Bring back up House Bill 589; Senator Rucho.

Senator Rucho: Mr. President, thank you, members of the Senate; sorry for the delay earlier; again, we had a good discussion yesterday regarding all aspects of this bill. It will -- as mentioned earlier, it will go a long way to providing some certainty, integrity into the electoral process and therefore making our government more acceptable and appreciated by our voters and our citizens. I'd like to just send forward, Mr. President, an amendment and --

Senator Apodaca: Send forth your amendment, Senator.

Senator Rucho: It should be on the dashboard, sir.

Senator Apodaca: I'm seeing a no sign from the clerk. Let's get it up; if you'll hold your remarks a moment.

Senator Stein: Mr. President.

Senator Apodaca: Yes, sir, Senator Stein; you have the floor.

Senator Stein: To see if Senator Rucho will yield for a question.

Senator Apodaca: Senator Rucho, do you
yield?

Senator Rucho: Yes, sir.

Senator Stein: Senator Rucho has been generous to share this with me and I was three-quarters of the way through and there is one piece I would like to talk to him about. So could you withdraw your amendment for the moment so we can talk briefly?

Senator Rucho: Okay; Mr. President?

Senator Apodaca: Okay, so ordered; Senator Brunstetter?

Senator Brunstetter: Mr. President, I’d like to go ahead and temporarily displace 589 and continue with the calendar.

Senator Apodaca: Without objection, so ordered.

(This portion of the proceedings was concluded at 1:47 P.M.)
PROCEEDINGS

3:03 P.M.

Senator Apodaca: House Bill 589; clerk will read.

Reading Clerk: VIVA/Election Reform, House Bill 589.

Senator Brunstetter: Mr. President.

Senator Apodaca: Senator Brunstetter, for what purpose do you rise?

Senator Brunstetter: You seem to have everything but Senator Rucho now. Can we stand at ease at our desks here for just a moment?

Senator Apodaca: Yes; Sergeant-at-Arms, anybody seen Senator Rucho; Senator Rucho; Senator Rucho, are you ready with your amendment?

Senator Rucho: Yes, sir.

Senator Apodaca: Send your amendment forth.

Senator Rucho: Send amendment forward and, sir, it should be on the dashboard.

Senator Apodaca: Is it on the dashboard, Madam Clerk?

Reading Clerk: Senator Rucho moves to amend the bill.

Senator Apodaca: Senator Rucho has the floor to explain his amendment.
Senator Rucho: Thank you, Mr. President; I think everyone has it before them. We've shared it earlier with Senator Nesbitt and Senator Stein and other members. And what it does in this amendment is, one, it re-establishes the criteria per request of the Cherokee as far as their ID is concerned, complying with the law. It has a couple of technical clarifications requested by the Wake Board -- Wake County Board of Elections. There was a change we discussed with Senator Stein. The formula that we used yesterday on that bipartisan amendment dealing with the number of hours has been clarified and I think is now clearly delineated and will be better understood by the boards of elections. There is also a provision, some boards had asked us, you know, we are holding to the 2012 hours or 2010 hours, based on which day election is, and that might be more than we actually need, so we offered them an opportunity to change the number of hours by a unanimous decision of every member of the local or the county board and once that is done, a request to the state board for full approval by the majority of the -- excuse me, full unanimous approval by the State Board of Elections. And then there was a change in the issue of how the check-off funds were utilized. As you all know, the check-off funds are
there, but the money comes from the state general fund
to the different parties. We are eliminating that, but
we felt there was a commitment made since an amount is
due on August of 2013 and we -- and that means half of
that money goes to the parties based on a pro rata
share. And we decided the best thing to do, to live up
to our obligation and let half that money go and be
paid as of August 2013 and then the remainder of it,
once this fund is eliminated, will go into the general
fund and there's no guarantee but there's a good
possibility that some of that money could be utilized
for the presidential preference primary. Mr. Chairman,
I'll respond to any questions.

Senator Apodaca: Senator Nesbitt, for what
purpose do you rise?

Senator Nesbitt: To see if the gentleman
will yield to a question.

Senator Apodaca: Senator Rucho, do you
yield?

Senator Rucho: I do.

Senator Nesbitt: And I apologize to you
for not raising this earlier, but I just realized what
we were doing here on this last one about the tax
check-off money. Isn't that money that people checked
off out of their money?
Senator Rucho: That's not how the --

I'll answer that question.

Senator Apodaca: Sure, Senator Rucho.

Senator Rucho: That's not -- it's not like you and I when we check it off, that's not our money or our preference. What that is is that money belongs and then it goes in to just say the state will spend this much money towards the parties on a pro rata share. So it's not a direct link.

Senator Nesbitt: If you would yield to another question.

Senator Rucho: I will.

Senator Apodaca: The Senator yields.

Senator Nesbitt: The question that I'm asking is, though, they -- when they check off, they aren't saying give some of my state dollars to somebody else. They're saying give some of my personal dollars to this fund.

Senator Rucho: No, sir, what they're saying by check-off is I would not want you to use this much tax dollars out of the general fund to do that.

Senator Nesbitt: All right, thank you.

Senator Rucho: Okay.

Senator Apodaca: Other discussions or debate on Amendment 11; hearing none, the question
before the Senate --

Senator Bryant: Mr. President.

Senator Apodaca: Senator Bryant, for what purpose do you rise?

Senator Bryant: You’re a little quick to the trigger. I didn’t know it was going -- I don’t want Mr. --

Senator Apodaca: Senator Bryant, for what purpose do you rise?

Senator Bryant: To ask a question, Mr. President, sorry.

Senator Apodaca: Of Senator Rucho, Senator Bryant?

Senator Bryant: No, Senator Stein.

Senator Apodaca: Senator Stein, do you yield?

Senator Stein: I yield.

Senator Bryant: Senator Stein, I don’t understand this amendment. I’m trying to read it.

This is my first time seeing it.

Senator Stein: Uh-huh.

Senator Bryant: I see that there will be a cumulative number, you look at the total number of hours during the 2012 primary in general elections and then it says something about during a presidential year
you would offer the same amount. But then it says
something in 2010 and during a presidential year. I
just don’t understand it. Can you help me understand
-- can you explain it?

    Senator Stein: I can try.
    Senator Apodaca: Senator Stein, please.
    Senator Stein: Thank you; what the
language does is it sets a baseline minimum for the
number of hours of early voting that’s going to be
required. And it sets two standards because the
turnout is so different in an off-year election from a
presidential year. So it sets the standard for the
off-year and then minimum, however many hours
cumulatively sites were open early in 2010, that’s what
you’ll have in 2014 and 2016. Counties can clearly
offer more, and as population grows, I surely hope they
offer more, because not only are there more people, but
more people are choosing to vote early. And so it’s a
trend. They need to keep opening up more sites. And
then the same thing on the President; for presidential
years, they set as a baseline minimum 2012 which was a
big turnout year in North Carolina. So it says however
many hours there were early voting sites over seventeen
days, you have to have the same number of hours over
ten days.
Senator Bryant: Follow-up, Mr. President?

Senator Apodaca: Senator Stein, do you yield?

Senator Stein: I yield.

Senator Bryant: Why does it repeat this language -- because it's hard for me to compare and correlate to the original bill at this point. Just quickly, why does it repeat the language about the presidential candidate in both of those subsections? That's what is confusing to me.

Senator Stein: 20 --

Senator Bryant: In the 2012 section, it talks about the presidential election, and in the 2010 section, it talks about the presidential election. Why would it do that? It talks about elections including a presidential candidate in both subsections. I'm sure that wiser minds can answer that, but. Do you -- I'm sorry, Mr. Chair. I'm just following up the question.

Senator Apodaca: Yeah, just give him a second, Senator. I think he's trying to find your answer.

Senator Stein: Not having been the author of these words on this page.

Senator Apodaca: Sure, take your time,

Senator Stein: no problem.
Senator Stein: I’m not sure. I mean, I think -- if I can have Mr. Tripp join me, I’d appreciate that.

Senator Apodaca: That would be fine. We’ll stand at ease just a second and let them get the info.

Senator Stein: Thank you, Mr. President.

Senator Apodaca: Thank you.

Senator Bryant: Mr. President.

Senator Apodaca: Yes, ma’am.

Senator Bryant: Senator Rucho asked me to repeat the question.

Senator Apodaca: Yeah, go ahead.

Senator Bryant: Is that --

Senator Apodaca: Yes, Senator, go ahead and repeat the question.

Senator Bryant: The question is that on page 1 in the section regarding the formula of cumulative hours and on page 1 in lines 27 through 32, it talks about for elections which include a presidential candidate they shall ensure that at least the same number of hours is offered for absentee ballots, and then when you go to page 2 where you talk about the cumulative number of hours during 2010, it still says, line 5 or so down, for elections which
include a presidential candidate the county shall
ensure that at least the same number of hours offered
in 2012. Do we need to say that twice or is it
something I’m missing?

Senator Stein: Mr. President.

Senator Apodaca: Senator Stein, are you
ready for the answer?

Senator Stein: I am.

Senator Apodaca: Senator Stein has the
floor.

Senator Stein: Senator Bryant is correct
and there needs to be a perfecting amendment which I
understand Senator Rucho will be working on.

Senator Apodaca: Okie dokie, let’s stand
at ease a moment.

Members, let’s come back to order. The
corrected amendment has been placed on the dashboard.
We are still on Amendment Number 11 as corrected;
further discussion or debate on Amendment 11?

Senator Bryant: Mr. President, if we
could just have a few minutes for it to --

Senator Apodaca: Senator Bryant.

Senator Bryant: -- do it’s thing.

Senator Apodaca: Yes, ma’am.

Senator Bryant: I mean, I don’t have it
on my thing.

Senator Apodaca: I have it now, Senator Bryant. Do you have it?

Senator Bryant: No, I've just got a circle turning, you know, white screen, circles turning.

Senator Apodaca: Still turning, Senator Ford, do you have it?

Senator Bryant: Mr. President, can someone who's -- somebody -- could we have the amendment explained?

Senator Apodaca: Senator Rucho, would you explain your amendment -- the change you made in the amendment, please?

Senator Rucho: Yes, I will, sir; thank you.

Senator Apodaca: The Senator has the floor.

Senator Rucho: It reads for elections which do not -- well, let's -- is that the part you want to clarify? For elections which -- it should have said do not include presidential candidates. Okay, that's why we go the county shall ensure that at least the same number of hours offered in the 2010, which was a non-presidential year, so therefore -- and then it
offers that ballot and so forth. So that clarifies the concern, correct; Mr. President.

Senator Apodaca: Further discussion or debate on Amendment 11 for House Bill 589; seeing none, the question before the Senate is amendment to House Bill 589, Amendment 11. All those in favor will vote aye. All those opposed will vote no. You have five seconds for the vote. The clerk will record the vote. Senator Woodard, Apodaca aye; okay, Amendment 11 passes by 46 in favor, zero in the negative. House Bill 589 as amended is back before the body; further discussion or debate?

Senator Blue: Mr. President.

Senator Apodaca: Senator Blue, for what purpose do you rise?

Senator Blue: Will Senator Rucho yield for a question?

Senator Apodaca: Senator Rucho, do you yield?

Senator Rucho: Yes, sir.

Senator Blue: Senator Rucho, so that I clearly understand this, the -- if I could call your attention to the actual version 7 of the bill; page 50, lines 20 through 21 relate to corporate money to political parties and in looking at that, under the
current law you can actually take corporate money for buildings. Am I correct that this changes it so that you can also take corporate money to provide for personnel as well as operating expenses for parties?

Senator Rucho: Sir, our understanding of that is that what we’re saying, and primarily because of the fact that by eliminating the check-off money, we’re trying to not injure any groups. So what we’re saying is that you can use the money you described for building funds and/or non-political activities.

Senator Blue: Follow-up?

Senator Apodaca: Senator Rucho?

Senator Rucho: Yes, sir.

Senator Blue: But this is allowing corporate money to be used in a way that it is now currently not allowed?

Senator Rucho: Corporate money was always allowed to be used in building funds, but now it does allow it to be non -- other non-political activities.

Senator Blue: Follow-up?

Senator Apodaca: Senator Rucho, follow-up?

Senator Rucho: Yes, sir.

Senator Blue: And as I understand it, actually you can use corporate money directly to hire
up to three people in the campaign or in the party headquarters, is that correct?

Senator Rucho: Primarily non-political, but yes.

Senator Blue: Another question, Mr. President?

Senator Apodaca: Senator Rucho, do you yield?

Senator Rucho: Yes, sir.

Senator Blue: And on page 52, lines -- I think it's page 52. It's page 53, lines 5 through 50 -- page 53, lines 5 through page 53, line 24. That has to do with the electioneering communication period?

Senator Rucho: Yes, what that is is a date certain for when the electioneering communication window starts. Rather than trying to go back and say we'll look at 60 days, what we're trying to do is make it simple and say from that day forward. That's what it means. There's a lot of confusion by having people subtract from a number, so we're trying to lay it out there so that no one can potentially get into some problems.

Senator Blue: Okay, follow-up?

Senator Apodaca: Follow-up, Senator Rucho?

Senator Rucho: Yes, sir.
Senator Blue: And is it fair to say that when you choose the specific date, I think here it’s September 15th, you actually enlarge the amount of blackout time? That is when you don’t have to have an accounting of contributions or expenditures.

Senator Apodaca: Senator Rucho?

Senator Rucho: Senator Blue, we picked September 15th as the day. You can pick any day you want on that one, but what we were trying to do is have a definitive date to say that’s when that next cycle begins.

Senator Blue: And one follow-up.

Senator Apodaca: Senator Rucho, follow-up?

Senator Rucho: Yes, sir.

Senator Blue: Logically then, September 1st would be as good a date as September 15th?

Senator Rucho: Yes, sir.

Senator Blue: Okay, one other area I’d like to ask you a question about, if I may, Mr. President?

Senator Apodaca: Senator Rucho, do you yield?

Senator Rucho: I do.

Senator Blue: The provision on page 54, line 50, relating again to independent expenditures and
electioneering communications; that eliminates the
requirement that the top five contributors be disclosed
-- the top five donors be disclosed, does it not?

    Senator Rucho: No, sir, not completely,
because it just -- doesn't require it to be on the
media; they are still available and documented
accordingly. It's just not on the piece of media.

    Senator Blue: Follow-up?
    Senator Apodaca: Follow-up, Senator Rucho?
    Senator Rucho: Yes, sir.
    Senator Blue: But if you pair that with
the last question I just asked you about, the
electioneering period change, doesn't it create a
period in the Summer, that is from the end of the
primary until the beginning of the next electioneering
period which in this case would be September 15th, that
there is no tracking and there is no direct reporting
of either funding or expenditures against a candidate
or for a candidate?

    Senator Apodaca: Senator Rucho.
    Senator Rucho: Yes, sir; our
understanding and what we believe is the Independent
Expenditure Committee will still have to make a
disclosure and that same information will be readily
available.
Senator Blue: Follow-up?

Senator Apodaca: Senator Rucho, follow-up?

Senator Rucho: Yes, sir.

Senator Blue: As I understand it, Part 48 which is Candidates Specific Communication, that's on page 51, that is the section that requires that during a certain period that you list people who give you over a certain amount of money, so -- for example, so that you could know who is spending $10,000.00 against you during the Summer lull. Is that not what that section does, repeals the current ability to know who's spending against you between those periods?

Senator Rucho: My understanding is that the -- we're repealing that because that information is superfluous for Independent Expenditures Committees -- for Political Committees and Independent Expenditures Committees. So I don't see that being a problem or any type of contradiction.

Senator Blue: Last follow-up.

Senator Apodaca: Senator Rucho, follow-up?

Senator Rucho: Yes, sir.

Senator Apodaca: Senator Blue.

Senator Blue: Do -- so you're saying it's not your intention to create a dead period, that is, between the primary and until the next
electioneering cycle begins -- electioneering communications begins, so that somebody could spend an unlimited amount of money, anybody, no restriction on the source, could spend an unlimited amount of money against you and you not know who it is that’s spending the money against you?

Senator Apodaca: Senator Rucho?

Senator Rucho: Yes, sir; Senator Blue, that was not the intention. And if it is, and if it does, we’re not sure we see it that way, but if there is, we surely would be, you know, delighted to sit with you and talk if you have a solution to what your concerns.

Senator Blue: Okay; Mr. President.

Senator Apodaca: Senator Blue.

Senator Blue: I’d like to send forth an amendment.

Senator Apodaca: Send forth your amendment. Senator Blue sends forth his amendment. Read the amendment.

Reading Clerk: Senator Blue moves to amend the bill.

Senator Apodaca: Everybody have it on the dashboard; Senator Blue is recognized to explain his amendment.
Senator Blue: Thank you, Mr. President; I'll start in reverse order. I had asked Senator Rucho about the changes in the independent expenditures and electioneering communication and the disclosures that are required. I've been informed that if in fact we leave it as it is in the current bill that from the end of the primary period until, in this case it would be the middle of September, that there could be a barrage of spending against you, and this applies to all of us regardless of what party you may belong to. A barrage of spending against you, unlimited, no restriction on the source and you wouldn't know who is laying all of this stuff on you. And so this amendment would basically return the law to its current form so that there would still be a requirement that people who contribute up to these amounts, generally it's your top five contributors, or expenditures would in fact have to disclose it and you would know who's spending money against you. I think those who've been in competitive races would be best served by knowing who it is that's aiming at you and who's starting to spend huge amounts of money against you. And it would be helpful to know that before you're 60 days from the actual election. That's the third part of the amendment. The second part of the amendment would basically take us back to
the electioneering communication period. Senator Rucho said it wouldn’t matter if it was September 1st and I agree. I think that the earlier you do it the better off we are. The current rule changes it to September 15th. I think the general practice is now it happens somewhere around September 7th. But we’re shortening the period and what concerns me is when you shorten -- you’re lengthening the period rather that somebody can spend between the primary and when the electioneering communications kicks in again that you make yourself vulnerable -- not that you make yourself vulnerable, but you make candidates vulnerable, unreasonably so. And the last portion of that is simply saying that corporate contributions can be used to build buildings for headquarters, but it would restore it so that it can’t be used for operating funds. The bill that is before you would allow direct corporate contributions to be used for three employees in the headquarters, for operating funds, for supplies, for all other things relating to operations rather than capital projects. That’s what it does. And lastly, it does have a provision too that says if you really want to sling something at a candidate and you’re a candidate, you’ve got to let folk know who you are. You’ve got to stand by your ad. You know, if you want to say bad things,
you ought to be willing to let folk know that you're
the one who's sanctioning these bad things against
other candidates. I vote the adoption of the
amendment.

Senator Rucho:       Mr. President.

Senator Apodaca:     Senator Rucho, for what
purpose do you rise?

Senator Rucho:       Would Senator Blue yield
for a question?

Senator Apodaca:     Senator Blue, do you
yield?

Senator Blue:        Surely.

Senator Rucho:       Senator Blue, we had a
chance to discuss this earlier. There were a couple of
areas that we -- you've got three parts to your
amendment. We may feel that you have some validity on
one part of it. Would you withdraw your amendment for
the moment to have a chance to speak with us about it,
specifically on the one section that is the blackout
time? And then the others we're not too distressed
over and I think you probably aren't bent out of shape
over them either. But would you be willing to withdraw
your amendment and have a chance to speak with us on
it?

Senator Blue:        Sure, I'm an
accommodating fellow; Mr. President.

    Senator Apodaca: Senator Blue has the
floor.

    Senator Blue: Based on the request from
Senator Rucho, I would temporarily withdraw the
amendment.

    Senator Apodaca: Okay, Senator Blue
withdraws his amendment. Senator Stein, for what
purpose do you rise?

    Senator Stein: To debate the bill.

    Senator Apodaca: Senator has the floor.

    Senator Stein: Thank you, Mr. President,
members of the Senate; the core value of America is
freedom. The original immigrants who came to our shore
came because they wanted to exercise their freedom of
conscience. The sons and daughters of liberty who
declared their independence from the Crown, they did so
because of a simple proposition, that to secure our
inalienable rights, governments are instituted among
men deriving their just powers from the consent of the
governed. They risked everything for their right to
vote for their government and we in the world are
forever grateful. Voting is our most fundamental
freedom. It is the basis of our representative
democracy and much of our political history has been
struggling over expanding that right to suffrage to
more and more people. The post Civil War 14th and 15th
Amendments, they guaranteed the right to vote to all
men above the age of twenty-one, including African-
Americans, a right that they had for about a quarter of
a century. Women achieved their hard-earned right to
vote with the passage of the 19th Amendment in 1920.
In the 1960's with both the 24th Amendment eliminating
the poll tax and the Voting Rights Act, the right to
vote that existed on paper for African-Americans became
real. Finally, in 1971 we guaranteed the right to
every young adult of age eighteen or more. Yet even
with all these developments, because of our state’s
legacy of disenfranchisement and discrimination, North
Carolina ranked among the worst states in civic
participation throughout the entire 20th Century. The
General Assembly addressed this deficiency with a
number of reforms to remove obstacles and barriers to
participation. We passed laws to allow absentee ballot
voting for people who couldn’t be there on election day
and have continually made that process easier. In 2010
-- I mean, in 2012, 218,000 people voted in North
Carolina absentee. Early voting was enacted in 1997
providing more people more convenient times to cast
their votes because some people were working on
Tuesday. Last election, 2.5 million North Carolinians voted early. North Carolina enacted same day registration because they knew that some people weren't registered and may not have it on the top of mind to register in advance before election day. In 2012, 100,000 people in North Carolina voted registering the same day. We as a legislature passed pre-registration for sixteen and seventeen year olds so that they could pre-register, and when they turned eighteen, they automatically got their card. Last year, 50,000 kids have pre-registered so that they can participate in the democratic process. These reforms have benefitted the people of North Carolina and here's a fact. In 1988 only 45 percent of voting age adults cast a ballot for President. North Carolina ranked 48th in the nation in civic participation. Just twenty-four years later in 2012, 65 percent of the voting age people in North Carolina voted for President and now we're ranked 11th in the nation in terms of people participation in choosing their government. Do I have to tell you all that that is a good thing? When people vote, they take greater ownership of their government. They become invested in their society. The more people who vote, the greater legitimacy of that government because everybody has voted and no one can complain that the
government is not truly representative of the people. To impinge on people’s right to vote, to limit their liberty, is to undermine government and it is wrong. Yet this bill does precisely that in a host of ways. It started out as a six-section bill. On Monday night, we got it overnight, it had grown into a 60-page election bill monstrosity. Senator Nesbitt talked about the bill yesterday and he actually said something where I disagree. He said he couldn’t find a single provision that actually made it easier for people to vote. I went through the bill, counted about twenty provisions that affect people’s right to vote in measures large and small. I actually came up with one. You all make it easier for people to vote absentee and that’s a good thing. I support it. But every other provision in this bill has the effect of reducing people’s participation in choosing their government. The bill eliminates pre-registration of young people. As I said, 50,000 people a year are doing this. The idea is they have Civics class in high school. They get excited about government and they pre-register. We want kids to take Civics, but when 50,000 of them want to exercise and put into practice their civic obligations, we’re saying to them you can’t do that anymore. I asked Senator Rucho why are we doing that
to our young people. His answer was that he and his son were confused by a letter they had received. I am sorry, but that is a sorry reason to keep young people from registering to vote. We gave you a chance to fix this yesterday and you voted on party lines to keep -- to eliminate pre-registration, denying young people an easy opportunity in Civics class to become civic participants. The bill ends same-day registration. In the last election, 100,000 people did this. That is fantastic. You know why we instituted registration before the election? It was done by Democrats in the late 1900's to minimize the participation of African-Americans in the election. By eliminating same-day registration, you all are going back to the sorry old history that we should not embrace. It also hurts young people because young people are the ones who are as a cohort coming into the election process. They go to a college town and they can’t pre-register. They’re worrying about settling into their dorm rooms, not going to the county board of elections. We should help young people participate. The bill shortens early voting by a week. 900,000 people vote in that first week. Two and a half million vote early. We discussed this yesterday and I think the amendment we passed and perfected today mitigates the damage, but it is still a
bad idea because we had an amendment by Senator McKissick that would have ensured that on the presidential general election let’s keep it seventeen days. But you all voted that down, thereby creating problems -- potential problems for election lines. Those problems are going to be dramatically expanded because you all are taking away from the citizens of North Carolina their option to vote straight ticket. It is an option. Nobody has to vote straight ticket if they don’t want, and yet the majority of the people of North Carolina, including more than a million Republicans, said that’s an option I want to exercise. Two and a half million people vote straight ticket. If you estimate that it takes about ten minutes more to complete the entire ballot rather than straight ticket, by the two and a half million people who vote straight ticket, divided by the 60 minutes in an hour, that’s 460,000 hours more collectively that will be spent in the polling booths as a result of this elimination of straight ticket option. You all are substituting your judgment for that of the people and that is a convenience you should not deny the people of North Carolina. I asked Senator Rucho what analysis have you all done to analyze the impact on election administration by the combination of eliminating
straight ticket and shortening election period early
vote; none; none. We will see what happens and when
there are long lines that have the effect of deterring
participation in the election, you all own that.
According to the State Board of Elections, which cross
checked its database with DMV, there are more than
300,000 registered voters who do not have a driver’s
license. 138,000 of them voted in the last election.
Because of this bill, tens of thousands of North
Carolinians who have participated in our elections
likely will not. Your extreme version of voter ID
means that people who have a driver’s license but have
forgotten the driver’s license when they go to vote
have to do one of two things. Either they have to go
home and come back, which if they do, a number of
people won’t make it back, or they have to vote that
day and then after the election then go to the
courthouse to cast that ballot. That happened in
Indiana and an analysis I saw of certain precincts, one
out of thirty-two, one out of thirty-six of the people
who cast those provisional ballots ever made it back to
the courthouse. Why if somebody goes to the trouble of
casting a vote do we want to make it harder and create
another barrier for them to actually get their vote to
be counted. Senator Robinson offered an amendment that
would have made it absolutely parallel, the same
process for identifying who you are as an absentee
voter, that's what we will put in place for in-person
voters. The number of -- the number of instances of
absentee fraud is something like a factor of 17 more
for absentee fraud than in-person fraud when the number
of people who vote absentee is a minuscule percentage
of those who vote in person. And yet you all are
making it easier to vote absentee, but making it harder
for people to have their vote count, people who go to
the polls to vote. That is wrong for the people of
North Carolina. Your restrictions will
disproportionately affect certain people. It will
disproportionately affect seniors. You make it more
difficult to site satellite sites for disabled and the
elderly. Seniors are less likely to have driver's
licenses. The length of time that you're going to
require everybody to vote will make it longer to vote
and longer to wait in line, will have a
disproportionate effect on seniors and disabled. Young
people we're losing eliminating same day registration.
You all are eliminating pre-registration. Young people
are less likely to have a driver's license. And you,
unlike Georgia which we spent a lot of time talking
about yesterday, will not permit them to use their
state issued college ID. They have an ID, but it's not
good enough. No, we have to make you go to the DMV and
get another document. We're trying to create a step
and then a step and then a step knowing you know that
at every step people will fall out of the process.
That's not democracy. That is not freedom. It will
disproportionately affect minorities. Minorities take
advantage of early vote, and in particular the first
week of early vote, more than the general population.
They take advantage of same day registration, like
college students do, more than the general population.
They disproportionately don't have driver's licenses.
And the biggest instance where they do things
disproportionately as Senator Bryant talked about
yesterday was straight party voting. You wrap all
these election changes into one. In fact, it was in
today's Washington Post that the Department of Justice
is readying their Complaint to file against North
Carolina when this gets enacted because of its impact
on the participation of minorities in North Carolina
and the electoral process and that is wrong. The only
good news about this bill is that when Congress
revisits Section 4 which the Supreme Court ordered them
to do when they struck down the coverage jurisdictions
in Section 4, is you're giving them a poster child for
what state -- and not just 40 counties in North
Carolina, the whole State of North Carolina will be
subject to Section 5 in the future. Why are you making
it harder for seniors, young people and minorities to
vote? Might it be because these folks
disproportionately vote Democratic? Might it be that?
Yesterday Senator Tillman informed us how more people
voted in Georgia in 2010 than they did in 2006 after
the voter ID law went into effect in Georgia. What he
didn’t tell us was that in 2006 there was no Senate
race and it was an incumbent Governor running for re-
election. In 2010 there was an open Governor seat and
a U.S. Senate seat. No one is saying that the changes
you all are making are going to overwhelm or underwhelm
what happens in the main. But in the margin it will
affect the outcome of elections.

Senator Tillman: Mr. President.

Senator Apodaca: Senator Tillman, what
purpose do you rise?

Senator Tillman: To see if Senator Stein
will answer a question.

Senator Stein: I will be happy to when
I’m finished with my remarks.

Senator Apodaca: Continue, Senator Stein.

Senator Stein: Thank you, Mr. President;
I know you all like governing by anecdote, but I prefer a broader view. In states with voter ID, there has been a resulting decline in the registered population of about 2 percent. In states with voter ID, Republicans have done better by about up to 1.2 percent than if they didn't have voter ID. And Senator Graham gave us some quotes yesterday from some Republican officials in other states who are a little more frank in the way they spoke about election law changes than perhaps they should have been. They said it was going to deliver the state of Pennsylvania to Romney. It of course did not. I expect many of you, my colleagues, are sitting there thinking, well, you know, frankly that might be true, but heck, the Democrats they just made civic participation easier because it helped them in elections. My predecessors made these reforms because it is the right thing to do for the people of North Carolina to make it easier for them to participate in the political process. They did so even when it was to their electoral disadvantage. The one area where Republicans vote more than Democrats is absentee voting. You represent about 31 percent of the registered voters, but you are half, 50 percent, of all absentee ballots cast. Democrats have repeatedly over the last twenty years made it easier and less onerous
to cast an absentee ballot, not because it was going to help you, but because it was going to help the people, the people who have a right to participate in this political process, a right that you are impinging. This last couple of weeks it has become clear as day that we have different agendas, different views for what’s right for the State of North Carolina. Your budget cut education in order to finance tax breaks for the wealthiest 1 percent and corporations. You are pushing legislation that will restrict --

Senator Rucho: Mr. President.

Senator Stein: That will restrict a woman’s right to choose.

Senator Apodaca: Senator Rucho, for what purpose do you rise?

Senator Rucho: Question of the chair.

Senator Apodaca: State your question.

Senator Rucho: What bill is Senator Stein talking about?

Senator Apodaca: Senator Stein, I’m going to ask you to stay on this bill, not on others, please; thank you. Continue.

Senator Stein: I am debating House Bill 589, which is about participating in a political process. If you all had self-confidence that your
agenda was the right agenda for the State of North Carolina, then let’s open the doors to the polling place for as many people as we can and the people will ratify it. But if what you’re doing is limiting who can vote in elections, what you’re telling me is that you don’t have self-confidence. What you are doing is shameful, un-American and shows clearly to every person in the State of North Carolina whose side you’re on and it’s not theirs. I urge you to vote against this legislation.

Senator Kinnaird: Mr. President.

Senator Apodaca: Senator Kinnaird, for what purpose do you rise?

Senator Kinnaird: To debate the bill.

Senator Apodaca: Senator has the floor.

Senator Kinnaird: We’ve got this bill which came to us purportedly because voter ID was necessary to prevent fraud. So what do we have? We have three pages about voter ID and 53 pages, 53 pages, about reducing access and subtracting options, making it harder for people to vote, 53 pages. Early voting decreased even though 10 million people used it and 75 percent of the voters used it and 86 percent of people approve of early voting; straight party voting eliminated; same day registration eliminated; all those
requirements for obtaining an ID for those without
driver’s licenses or other listed acceptable documents;
eliminating the opportunity of young people to register
early; not accepting university or college ID’s;
repealing judicial public campaigns even though
fourteen appeals court judges asked you to keep it;
repealing your stand by your ad for transparency;
impeding satellite sites; 53 pages, when all you said
you wanted to do was prevent fraud through voter ID.
So why didn’t you just stick with the three pages of
voter ID instead of making it harder for everybody in
North Carolina to vote?

Senator McKissick: Mr. President.

Senator Apodaca: Senator McKissick, what
purpose do you rise?

Senator McKissick: Speak on the conference
report.

Senator Apodaca: Senator has the floor.

Senator McKissick: This bill greatly,
greatly concerns me and disappoints me. This bill
basically reverses decades of progressive legislation
that we’ve had here in North Carolina that have
increased voter participation. I spoke yesterday about
the early vote period. It greatly concerns me that
we’re now decreasing it by a week. I respect the fact
that we adopted Senator Stein's amendment, but at the same time it doesn't solve the problem. There are 900,000 people that won't be able to vote in that early vote period. And we look at the increase in 2008 and 2012, 200,000 additional people were voting. We look at the fact and when it comes to early registration and being able to go there and vote the same day, same day registration, same day registration is completely prohibited. We need to be encouraging people to get out there and vote during that early vote period with same day registration. We look at our students. We get them all actively involved in our schools through civic programs and other programs, through our PTA's or parent organizations, get them involved in student voting and we encourage them at sixteen, seventeen years old to go ahead and pre-register. We're stopping that. We want to use that opportunity, use those classrooms as a tool to get them involved in the political process. We need to be encouraging all our high school students to be able to get pre-registered to vote. If we look at the fact that now once they get out of school, they get student ID's, they can't use them to go out there and vote and prove who they are. That doesn't make any sense to me. We need to make certain that we enhance their ability to participate in
the political process. There's no straight party
ticket voting. It's being done away with. Right now I
guarantee you that the vast majority of people don't
know all the candidates running for public office.
They may come out to vote for one or two particular
candidates that they identify with, that they support,
maybe a Republican, maybe a Democrat. But what do they
do? They identify with one of the parties and they may
vote that straight party line. They don't know all the
down-ballot candidates. Now we're stopping them from
doing so. That's not a good idea. A lot of people
need that additional guidance that can come from that
identification with a party. That impacts all of us in
North Carolina. And then the voter ID's themselves; an
unnecessary tool, an unnecessary obstacle that many
people are now going to have to overcome. You can say,
yeah, they can go out and get a birth certificate and
do it, but now they've got to make two trips and go out
there and get that birth certificate. Now they've got
to get that voter ID. It's doing nothing but
suppressing the vote. If we look at this bill in its
totality, it's all about suppressing the vote, trying
to make certain that those who we may not want to see
come out and vote do not have an opportunity to do so.
And when I look at it in its totality, and I'd like to
think that its design is somehow to enhance integrity
in this process, but I’m reminded of the fact that
North Carolina is really not a red state or a blue
state. We’re kind of a gray state. And I’m reminded
of the fact that Obama won in this state by about
12,000, 13,000 votes back in ’08 and he lost by about
100,000 votes in 2012 and I’m also reminded by the fact
that there are about 318,000 people that do not have
ID’s that are government issued that may be adversely
impacted and not be able to vote. And I look at all of
these measures in their totality, I can’t help but
wonder if the goal is simply to maintain political
power for those that are in power today,
notwithstanding the fact that we’re stepping upon the
constitutional rights of people by not enabling and
enhancing their ability to participate in this process
as opposed to decreasing that opportunity.

Senator Tillman: Mr. President.
Senator Apodaca: Senator Tillman, for what
purpose do you rise?
Senator Tillman: To speak briefly on the
bill.
Senator Apodaca: Senator has the floor.
Senator Tillman: Senator Stein reminded us
that in Georgia an off-year election that the vote was
not that much significant. If you’re going to compare off years, Senator, you ought to take off year prior to off year before. And the increase was 44 percent among minorities, 67 percent increase among Hispanics and 12 percent among Whites. Then if you want to take the next year, which you conveniently forgot, 2012, you mentioned 2010 which was a national election, how about checking those results and then you’ll have the whole picture. You gave us a partial picture which you’re good at. But if all the Democrat talking points are the same, we’ve heard the same thing and not anything different, that we’re suppressing votes. Folks, we’re trying to guarantee that your vote counts and I don’t think there’s anything more important that we can do to make sure that my vote and your vote counts the way it’s intended to count. No, sir, I will not yield.

Senator Stein: Mr. President.

Senator Apodaca: Senator Stein, for what purpose do you rise?

Senator Stein: I’d like to see if Senator Tillman will yield to a question.

Senator Tillman: I’m going to yield just like you did, Senator, when I finish.

Senator Apodaca: Senator Tillman has the floor.
Senator Stein: I'd be happy to wait.

Senator Apodaca: Senator Tillman has the floor.

Senator Tillman: We've got a good bill. We've got a bill that ensures integrity at the voting place. It increases voter turnout and it increases voter integrity. And you keep bringing up voter ID as if it's going to suppress votes. The fact is it increases votes in nearly every state that's done it. And I don't know anyone, even minorities, that when they look at this thing and say yes, I ought to be able to identify myself if I'm going to vote. Even that polls in the positive for minorities and about 80 percent of the other voters say we ought to have photo ID, so you've got a lame argument there.

Senator Stein: Mr. President.

Senator Apodaca: Senator Stein, what purpose do you rise?

Senator Stein: To see if Senator Tillman will yield to a question.

Senator Apodaca: Senator Tillman, do you yield?

Senator Tillman: I'm going to give you one chance.

Senator Apodaca: Senator Tillman yields.
Senator Stein: I guess I’ll have to make it a compound question. Senator Tillman, you talk about this is about integrity of elections. I would like to know how telling people that they no longer have the choice to shorten their time in the ballot box and do straight ticket voting, going to pick -- you know, you can go and pick any one race you want opposite anytime, just speeds up the process. How that and how denying high school kids the opportunity to participate in their democracy and pre-register so that when they’re eighteen they get a card, how do either of those have anything to do with integrity of elections?

Senator Tillman: They all have something to do about the -- reforming the electoral process and in doing that, the rules are going to be the same for everyone and we’ve set the rules in place. But if we voted for over 200 years on one day and now we can’t vote in a week, there’s something wrong with that. And if you don’t think enough about voting and wait to register until you get there on election day, folks, you’ve not thought very much about the election and it doesn’t mean very much to you to say, oh, I didn’t register. We normally had -- we used to have to wait 30 days and now you want to crowd everybody in there on election day and vote them and that’s where you have
all kind of confusion, all kinds of provisional ballots
that's got to be verified and that's what leads to
confusion and that's what leads to potential fraud.
We're going to try to eliminate that.

Senator Apodaca: Thank you, Senator
Tillman; let me take care of a couple of housekeeping
matters quickly. Number one, Senator McLaurin is back
in the chamber. Also, I believe you were here for the
vote on Amendment Number -- what was it, 11 or 12? 11;
and I believe you voted aye and you were not recorded.
Your machine was locked. So we're going to record it
voting aye; 47 to 0. Also, just in time, the nurse of
the day is here, Jenelle Simpson from my hometown of
Durham; welcome and thank you; further discussion or
debate on House Bill 589; Senator Graham.

Senator Graham: Mr. President.

Senator Apodaca: Senator Graham, what
purpose do you rise?

Senator Graham: Speak to the bill.

Senator Apodaca: Senator has the floor.

Senator Graham: Thank you, Mr. President;
on yesterday I went home after session, reflected on
yesterday's debate and one thing that I realized that I
know that every Senator here has a different
background, different perspective, different viewpoint,
different constituents, and I realized that two Senators can take a look at the same bill, read every word that are the same and interpret it differently. I stand here today and share my comments on this bill from my life experience as an African-American male raised in Charleston, South Carolina, a mother who worked, was a domestic worker working in the big houses on Calhoun Street in Charleston, and from a father who was a truck driver. My perspective is from going to the country as we would call it and listening to stories from my grandparents about their experience growing up as an African-American in the South. Hearing stories from their perspective about doing something as simple as voting could be deadly. That is the perspective that I bring. I also bring the perspective of someone who is fascinated with history, who loves to read and watch the old black and white films about World War I and II and the Civil Rights Movement and a number of other historical facts throughout the world, but particularly interested in African-American history. So I stand here today with that perspective on this bill. And this bill to me, it's not about election reform. It is not. It's really not about voter ID. If it was about voter ID, you know, I might could stomach it. But what it's
about is about systematically creating artificial
barriers for those who are elderly, those who are
people of color, those who are students, creating
artificial barriers impeding their right to vote.
Senator Stein did a great, great job today outlining
whole series of reasons why this bill is bad and I
agree with him. And from my perspective, when you
eliminate straight party voting, it disenfranchises
African-American voters who customarily vote straight
parties. Now there was a debate yesterday about vote
for the man and not the party. You can do that today.
You can walk into the voting booth, take as much time
as allowed and go down every race on the ballot and
vote for the candidate of your choice. You can do that
today without a change in the law. But to change this
provision systematically disenfranchises Democrats and
the African-American community. Early voting is wildly
popular, wildly popular. That has enhanced voter
turnout in major urban areas throughout this state and
in small towns and communities, but it has been very
successful in the African-American community; souls to
the polls. Folks who work different shifts, no one --
not everyone has a job like I do at 8:00 to 5:00. Some
gfolks work from 5:00 to Midnight, all type of hours,
and the convenience of having a two-week period to vote
and cast their ballot is significant to them and
important. And again, African-Americans and students
and those who have trouble getting to the polls use
this time frame to exercise their constitutional right
to vote. By eliminating it and shortening it, it
disenfranchises those individuals in those particular
groups. The pages in the room today, many are fifteen
and sixteen year olds who are here because they care
about their government and want to see their government
in action. As Senator Stein said earlier that no, no,
no, they can come here and work, but they dare not pre-
register to vote because somehow that's a little too
complicated for them and their parents. North Carolina
has sixteen outstanding public universities, Chapel
Hill, East Carolina, UNC-Greensboro, UNC-Charlotte,
A&T, Winston-Salem State. They all have college ID's.
They may be different, but I'm pretty sure that they
all have a picture. They all have the student's name.
They all have the address of that student and they all
are a legitimate form of ID and should be used in this
process. But you say no. Not only do we have fine
public institutions, but we have flagship private
institutions, Duke, Elon, Wake Forest, Johnson C.
Smith, Bennett College for Women. They all have ID's.
They all have pictures on them. They all are eligible
to be used, but you say no. This disenfranchises
students, college students and high school students.
This bill is bad. This bill is not about voter
identification or voter fraud or bringing integrity
back to the voting booth. It’s about limiting access,
creating artificial barriers, disenfranchising
minorities and the elderly and students and providing a
competitive advantage for the GOP; shame on you.

Senator Apodaca: Further discussion or
debate; Senator Goolsby, for what purpose do you rise?

Senator Goolsby: Speak on the bill.

Senator Apodaca: The Senator has the
floor.

Senator Goolsby: One thing that we’ve not
discussed and I found an old article I wrote back about
the beginning of the session. It was revealed to us in
the press that there were 11,000 voters that registered
during the last election through a system paid for by
the Obama campaign. They paid about $25,000.00 and
they had the help of the Democrat appointee to the
State Board of Elections who thankfully has since been
replaced. 11,000 votes possibly came in through the
people that registered through all points. Let me tell
you how this worked. People went online with their
cell phone, their Smart phone or their computer and
they were able to take their finger and sign a voter registration card and mail it in. When these started showing up at the Board of Elections around the counties, a large number of them came in right after training and a number of the county board of election members called the State Board of Elections and said what's going on; we got all these cards and they look like they were signed by exactly the same person, according to Mr. Bartlett and his counsel at the time, and only one member of the State Board of Elections, the other four didn't know about it until about the time we found out about it after the election. They were told, oh, no, you can take those. But wait a minute. We just went through election training and we were told you can't take computer online registration in our state. There's a lot of problems with that. We don't know who these people are. No, it's okay. It's been approved. That's 11,000 right there that we caught after the fact. How could that have been stopped? Well, it's something called photo voter ID which thirty states have in the United States. Almost every other state here in the South has it and the Democrats sure don't want it and they're using the same talking points that were used in Georgia back in 2005; voter suppression, Jim Crow era, going to reduce the
vote. And we’ve seen from Georgia that it’s not done
that at all and we’ve even seen polls done by Elon
College recently on how many North Carolinians think
it’s reasonable to have to show an ID when you go into
the election booth. 72 percent of North Carolinians,
over half the Democrats in our state polled said they’d
like it. And the people when they were polled, 97
percent of those said they already had an acceptable
form of ID. Now, folks, those of you who were here the
last time, you remember when we passed this bill. We
passed it. It went to Governor Perdue. What did she
do? She vetoed it. And do you guys remember, the same
night after she vetoed our bill, she had a party at the
Governor’s Mansion. Guess what you had to have in
order to go in; a photo ID. It’s not a constitutional
right to see Beverly Perdue. It is a constitutional
right to vote and to reasonably expect people to
identify themselves is not ridiculous. It’s
reasonable. It’s what the people agree on and it’s
what we should do. And I just wonder why the other
party is so against making sure that legal authorized
North Carolinians are voting. That’s a question we
should all ask because they sure are fighting us
awfully hard on what the large majority of North
Carolinians believe in. Think about it, folks. What’s
reasonable? What do the people want and why do all
these Democrat politicians not want it? I wonder. I
just wonder.

Senator Soucek: Mr. President.

Senator Berger: Senator Soucek, for what
purpose do you rise?

Senator Soucek: Thank you, Mr. President
and members of the Senate; yesterday we heard -- to
speak on the bill. I'm sorry.

Senator Berger: You have the floor.

Senator Soucek: Yesterday we heard
Senator Neshbitt say he couldn't find anything that
would help encourage participation. Senator Stein went
and scoured pages and found one. Well, let me give you
two more. Senator Tillman alluded to this idea. I
talked to people. I know you have as well. You talked
to them on the campaign trail. You've talked to them
in your community and you asked -- that's great; it's
nice to meet you, but I really don't intend to vote.
You ask why and they say I don't think my vote's going
to count; why should I spend the time doing it. When
we increase the integrity of the election, when people
say, you know, I've got an ID; I go in; it is who I say
I am and the person in front of me and behind me and
everywhere else, the person voting is who it says it
is, that gives them confidence. It gives them the
encouragement to go and vote. I say you disenfranchise
people by the discouragement of saying we have an
electoral process that has a lack of integrity. I say
that this encourages people to vote. We see the
evidence in other states with photo ID and it
encourages people to vote. The second thing, a term
I'll call fractional disenfranchisement, what happens
here is, I'll give you an example, every time you have
someone who votes fraudulently, you diminish everybody
else's vote who voted. You believe in one person, one
vote. A fraudulent vote makes your vote less than one
person. I'll give you a small statistical example to
illustrate the point. You have ten people voting; each
person has 10 percent participation. If one person
votes twice or fraudulently, you go now eleven people.
That gives you a 9 percent participation. Every
fraudulent vote, which we hear dismissively there's
only forty or fifty, that's kind of like blindfolding
someone in a crowd, then swinging their arms around
saying, hey, there's only five people in this crowd.
That's all there is. That's what happens when you
don't have an open process, when you don't have
something to be able to look at and say here's how we
have integrity in our electoral process. I say let's
encourage people to vote with integrity with voter ID and I say let every vote count because they're not being fractionally disenfranchised with fraudulent votes; thank you.

Senator Hise: Mr. President.

Senator Apodaca: Senator Hise, what purpose do you rise?

Senator Hise: To speak to the bill.

Senator Apodaca: Senator has the floor.

Senator Hise: Thank you, Mr. President, members of the Senate; you know, I've heard a lot from the minority party about how much they expanded early voting and how they allowed opportunities. I want to let you know that they did that in a period in which they also controlled all the election boards in the state. So I stand here and tell you about the counties I represent that out of the entire early voting time period had four hours of early voting that did not occur between 9:00 A.M. and 5:00 P.M. Monday through Friday, did not occur during working hours. They systematically put it together and I will tell you that thanks to the changes in this bill and some to the amendment that came forward, individuals working a full-time job for the -- now will have for the first time the ability to early vote in my area because it's
forcing them to look at hours outside of 9:00 to 5:00
and the last Saturday of the election to put it
forward. We’ve heard a lot about these straight ticket
voting numbers. I just want everybody to know that
that encourage -- they are counting every individual
who checks the party Republican or Democrat, not
excluding the individuals who still go through the rest
of the ballot and mark every other election. They’re
counting anyone who marks within the party affiliation
straight ticket voting. I think you will look and you
will see most of the blue or yellow or red handouts
that are given out at poll locations all over the state
indicating a party’s nominee encourages individuals to
not only vote the party affiliation but vote each and
every race that is coming forward. That’s what’s
handed out. That’s what’s printed and given out, so of
course a lot of individuals vote in that manner. A lot
of people believe that it’s asking which party they’re
in. Those results exist for why people fill that out.
It is not the extensive time change that’s going to
happen by not having people come in and just press a
button because you’ll find most people don’t just press
a button. What I have looked for in this bill as far
as election regulations is it is time we begin to add
uniformity to the system across this state, that we are
starting to move to a time that based on which county
you’re in doesn’t mean what access you have to the
polls. And I think we have done great steps in moving
forward to make it more uniform across this state for
how early voting exists and where early voting sites
are in doing this and I continue to ask for your
support.

Senator Apodaca: Senator Blue, what
purpose do you rise?

Senator Blue: To debate the bill.

Senator Apodaca: Senator has the floor.

Senator Blue: Thank you, Mr. President,
ladies and gentlemen of the Senate; I’d like to take a
different approach to this bill. First, I think all of
you know and to some degree subscribe to the golden
rule regardless of your religion. The seven major
religions in the world all have some version of it.
And I mention that to you because you learned it when
you were young. And it was sort of emphasized to me
when I got to law school. One of my property -- real
property law professors said, you know, the way that
you can tell whether somebody is really fair in the way
they go about doing things, if you want to divide land
or if you want to do anything else. He said you let
them divide the land and then you let the people who
are going to receive it, including the one who divides it, choose first. That will keep them honest and it will keep them fair because you don’t know which side you’re going to end up on at any given time. And so I warn you about this kind of bill. Be careful of how you stack things because you don’t know whether it’s going to be stacked against you. And if you were really interested, and I think observing the fundamental -- I think the most fundamental of the fundamental rights in this country and that is the right to vote, you would first set out by devising or creating a system that is absolutely fair. Wouldn’t matter which side of the political spectrum you’re on, it would be a system that if you were the last one to choose, you’d still get a fair shot out of it. Now this bill, and I don’t think that any of you can really argue it seriously, makes it harder for legal registered North Carolinians, legally registered North Carolinians to vote. Now I don’t know what you’re going to do when you come back and start changing the requirements for registration. You know we have a registration system that has evolved over time. And I say evolved because when I was in college, the only way you could register was to go to the courthouse or a specific person at a designated time, had fixed
registrars. Then we came up with a system of floating
registrars who could register people within their
precinct and they would get the ID's and they would
register them. And then we came up with a system of
floating registrars that could register people anywhere
in the county and we realized that if we truly believed
in this democracy and full participation, we needed to
make it easier for folk to get registered. And so we
eventually evolved so that you could register with any
ID and send in your registration. I don't know what
you're going to do about having people legally
register. Are you going to require the same strenuous
system of ID before they register, because if you're
not, you're creating a system of legally registered
voters having greater difficulty to vote than is
justified. Now I say that it's the most fundamental of
all of our basic constitutional rights. You know, the
interesting thing is North Carolina joined the union
after eleven other states, but after the Bill of Rights
was ratified. And I believe that we still place
importance on the Bill of Rights and I believe in every
single one of them, whether it's the Second Amendment
or whether it's the First Amendment, Fourth Amendment
or the Fifth Amendment, Senator Goolsby, but you know
the interesting thing about it is that we make certain
presumptions about these other fundamental rights in our constitution. We presume that you’re innocent until you’re proven guilty. Most famous quote, the most famous quote by one of the most famous jurists in our country’s history, Oliver Wendell Holmes, is it’s better for 99 men to go free than for one innocent man to be convicted. We have a system that believes in these basic core fundamental rights. We believe in the First Amendment, that you should publish anything you want to unless you come back and show by hard, empirical evidence that somebody’s going to cause harm. You can’t yell fire in a crowded theater, but otherwise you can pretty much exercise your First Amendment rights, establishment, religion, speech and all of the others. The presumption is that you’re properly exercising that right. Here in the most fundamental of all of the rights, you are adopting a presumption that everybody who wants to exercise it is somewhere rather crooked or somebody who’s looking to break the law. I ask you, what parent is going to spend $12,000.00, $15,000.00, or more than that now probably, sending somebody to one of the state universities to get a false ID card. In fact, that ID card is probably more reliable than any of the other ID cards that you can come up with because people are paying so much to get
it. Some schools you’re spending $50,000.00 a year to
get that ID card. If somebody’s going to forge that
card, what are they going to forge it for, to go in the
cafeteria and get a free meal? Are they going to forge
it to go vote? They may as well forge a legitimate
card that you’ve got here. It’s crazy to think that
these forms of ID’s are not legitimate. But let’s get
back to the fundamental issue. This bill I believe
goes further toward undermining these fundamental
rights and it’s counter to what we are and who we are
as North Carolinians. But you know, the amazing thing
is we do adapt as North Carolinians. We adapted when
you had to go all the way down to the courthouse
regardless of where you lived to register. We adapted
with all of the other impediments that have been
imposed on voters, not just Black voters, but we put
impediments in the way of average working people that
we ought not have to do. And, you know, it’s
convenient for people to vote at different times and
it’s convenient to assume that when you take your kids
-- kids voting is one of the most popular things that
happens here in Wake County, where you take ten,
eleven, eight, nine year old kids, show them what the
process is. Many of us on the national level have been
involved in the Democracy Project and other things
where we get legislators to go into classrooms to talk
to people to encourage them to participate. Some of
you have done it over the years. And if we encourage
them, it makes sense that we encourage them to
participate and believe in this democracy of ours and
that what they do makes it stronger. I believe this
bill undermines the democratic process and it flies in
the face of the most basic, most basic of our
fundamental values and that is government by the
people. And that means the more people who participate
in government, the better that government is. That’s
why we want people to participate, not to cheat, not to
do anything else. And the presumption ought to be that
those who participate are rightfully participating.
And the burden ought to be on the government to show
that they’ve done it wrongly. And if they’ve done it
wrongly, then let’s do the same way that we do when
somebody has used a firearm that they’re exercising
their Second Amendment rights by owning. Let’s punish
the person very severely who uses it the wrong way.
But don’t take away the right. I hope you see how
inconsistent this is with the way that we’re dealing
with our other fundamental rights. Now one of the
things that I’m concerned about, and that’s why I was
trying to amend some of these corporate positions out
of this bill, because what we do is as much governed by perception as reality. Perception plays a big role in political leadership and in politics. And people perceive that special interests, big corporations, wealthy people, have a special sway with elected officials. That’s why many of these laws that we have here evolved the way that they have. And when we put provisions in that makes it seem like government is going to the highest corporate bidder, that’s what eliminates belief and faith and confidence in our government. That’s what we ought to be concerned about, not just how it is, but how it is perceived. And I will tell you when you start allowing additional contributions, corporate contributions in any form, then you are letting people perceive that their government is open to the highest and wealthiest bidders. I want you to look around the globe. Just look around this earth of ours. Every day almost you see where somebody is moving toward freedom because that’s the natural order of things. People overturned the government again in Egypt because they didn’t like the suppression that was happening. Every day people are marching toward freedom. And who’s the greatest example on the face of the earth for what freedom is and who has been for almost 200 years or longer and
more so in the last fifty years; the United States of America. We are the model across the country for participatory democracy. That's why it was so important to increase the number of people participating in elections so that it wouldn't be something that seemed but something that is. And here we are. Here we are now flying in the face of that in North Carolina, making it more difficult to participate in this democracy of ours, not giving the presumption of legitimacy to what we do with our most fundamental rights. I say to you that, you know, and I've said before that arrogance and hubris is what destroys great nations. It will destroy a great state. If we think we've got all the answers and we think we know it all and are not willing to listen at other opinions and other viewpoints because we know it all, it is the recipe for the beginning of the decline of this state and our democracy. I have you know that I've given you the benefit of the promises that you made because you're my colleagues and if you say that the major thing that we're going to do is create jobs and expand opportunities, then I take your word that that's what we intended to do. But I will tell you, when you look at perception and you look at how people are talking about what happens down here, you have to take a moment
to pause to think that you don’t believe that you’ve
kept your promise. And somewhere or other you believe
that you have to do something out of the ordinary to
make people believe what you say. Let me remind you,
because nobody has mentioned it, you have absolute
control of the election machinery. The Republican
Party controls the election machinery in North
Carolina. It’s designed that way. If you think that
something is going wrong at precincts and polling
places, you control all the judges, all of the judges
at polling places who can put an end to it. You
control registrars. You control every State Board of
Elections -- I mean, every county board of elections.
You control the State Board of Elections. They’re the
ones who have expertise in this stuff and can tell you
what ought to happen to make sure that it still has the
integrity. What I want to believe, my friends, is that
articles that I read and things that I hear aren’t
necessarily so, because as you get painted, so do all
of us get painted. I will close my comments by sharing
with you an editorial that many of you may have seen
this morning because it has a bearing on how people
perceive you’re behaving when you try to enact a bill
like this. And it talks about pay cuts for teachers or
cuts of teachers in the classroom. It talks about the
tax breaks to the wealthy and special corporations
getting special treatment, but then it says with these
approaches to taxing and spending, North Carolinians
will be motivated to vote in 2014, but Republicans have
a plan for that too. Those are not my words. On
Wednesday the General Assembly was on the verge on
approving and on today approving the strictest voter ID
requirements in the nation. And it didn’t even go on
to talk about not just the voter ID requirements, but
these ways that you’re rolling back the evolution of
voting rights in North Carolina and voting opportunity
and opportunities to participate; does not talk about
the way that you’re rolling back and putting barriers
to the elections participatory process, but it says the
requirements are supposed to protect the voting
process, but their real intent is to protect Republican
office holders. If there were any doubt, Senate
amendments to the House Voter ID bill make it clear and
it delineates the ways that you have not only dealt
with voter ID, but all of these other things that we’ve
been talking about. That’s what we’ve been trying to
tell you about. You know, you come to us. We could
reach an agreement on an acceptable voter ID bill. All
of us want integrity in who votes. We could reach
agreement on something like that, but these other
things are things that have evolved to make this
democracy be a richer, more meaningful and fuller
democracy that gives great justification for our Bill
of Rights, our Constitution and even our Declaration of
Independence. So I say to you that I don’t want to
believe necessarily what newspaper editors around the
state are writing. I don’t know whether the Wall
Street Journal will write one or not, Mr. President,
but I do want to believe that as we go about this
process, that we have integrity, that we’re not taking
steps to enshrine ourselves to ensure that we stay in
office, but that we’re taking steps to ensure that this
democracy which we all profess to love so much gets
strengthened over time and it gets strengthened by
ensuring that everybody, 100 percent of eligible
Americans or North Carolinians can participate. So I
hope -- I hope that some of the amendments to come will
improve this bill, but I hope that when you take it to
conference with the House after you’ve passed it here,
that you’ll consider some of these things to strengthen
this bill so that you’ll strengthen our democracy.

Senator Apodaca: Senator Blue, for the
record, where was the editorial from, please, so we can
put it in the record?

Senator Blue: Dated Thursday, July
25th, and it says Our Views, Scary Ending. It's the lead editorial in the Raleigh News and Observer this morning.

Senator Apodaca: Thank you, Senator; further discussion and debate; Senator Robinson, for what purpose do you rise?

Senator Robinson: To speak to the bill.

Senator Apodaca: Senator has the floor.

Senator Robinson: Thank you, Mr. Chair --

Mr. President and members of this body; another headline this morning and I can't tell you where it came from, Senator Apodaca. I'd have to look for it. But it says what's the matter with North Carolina? The statement, the state has gone from a beacon of tolerance to a bastion of voter suppression in one month. And then it goes on to say that North Carolina is proving itself to be the poster child for all that is wrong with modern American democracy. Maybe Senator Stein can help me find that. But I thought it was so poignant because North Carolina to me has been the place that we could see progress and we could expect progress because it did begin to value all of its citizens and what they could put in. And I learned that as a student at Bennett College. It wasn't Bennett College for Women then, but when I came to
North Carolina in the mid '60's. But then I also know
the history and I want to share with you the history of
voting and most of you know it too because you know
that in 1848 there was the Woman's Suffrage Movement
and it was Black women who actually propelled the
efforts of White women to get the right to vote,
because women at that time did not have the right to
vote and men thought that they should be at home taking
care of the children and all the other things and you
ought not to be out there voting. There were some
Black women who came in who helped. And later on it
was Black men that got the right to vote and it took to
1920 for women to get the right to vote. I say all of
that because the history of voting has been something
about struggle the whole time and especially for
African-Americans. Part of history says that in 1898
there was voting during pre-construction era in North
Carolina. You know that because we did have
legislators here. We had African-Americans who were
legislators. But that was a smart White young lawyer
who came from North and said these Black folks don't
have any right to vote down here. You all need to
change this. And so it started in Wilmington and they
began to change that because they did not feel that
people had the right to vote. So the issues about
suppression then went all the way from skin color to
tax and literacy and all of the other issues
we've heard about. But North Carolina has made
tremendous progress and I have been proud of this
state. And you talk about Georgia. Well, I'm from
Georgia and I don't know if anybody else in here is
from Georgia, but I don't live there. And I was proud
to come to North Carolina in the '60's and I was proud
to help to be a part of the changes that occurred.
Registering people to vote and it wasn't just Black
folks, it was Black and White folks and everybody else
who believed that folk have a right, they had a right
to vote, a right to select the people to represent
them. And so we worked through and we began to do that
and we got it where folk could vote and it became a
society. And I always said to people that said, well,
why is it different. I said because we respect
education and the educational institutions. We've
propelled them. We've supported and, yes, we may not
be the highest in public education, but we've worked on
it and we've worked on it collectively to make sure
children have opportunity. And our universities are
some of the best in the country and they've helped with
that too. But now what we see in the headlines is
we've come full circle and we are dipping all of the
way back. You know, they say that when people are afraid, they do strange things. Well, I don't understand what you're afraid of, because the redistricting process made sure that the districts were drawn in your favor and you can elect the people you want. So what are you afraid of? What is the reason for voter suppression? Why not allow people to exercise their right to vote? Why make it difficult? Voting for us, for the people I represent, it's been a struggle all of our lives, all the time. And it ought to be a time at which you don't have to do that. If we have to fight for it, we'll fight. But it ought not to be like that in this state and this country. It ought to be that everybody who wants to vote -- and you know, everybody doesn't want to vote anyway. So I don't know what you're worried about other folk who don't want to anyway. But the people who want to vote want to do it because they understand it is a constitutional right and it's a responsibility. Voting is a responsibility. It says that I'm responsible for electing people to represent me. I'm responsible for the laws those people are going to make. I'm responsible for what's going to happen in my community, what's going to happen at the state and even at the national level. And if I don't like it, I can vote and change it. And people
have done that and they will continue to do that. So I
don’t understand your rationale and I think there’s
probably no real rationale. It’s probably about power
more than anything else, but whatever the rationale is,
it ought to be that people are given a level playing
field, are given whatever support it is, whether
elderly people need to be able to come in on a walker
and punch one button as opposed to twenty-five. That
would send a person like my mother back home, or
someone else and people in my community, even in
Pleasant Garden, asked about it the other day; why do
we have to do it? A lot of them are Republicans and
they vote for you. But they’re used to coming in there
and punching that one button. Why make it difficult
for them to do that? You talk about we’ve decreased
times that they can vote, all kinds of things against
photo ID’s. When I was a student at Bennett, my photo
ID was as good as anybody else’s in North Carolina.
Yes, a lot of my constituents are Bennett students and
it’s a private college, but they have valid college
photo ID’s and it’s a college recognized in this state,
produces some of the greatest women leaders like me.
And so we have plenty of those and it makes our state
rich. Our colleges and our universities, our community
colleges make our state rich and they propel economic
development, so these students should have the right to
exercise their voting privileges. Elderly people
should have the right without barriers. People of
color, if they are registered voters, should have the
right to exercise that. North Carolina is becoming a
place -- and I guess it's your desire to add to
whatever is going on in the South. You talk about
Georgia. Well, I'm glad I was ever in Georgia right
now, but soon I'll try to find somewhere else maybe;
not really, Senator Tillman, because North Carolina
wants to be like the other Southern states that denies
opportunity for people and North Carolina's not been
like that. And I really think that there are some of
you in here who don't really want North Carolina to be
like that. You genuinely love this state like I do and
you genuinely believe that people ought to have
opportunities. But there is something that is almost
dark in the air, very dark, that is turning the
sunshine in this state from the mountains we talk about
to the coast that makes this a beautiful state and a
wonderful state that people want to live in and want to
come to. This whole issue of voter suppression is
making it a state that, folks, our students will not
want to come to. I don't understand what you're doing.
You're going to do it, but I agree with Senator Blue.
It may backfire on you.

Senator Brock: Mr. President.

Senator Apodaca: Senator Brock, what purpose do you rise?

Senator Brock: To speak, hopefully briefly, on the bill.

Senator Apodaca: Senator has the floor.

Senator Brock: And also to help Senator Robinson; that article you wrote was found in an online magazine called The Slate by a Canadian, a left leaning Canadian, just to let you know. Senator Blue talking about control, this bill will put the control back into the hands of the people by equality. With extended hours that extend for voting for those that work third shift like my brother, that when the normal voting hours, especially under the Democrat regime, was during his nighttime; would wake up, go vote, to him in the middle of the night. My sister-in-law is a med tech in a hospital also working those hours. She’s a Democrat, but this helps her vote, those extended hours. And looking at opening up the polling places across the counties in equal areas, not looking at targeting certain precincts that benefitted the party that was in control of the elections board, which were the Democrats. And this will secure elections. Senator
Blue, when you made a comment about cutting up some
land and then letting the people look at it, Mama
taught that to me and my brother when I was little. My
brother's five years older. It was a cookie. She
asked Neil to cut the cookie and he did. One piece was
bigger than the other. I thought to myself, oh, boy, I
get a piece of that cookie. My brother grabbed both
pieces, put them in his mouth and took off running.
And that's exactly the safety and security this bill
will bring, because you said, well, let things happen
after the fact. Elections are on a schedule, on a time
line, and when you allow people to break the law, bend
the rules, break the rules, election day comes and goes
and it's over. What can you do to try to go back? We
saw the issues we had in Florida in 2000. And that's
just not Florida. It happened in Chicago many times.
That decided the fate of the nation because of who was
going to be President. They had evidence. But Nixon
decided not to challenge it for what it would put the
nation through. It happens in Iredell County, in
Statesville, city councilmen, numerous people trying to
break the rules for their own benefit. We are a beacon
to all other countries in this world and the thing we
have is to allow the people the chance to vote. It is
our most sacred right we have as this nation to vote.
I mean, people have died for this, to get that chance. I mean, Americans died on our own land for that vote, of all colors, men and women to get that chance. And whatever we can do to protect that from people that would subvert that for their own cause, it happens now. It happened in my own district and it wasn’t right. This will help protect the process. It’s fair. It’s equal and I urge you to support the bill.

Senator Bryant: Mr. President.

Senator Apodaca: Senator Bryant, what purpose do you rise?

Senator Bryant: To debate the bill.

Senator Apodaca: Is this the second time, Senator, I believe?

Senator Bryant: I haven’t debated the bill. I asked a question.

Senator Apodaca: Okay, Senator has the floor.

Senator Bryant: I asked a couple of questions.

Senator Apodaca: You’re good.

Senator Bryant: Thank you; I just want to make three points, not to try your patience. The first is in relation to straight party voting. My precinct I think is Number 7 on this list of the top 100 and I
have worked in GOTV since I was a teenager and in my
precinct and in the others and in the work and training
I do, we never instruct people to mark -- we never have
it on our flyers or instruct people to mark the
straight party ticket and every candidate because that
can set them up for errors. You can easily, you know,
mark a candidate of the other party. We instruct them
to mark the straight party ticket, only mark a
candidate if you want to vote for a candidate of a
different party, and then vote for the judges or the
referendums or whatever else is on the ballot. So we
never have instructed people in my fifty years of
working in getting out the vote to mark the straight
party ticket and also every candidate. So I just
wanted to clarify that in my area in Eastern North
Carolina where I'm familiar with getting out the vote.
Second thing, I just wanted to respond to the notion
that people who do same day registration somehow don't
care enough about voting to have registered early to
vote, because in many instances people are registered
but they've moved or there's some other situation that
has their registration be out of date. And in my
particular town, we are in Rocky Mount. It's in two
counties. You can move a block away and be in another
county and if you're busy and not paying attention, you
can easily then be in the wrong county when the time comes for you to vote and our ability to change address only applies if you are registered to vote if you move within the same county, not from another county. And I run into so many people who have moved. They're working two or three jobs, got childcare issues or other issues and didn't meet that registration day -- same day registration allowed them to vote. So they care about voting. It's just the things they do every day in their life kept them from meeting that particular cut-off date. And thirdly, just to make the point that Senator Tillman referenced, well, we've been voting this way for 200 years on one day, so what's wrong with it now. Well, most of us are from groups and most of the people in the voting electorate are from groups that haven't been voting for 200 years. For some of us, fifty years is about as long as we're from groups who have a history of voting. And our electorate has tremendously expanded and rightfully so if everyone is exercising their right to vote. So that is the reason we need these multiple strategies for people to vote. And I just wanted to emphasize those three points; thank you.

Senator Parmon: Mr. President.

Senator Apodaca: Senator Parmon, for what
purpose do you rise?

Senator Parmon: To speak on the bill.

Senator Apodaca: Senator has the floor.

Senator Parmon: Thank you, Mr. President; and I know it's getting late and we are all getting tired, but it's some things -- I'm like Fannie Lou Hamer. I've been tied up and this is one of the things that I think we have to take time and discuss and to debate. And in 2008 I was a member of the North Carolina House and one of the proudest moments in my legislative career was the passing of House Bill 91, which was then Senate Bill 195 which was same day registration, one-stop voting. I was one of the major sponsors of that bill. Today is one of the worst times in my legislative career as I see the passage of this bill that will dismantle that piece of legislation that created opportunities and increased the opportunities for citizen participation in the electoral process. And I heard Senator Brock talk about people fighting and dying for this right and that's true. Many people gave a lot to ensure that we have the fundamental right as groups to vote. So today I know the rhetoric as some of you all referred to it. May be to you rhetoric, but what I want to say to you today is this is real. Voter suppression is a real issue and it's at
the heart of dismantling democracy in North Carolina.
And I will say to you and I want you to be aware, that
as we pass this bill today that we are in the process
of creating victims in the elderly and our students and
of the minorities. And, colleagues, I will submit to
you and I’m going to cut short what I was going to say
because it’s not going to make an impact, but I want to
remind you this bill is so totally unneeded. It’s
unnecessary. It’s ungodly and it’s evil. And I
reflect back on 2nd Samuel, the 23rd chapter, the 2nd
verse, and it says he that rule over men, rule justly.
And this is not justice; thank you.

Senator Rabin: Mr. President.

Senator Apodaca: Senator Rabin, for what
purpose do you rise?

Senator Rabin: I can’t resist because
I’ve been listening to the same thing over and over
again.

Senator Apodaca: Senator Rabin, for what
purpose do you rise?

Senator Rabin: To speak to the bill.

Senator Apodaca: Senator has the floor.

Senator Rabin: Lots of personal opinions
going on today; when I stand up and speak in this
chamber, you better believe I’m speaking for my
constituency because that's the only voice that really should count here. The provisions that I see aren't really restrictive. They -- like I said yesterday, and we heard a lot today that we heard yesterday anyhow, these are the things that protect my rights and the integrity of my vote. It's not in any way repressive at all. When we get to the point even about let's have no straight party voting, I think it's incumbent on each of us when we go to the poll to know who we're voting for and most importantly why. And unless you have that sort of provision in there, I don't see how that works out very well. You know, we all have our perspective, like I said before, and mine comes from considerably earlier where folks are supposed to take the initiative to go after what they want. I do not want a system personally when it comes to my vote that models on what I think I've heard some people would like to have in here and that's the model of the American Idol where everybody can just dial it up on the phone and vote for whoever they want to vote for or however they want to vote and we can't count who's voting how many times. I think that this is a good bill. I support it. Everything that I've heard from my constituents supports it and I certainly hope everyone in the room will vote for it.
Senator Apodaca: Senator Blue, what purpose do you rise?
Senator Blue: Send forth an amendment.
Senator Apodaca: Send forth your amendment, please. The clerk will read.
Reading Clerk: Senator Blue moves to amend the bill.
Senator Blue: Thank you, Mr. President, ladies and gentlemen of the Senate; this amendment simply takes, effects the date of September 7 as opposed to September 15 when the electioneering communications kicks in so you have to start reporting everything after that date. I move the adoption of the amendment.
Senator Rucho: Mr. President.
Senator Apodaca: Senator Rucho, what purpose do you rise?
Senator Rucho: To debate Amendment Number 13.
Senator Apodaca: Senator has the floor.
Senator Rucho: We thank Senator Blue for bringing forward an amendment and something that we think might improve the bill and we’re glad to accommodate Senator Blue’s point on election communication window and therefore I urge you to vote
for Amendment 13.

Senator Apodaca: Thank you, Senator; further discussion or debate; hearing none, the question before the Senate is Amendment 13 to House Bill 589. All those in favor will vote -- Senator Woodward, what purpose do you rise?

Senator Woodard: Speak to the bill, Mr. President.

Senator Apodaca: We’re on the amendment, Senator.

Senator Woodard: Oh, pardon.

Senator Apodaca: Thank you; okay, question before us, Amendment 13 for House Bill 589; all those in favor of the amendment will vote aye. Any opposed will vote no. There will be five seconds to vote on the amendment. The clerk will record the vote; Brunstetter aye, Brown aye, Davis aye, Don Davis, who did I miss; me, aye; 46 in the affirmative, 0 in the negative. Amendment 13 passes.

Senator Blue: Mr. President.

Senator Apodaca: Senator Blue.

Senator Blue: To send forth the last part of the amendment that I have withdrawn; we just bifurcated it.

Senator Apodaca: Okay, all right, Senator
Blue, send forth your amendment.

Senator Blue: Thank you, Mr. President.

Senator Apodaca: Hang on one second. Let the clerk read it in.

Reading Clerk: Senator Blue moves to amend the bill.

Senator Apodaca: Senator Blue to explain the amendment.

Senator Blue: Thank you, Mr. President and thanks, Senator Rucho, for the previous amendment; what I’m trying to do, ladies and gentlemen, and the remainder of this amendment does it. I’m trying my best to get the corporate money out of campaigns. Two things remain in this amendment. One is it’s still a requirement that if you want to talk trash about somebody in an ad, you’ve got to get on the ad and say this ad is paid for and sponsored -- or I support this ad. You know, it doesn’t let you hide behind somebody else. If you really want to pillor somebody, you need to be willing to stand up and admit that you called them whatever it is you’re calling them. That’s the first thing it does. The second thing it does, it still preserves the requirement that people who give big amounts to campaigns during this dead period will still have to be disclosed. It’s my interpretation
that the law would make it so that you don't have to
disclose these corporate donors and others in this dead
period and I just think that we want as much
transparency and as much disclosure as possible in
these political campaigns. So I move the adoption of
the amendment.

Senator Apodaca: Senator Brunstetter, what
purpose do you rise?

Senator Brunstetter: Move that Amendment 14
lie on the table.

Senator Brock: Mr. President.

Senator Apodaca: Senator Brock.

Senator Brock: Second.

Senator Apodaca: We have a motion to
Amendment 14 to lie upon the table, have a second by
Senator Brock. Motion presented by Senator
Brunstetter. All those in favor for Amendment 14
Motion to Lay Upon the Table will vote aye. Any
opposed will vote nay. Five seconds to record the vote
and the clerk will record. Motion to Table passes; 32
in favor, 13 in the negative. Senator Don Davis votes
no; 13 for -- 14 against. The amendment to table
passes. House Bill 589 is back before us; any further
discussion or debate?

Senator Woodard: Mr. President.
Senator Apodaca: Senator Woodard, what purpose do you rise?
Senator Woodard: Speak to the bill.
Senator Apodaca: Senator has the floor.
Senator Woodard: Thank you, Mr. President;
I appreciate my colleagues' tolerance of my debate on the earlier bill and you might think I’m tired, but as Reverend James Cleveland said, after hearing the discussion today, I don’t feel no ways tired. One of the things I’ve enjoyed about my time here is hearing the bells over at Christ Church chime the hour. But I’ve heard some bells the last few days that give me great pause. I’ve heard the death knell for simple, effective, safe, clean, fair and accessible elections. We talked a lot about voter ID yesterday. I thought about my twenty year old niece, student at Carolina, rising junior. When I was sixteen, I couldn’t wait to get my driver’s license; did it the first day. She’s waited. She still doesn’t have her driver’s license yet, because young people just don’t do that as much anymore I understand. So when she’s gone -- if she were asked to vote in previous elections, she’s civically engaged, she’s voted for two years, what ID would she present? Senator Hise actually gave me pause yesterday when he pulled out his ID from the community
college where he works. And it was a good point. It
was a little hard to tell exactly what it was. I
looked at my ID. Mine's a little tough to read too.
But if you care about enfranchisement of voters, then
we shouldn't be throwing an obstacle saying can't read
the ID. We ought to be working to fix that. Let's get
President Rawl in here, President Ross. Let's get a
uniform ID across all of our higher -- our institutions
of higher education, let's make them uniform so that we
can all read them. Heck, we've been doing that kind of
thing for our local governments all session, but
appoint Brock, Rucho and Nesbitt to do it since they've
been spending a little time worrying about the design
of license plates. Let's get you all to design the ID;
spent more time worrying about that than we have about
something that could help enfranchise our college
voters. We spent time -- Senator Kinnaird pointed out
correctly that this bill only had a few pages about
voter ID but spent a lot more time talking about
elections broadly. You've attacked the time to vote in
this bill, early voting, same day registration. You
attacked the early registration of teenagers. All
things that are going to limit the right of North
Carolinians -- the ability of North Carolinians to
vote. Senator Brock commented on Florida. He said we
didn’t want what happened in Florida in 2000 to occur here. Well, we sure don’t want what happened in 2012 in Florida to occur here either. This bill is going to lead to Florida long lines. The matter of choice in straight ticket voting, that’s gone as well and that’s going to radically change. Making it easier to register and more convenient to vote encourages voting among groups such as African-Americans, Hispanics, the young, the old and in areas that are more likely to vote Democratic. Data after data after data shows us that. But this bill actually speaks very little to scrutiny about absentee voting. After all, no ID is required to request an absentee ballot and no one can tell who fills out the ballot and returns it when the absentee ballot is counted. And in fact, many studies have shown us that absentee ballots are more likely to be ruled invalid than votes cast early or at same day registration. But as Senator Stein pointed out, the data show that absentee ballots are more often requested by Republicans; coincidence? Our friends of the Republican Party have argued uniformity, but that uniformity comes with a price in this bill. And that is significant narrowing of our time, our ability, our places to vote. Let’s make it uniform, but let’s make it broad at the same time. And then we get to the
money. Senator Blue has offered you a series of very
effective good government amendments that would get the
money out of this. We voted -- you all voted them down
or tabled them very quickly. Our election should not
be to the highest bidder, corporate or personal. We
keep moving that $4,000.00 limit to $5,000.00. And
then we’re going to let it have an inflation inflater
built into it. It’s going to be that our elections
soon are just going to be going to the highest bidder.
And when you have an agenda similar to what the
Republican Party has pushed through this session, those
bidders are going to be standing in line because they
are very pleased with what you all have passed down
here and the corporate bidders, the highest bidders are
going to be lining up. In addition, when we keep
throwing this kind of money into the election process,
you’re going to narrow the list of people who can run
for office. They don’t have access to that kind of
cash to run campaigns, so you’re not going to see
women, people of color, young people run for office.
They don’t have access to the kind of money it’s going
to take when we keep raising the price and the money in
this. At a time when our state’s population is
becoming more diverse, our electorate and our elected
officials will become less diverse as a result of this
bill. You can dress this up however you want, but
House Bill 589 is plain and simple, a brazen effort to
limit the free exercise of our right to vote. I urge
you to vote no; thank you, Mr. President.
Senator Apodaca: Senator Robinson, what
purpose do you rise?
Senator Robinson: To give the information
for the journal.
Senator Apodaca: Senator has the floor.
Senator Robinson: The article was from
Slate by Dahlia Lithwick on July 24th. S-L-A-T-E is
the journal.
Senator Apodaca: Thank you, Senator;
further discussion or debate on House Bill 589; seeing
none --
Senator Nesbitt: Mr. President.
Senator Apodaca: Senator Nesbitt, what
purpose do you rise?
Senator Nesbitt: I'm the one you've been
waiting on.
Senator Apodaca: Senator has the floor.
Senator Nesbitt: Thank you, Mr. President;
Mr. President and members of the Senate, we've had a
good and thorough debate on this bill over two days.
We've had a sense of history. I think we've reviewed
the bill in great detail. I think every one in the
room knows what we’re doing now. And I want to make
two or three observations. We’ve heard about Georgia.
I don’t want to be like Georgia. We’ve heard about
South Carolina. I don’t want to be like South
Carolina. North Carolina is a better state than them
in my opinion and this is the state I want to have and
this is the one that I want to be like. I heard a lot
of correlations and statistics yesterday regarding
early voting in Georgia. Well, then today when Senator
Goolsby published his letter, I was able to finally
understand the facts. The facts were in 2006 they had
no election to speak of. In 2010, Obama had probably
registered half of Georgia in 2008, and they had a
Governor’s election and a Senate election and so the
voter participation of the minority population went up.
That’s no surprise. And then in 2012 when the
President was running for his second term, it went up
again. Goodness gracious; maybe that was all because
they did voter ID in 2006. But I would propose to you
that common sense doesn’t say that that’s what
happened. And I guess statistics may say it. I don’t
know. I’m no expert on that. But common sense says
that’s not what happened. It says what I just said is
what happened. We sit in here and debate this bill
almost as if you all have got one set of voters and we’ve got another. Now that’s kind of how all the experts we hired tell us about the mail. Well, it’s kind of interesting when you do it by mail you can mail to one group of voters and then mail to another group of voters and you can get targeted information to a targeted group. I got some bad news for you all. You aren’t just doing this to our folks. You’re doing it to your folks and they aren’t going to like lines one bit longer -- one bit better than we are. They aren’t going to like having voted for thirty years and being turned away at the polls because they didn’t bring their driver’s license with them when they’re elderly. They aren’t going to like -- your people aren’t going to like not teaching children civics in school and encouraging them to vote. And I’m telling you when what I think is fixing to happen and you start having lines at these polls and you take responsibility for it, they aren’t going to like you either. They aren’t going to like anybody that did that to them. I was reading last night or the night before an article that pointed out -- don’t hold me to these numbers, these will be close, that seniors are having second thoughts about the Republican Party, that in the last election, I believe it was, you all had a 26 percent margin among
seniors. The latest shows that it's now down to 6.
And after we finish telling them you tried to tax
Social Security, we'll get that other 6 and if they go
stand in the lines I think they're going to stand in,
by the time they get in there, we'll have 6. Now
they're not going to put up with this. And if you
doubt what I'm saying, you need to look around.
Senator Blue mentioned what's going on in this world
that we live in right now. It's frightening what
people will do for freedom. And it's frightening what
they will do when they feel like someone is trying to
take that away from them. How would you like to be
living in one of those countries that have mobs in the
streets? And I don't know what they're shooting over
there. I hope it's firecrackers, but there's guns
going off. There's everything else going off and they
aren't going home until somebody's gone. Now I'm
telling you and that's -- they aren't over there about
food. They aren't over there about education. You can
kind of do all those things to people. They aren't
entitled to those, but you start treading on their
freedom and they don't think that they have any freedom
and that their leaders don't care about them and
they'll take you down. And I know that there's been
some people that have been dismissive of what's going
on in this state. I’ve got a long -- I’ve got a pretty good memory. I cannot remember 800 people being arrested in this town and taken to jail and thousands getting on buses and coming down here to protest what’s being done. And you need to take note. People think that they’re not being heard and they’re not being listened to and their freedom’s being trampled on and now it’s gone to the ballot box. I’ve said to you many times down here I didn’t know what the plan was. And I thought I had it, but then when I got to thinking about this bill, I don’t know how to tell you all this, but this is not your answer. I thought it was. I thought this was the answer and you just -- people wouldn’t -- you could keep people from voting they wouldn’t be able to get recourse. The more I thought about it, this isn’t the answer. This is going to make them madder and more resolute to go to the polls. That’s what happened in Florida. You put them in a line for four hours and see how many of them vote for you. Now I’m telling you because they’ll be your lines. They won’t be mine. And the best thing to do right now is to stop what we’re doing to the people of this state and unleashing this bill on them and start over again and try to draw -- if somebody has a legitimate problem with our process, we’ll fix it. Now in fairness to
Senator Tillman, I’m really not going to go back to one
day voting. We’re not going back forty years. But you
can fix a system. I started out yesterday in my debate
by telling you this system isn’t broken and I’ve not
heard anybody tell me it is. Now if you declare
everybody a crook, then you can begin to get paranoid.
Maybe we need to strip search all the members out in
the hall before they come in here because one of you
might have a gun; how about that? Or maybe we stop the
cars out there in the driveway and search them all
because somebody might be on drugs.

Senator Apodaca: Senator Nesbitt, let’s
please stay on the bill.

Senator Nesbitt: Mr. President, I’m not
going to argue with you. I am on the bill. That’s
what you’re doing with this bill. You’re declaring a
bunch of crooks that aren’t there. You’re calling the
people of this state crooks. I told you last night,
nobody is trying to break into a polling place. It’s
never happened in the history of the state. That’s not
where the crooks are. And you don’t need to do all
these things to these people. My point is you can stop
anything. The question is how much are you going to
put everybody through to stop it. And this system
isn’t broken. You’re fixing to break it.
Senator Rucho: Mr. President.

Senator Apodaca: Senator Berger, what purpose do you rise?

Senator Berger: Mr. President, to speak on the bill.

Senator Apodaca: Would you like to yield to Senator Rucho first?

Senator Berger: I’d be more than happy to yield to Senator Rucho.

Senator Apodaca: Senator Rucho, you have the floor, sir.

Senator Rucho: Thank you, sir; ladies and gentlemen of the Senate, we’ve heard a lot of debate today and we’ve heard -- actually the debate was over three days. We had a very good debate in the Rules Committee talking about, explaining this bill, accepting some amendments from both parties. We did the same thing debating House Bill 589 and accepted some very good amendments from both majority and minority party making this a better bill and each of those votes on the acceptance of the minority party were a bipartisan vote, and making this a better bill and a stronger bill. I listened carefully to Senator Blue’s comments talking about the story about dividing the land and then allowing the other people to choose
which one they wanted first. When House Bill 589 passes and becomes law, Senator Blue, I will be delighted under that circumstance to let you vote first, vote second, vote any way because, guess what, we’re all going to be equal. The only thing I ask of you and anybody else in the state is we play by the same rules and we only vote once. And that’s all I’ll ask. Senator Stein made a number of comments in his usual flair and inflammatory statistics. Some of them I question. But what he says and because he says it does not make it true, ladies and gentlemen. When my son and I, who I have two sons, Senator Stein, you know what we do in our family? We teach and talk about democracy. Our family does that. Our family goes and votes from when my children growing up. I don’t need a civics class to do that, Senator Stein. We teach that within our family. I think it’s a better place. We’ve talked about a number of issues, talked about straight ticket voting, what we believe that will give access to the down-ballot candidates. We believe that what it does do, it allows every single person to have a chance to select a candidate of their choice. They can pick them or not pick them. That’s their preference. That’s their choice and that’s not taking care of them. Also, Senator Stein was screaming about ten minutes in
the voting booth. Nowhere in this bill does it say
you have ten minutes. You have all the time you need,
Senator Stein. That's the luxury of the system. That
is the luxury of what we're trying to do here,
especially when we were talking about the early voting.
What we're doing is, yes, we're going to ten days, but
the hours are increasing so Senator Brock's family
members can go there when they work on the wrong shift.
We talk about more potential hours available, up to the
individual counties making the decision to accommodate
the need of their voters, and also a number of sites,
additional sites. They're not stuck with a few.
They've got some additional resources. They can move
the existing equipment, the existing machines over to
additional sites that will make voting more available
to every citizen within their county. The photo ID, 70
percent of the people in North Carolina think it's
important. This society, you just can't live in this
society without having some form of photo ID. And we
can talk about everything from an airplane to a bank
building, to a government building, but what this photo
ID does is it makes sure as I talked to Senator Blue
about, that everybody that goes to vote has one
opportunity to vote and they know who it is that's
voting. The value of the way we set this up is that
we're transitioning and phasing this in so the voters will be knowledgeable and educated to the point where they will know that an ID will ultimately be necessary, but it will not be necessary until the 2016 election. We're giving them every opportunity not only to understand what the law is, but more importantly to get the free identification if needed. I will be very surprised as Senator Stein talks about this 500,000 people -- the number of other folks have done some studies on this, the fact is the 500,000 as it was in Georgia when Senator Goolsby alluded to yesterday, will never be a reality. I think there was a definite concern as to the study done by the Board of Elections. Ladies and gentlemen, this is a very good, fair, common sense bill, and I would ask that each of you support this bill so that we can restore the integrity and the honesty to the electoral system and really take some big steps forward in bringing confidence back to state government. I urge you to support it.

Senator Apodaca: Senator Berger, what purpose do you rise?

Senator Berger: Speak on the bill.

Senator Apodaca: Senator has the floor.

Senator Berger: Thank you, Mr. President, members of the Senate; I don’t know that there’s
anything I can say to add to what has been said up to
this point. The only thing that I will say is that the
provision of this bill that has garnered the most
discussion and most debate, the voter identification
 provision is something that is supported by the vast
majority of the people that sent us here. It is
important for us to listen to what the people want us
to do. This is something that they support across all
demographic lines. I urge you to vote for the bill to
implement voter ID, but also to bring needed updates to
our election system and our election laws. So I ask
that you vote for the bill.

Senator Apodaca: Discussion or debate; hearing none, the question before the Senate, House
Bill 589 Senate Substitute as amended on the floor; all
those in favor will vote aye. All those opposed will
vote no. You’ll have five seconds to vote. The clerk
will record the votes; 33 in favor, 14 in the negative.
Senate Committee substitute for House Bill 589 does
pass 3rd reading and will be sent to the House with
unengrossed Amendments 11 and 13 as a Senate Committee
substitute to the House for concurrence.

Senator Bryant: Mr. President.
Senator Apodaca: Senator Bryant.
Senator Bryant: I just would like to make
the same motion as yesterday that the words --

Senator Apodaca: Senator Bryant, it's already been done; thank you.

(The proceedings was concluded at 5:24 P.M.)
NORTH CAROLINA

WAKE COUNTY

CERTIFICATE

I, David L. Overby, Notary/Reporter, do hereby certify that this Senate Session was transcribed under my direction and that the one hundred two pages which constitute this Senate Session are a true and accurate transcript to the best of my ability from the audio CD's provided to me.

I certify that I am not counsel for, or employed by any party in this action, nor am I interested in the outcome of this action.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of December, 2013.

_________________________________________________________________

David L. Overby
Notary Public
Certificate No.: 19930120037