impact is the training. If the counties have to change
up their training procedures much or do more training
because they want to make sure the word is out to all
their -- that might increase their training costs.

SEN. WEST: Okay. So there are some
factors that need to be taken into consideration as to
whether or not counties will be burdened with additional
cost to implement this law. Is that correct?

MS. McGEEHAN: Yes.

SEN. WEST: Okay. And would it be a fair
statement to say the larger the county, the more of the
burden -- of the financial burden -- well, that's not a
fair question.

Would it be a fair statement to say that
the larger the county, the larger the potential
financial obligation that they would have to encounter
in order to implement the law?

MS. McGEEHAN: I think that's true, but I
can hear small counties say that it might be
proportional, you know, since their budgets are -- I
mean --

SEN. WEST: Right. It's all relative to
what your budgets are.

MS. McGEEHAN: Yeah.

SEN. WEST: But the fact is that that --
do you -- is there any -- you've read the fiscal note associated with this bill?

MS. McGEEHAN: Yes.

SEN. WEST: The $2 million that's in the fiscal note, does any of that go to the county to -- counties in order to implement this legislation?

MS. McGEEHAN: No.

SEN. WEST: So any cost that is not covered by the state for counties would be -- have to be borne by the counties. Right?

MS. McGEEHAN: Yes, yes.

SEN. WEST: Okay. Now, as it relates to -- is there any way that the Secretary of State's Office can give us -- do an analysis or get with the various counties to determine exactly what the fiscal impact of implementing this legislation would be?

MS. McGEEHAN: We could -- we could certainly solicit that information from counties and ask them what -- how they see this impacting them fiscally.

SEN. WEST: You could do that for each and every one of the counties?

MS. McGEEHAN: We can do it.

SEN. WEST: Mr. Chairman, I'd like to request that the Secretary of State's Office provides the Senate an analysis of -- I shouldn't say an
CONSIDERATION OF SENATE BILL 14 1/25/2011

analysis -- at least solicit from the various counties what the fiscal implication is going to be in order to implement this bill.

CHAIRMAN DUNCAN: Okay. I think, Senator, that will be an individual request from you, and then it can be distributed to all members of the Senate --

SEN. WEST: Okay.

CHAIRMAN DUNCAN: -- whenever it's done. You know, I doubt that that will be done by the time we rise and report to the Senate.

SEN. WEST: Okay. We can't get it tonight?

(Laughter)

SEN. WEST: I'm just joking with you.

CHAIRMAN DUNCAN: You won't be a very popular guy if the --

SEN. WEST: I'd like --

(Laughter)

SEN. WEST: I'd like to get it as soon as possible, though.

Let's see. No further questions. Thank you very much.

MS. McGEEHAN: Thank you.

CHAIRMAN DUNCAN: Thank you, Senator West.

Senator Gallegos?
SEN. GALLEGOS: Let me ask you, I don't know if you heard my question earlier to Senator Fraser and he referred to you or the Secretary of State's Office to answer it. My concern was in the fiscal note that we ranked number two in the country in population. And Missouri ranks number nineteenth, and to implement their voter ID program, they came up with -- they only have 5.9 million people. We have 25 million. They came up with a fiscal note of 6 million in the first year and then 4 million in the second year for a total of 10 million second and third. That's $10 million. And you just -- I think earlier testimony with Senator Davis, you said once the 2 million runs out, that's it. Is that what you said?

MS. McGEEHAN: For -- yeah, the amount of money we have for voter education is limited. So when that runs out, that's all we have.

SEN. GALLEGOS: I guess my concern is if Missouri only has 5.9 million people, just to implement their voter ID program they start with 6 million in the first year and 4 million in the second and third year for a total of $10 million, for just 5.9 million folks, what are they -- you know, I don't -- what are they doing as far as when they are reading the bill? I heard that you said you're going by the bill, and that's how...
you came up with your fiscal note. Is that correct?

MS. McGEEHAN: Yes.

SEN. GALLEGOS: Okay. Well, then what are they doing that we're not or, you know, how can you -- you know, for $10 million for 5.9 million people and we're only going to spend 2 million, I mean, what's the difference?

MS. McGEEHAN: I am not familiar with the Missouri voter identification bill, and I did hear you ask that earlier today, but I've been trying to listen to all the questions. So we can -- we can research it and see. Some states actually provide more to their local county governments and print ballots and things like that. I don't know if that's the situation in Missouri, but I honestly don't know the answer to that question because I don't know what the Missouri voter ID law requires.

SEN. GALLEGOS: Well, it's a substantial more amount of money than we're looking --

MS. McGEEHAN: Yeah.

SEN. GALLEGOS: -- at the fiscal note that you have -- that you've given this committee on Senate Bill 14. And I just -- it concerns me that that amount of money, if somebody is doing -- in the formula or methodology that you came up with that number -- I mean,
is that a true number? I mean, you know, as far as are we really doing voter education that should be done, you know, on 25 million people as opposed to what Missouri is doing with only 5.9? I mean, it just -- I mean, that would send up a red flag to me. Wouldn't it you?

MS. McGEEHAN: Sure. I would like to understand those numbers because they are very different.

SEN. GALLEGOS: You know, I -- if we're going to mandate to Texans, you know, and then do it -- do a good educational program and Missouri is spending $10 million on their folks and we're only spending 2 million on ours, I'd like to know what the -- what the difference is. Are their people better than ours? You know, do they deserve, you know, more education? You know, I just -- you know, with the population as opposed to our population, you know, I don't -- you know, I'm a little concerned there. You know, are we cutting our folks short? Are we really going to do what you're telling us that you're going to do as far as educating the public out there on this bill?

And it just concerns me that, you know, we see -- and I haven't even taken a comparison of the other states. And we're number two, and Missouri is 19, and they are spending 10 million bucks. You know, that
CONSIDERATION OF SENATE BILL 14 1/25/2011

SEN. GALLEGOS: Now, you know -- and I'd like that answer. I mean, you can't answer it now, I understand, but I would like an answer to that.

MS. McGEEHAN: We'll get you an answer.

SEN. GALLEGOS: And a comparison on what really your states that have implemented voter ID, how much are they paying, you know, to implement the program and what they do.

Now, on the fiscal note, it says you're going to do TV and radio and some other things. I mean, can you explain to this body the process on TV, or is it going to be in different languages, or how are you going to -- how are you going to split up the money? Who gets the most? You know, I mean, it's not -- it's not explained to us in the fiscal note how you're going to spread the money around. And is that going to be accessible to us or how the process is going to be, or how much money are you going to spend in Harris County as opposed to Lubbock, Texas or wherever?

MS. McGEEHAN: Yes, that would be available. And, you know, the programs that we've done
CONSIDERATION OF SENATE BILL 14 1/25/2011

previously, we have detailed records that show, you
know, where the media ran, and so we would -- that would
be a part of any program going future.

The way -- the way it has worked thus far,
the three statewide voter education programs that we
have done, is we've gone out for bid for a public
education firm. And then the first thing that firm does
is research, and they meet with stakeholders, and then
they craft the creative proposal. And then they turn
that into the actual media and do the media buys for TV,
radio and cycle, Internet and also print.

For the PSAs -- and I'm not the expert on
this -- but I understand that we pay for a certain
amount, and then we get some earned credit where TV
stations will run them for free. If you pay them, you
know, to run it once, they'll run it three times and
only charge you for once, something along those lines.

SEN. GALLEGOS: And is that going to be --
is there going to be access as far as different
languages in than budget?

MS. McGEEHAN: Oh, yes. We -- our current
programs are in English and in Spanish, and in Harris
County, we've had a component for Vietnamese.

SEN. GALLEGOS: Okay. Now, on Page 2 of
the bill under what y'all are going to do under voter --
under 31.012, Voter Identification, Senator West brought it up about -- it says here you and -- your office and the voter registrar of each county that maintains it shall provide notice of the ID requirements as prescribed by this change.

Now, my concern there is, is at the county level -- you know, I think Senator West brought it up -- is how much is going to be incumbent on each county, you know? I and others here on this floor represent the largest county, Harris County, and Harris County is already starting to lay off, and they have a shortfall, and they are laying off as we speak right now. So, you know -- and I see what it says in the bill, you know, that you're going to get together with them. I mean, are they going to have the money? Or where is the -- if they don't have the money, where is the other money going to come from? Other than the 2 million you already have prescribed here and any federal matches that come in, where is that money going to come if those counties cannot provide?

MS. McGEEHAN: I think that the bill presumes that counties have a website, and so this requirement is that they post, you know, the information about the new photo ID requirements that the Secretary of State's Office will actually prescribe. So we will
CONSIDERATION OF SENATE BILL 14 1/25/2011

send that out to the counties, and then they'll have to
post it on their website.

Now, in light of the fiscal
circumstances -- and Senator West has asked us to do a
survey -- we'll probably get some very detailed
information, you know, as far as the counties' fiscal
circumstances, if they are going to have to take down
their websites or, you know, where they are going to
have to cut.

SEN. GALLEGOS: Well, you know, with all
due respect, I mean, we can presume a lot of things, and
I could presume a lot of things, you know, just on
anything, but I can tell you right now -- I'm not
presuming -- I know that they're laying off in Harris
County right now. That's not a presumption. That's a
fact; that's a fact. And they're also furloughing in
the City of Houston.

So, I mean, it just concerns me that this
section here that says you're going to work hand-in-hand
with each registrar in each county, and if those
counties are already going through a budget shortfall
like we are, then how can you presume that they're going
to have -- I'm just saying that this bill presumes that
they're going to have a website and they're going to
have people to handle the education.
CONSIDERATION OF SENATE BILL 14 1/25/2011

You can't presume anything if they're laying off right now as we speak, and that's a fact. Like I said, that's not a presumption. That concerns me. And what I'm asking is that if that can't happen in Harris County or any other county in this state, where is the extra money? If they don't have, obviously, the funds to provide what is prescribed under Senate Bill 14, where is that money going to come from?

MS. McGEEHAN: Well, you know, Senate Bill 14 doesn't make an appropriation to the county, so I don't know the answer to your question on that because, like I said, the bill -- I think the assumption is that counties have a website. So if they're not going to have a website --

SEN. GALLEGOS: But the bill prescribes that you will work in conjunction with the county registrar. Is that what I'm reading --

MS. McGEEHAN: Yes.

SEN. GALLEGOS: -- or am I reading the wrong bill?

MS. McGEEHAN: Maybe I'm not -- the way I read that was that we would provide them the wording, the language that they would put up on their website.

SEN. GALLEGOS: Well, you're going to provide them with that. But what about the bodies and

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any other education that's prescribed by this bill? If they don't have the bodies -- they're laying off bodies right now.

MS. McGEEHAN: Yes.

SEN. GALLEGOS: Okay. And you see where I'm going here?

MS. McGEEHAN: No, I understand.

SEN. GALLEGOS: And if you provided a fiscal note, you know, that we're going by and that's on every website in the State of Texas, everybody that has a computer, then really what I'm asking you, is this a true fiscal note or is it misleading to the voters out there, that it's going to cost more than what you're showing here if other counties are having budget shortfalls like we are?

MS. McGEEHAN: Well, when we're asked to submit a fiscal note to LBB, they want to know what the state impact is. So generally we don't solicit what the impact is to local government. And I'm not exactly sure who within LBB does that, if that's LBB or the Comptroller. But I can tell you -- and maybe we've been doing them wrong, but the way we've understood our requirement in responding to a fiscal note request was to state what the state impact was. It's specifically for the agent -- you know, like for our agency for the
CONSIDERATION OF SENATE BILL 14 1/25/2011

Secretary of State's office.

SEN. GALLEGOS: Okay. So what you're telling me is that outside of the $2 million that's in the fiscal note and that under this section that you're going to work with the registrar in each county, then we just have to roll the dice and hope that the money is there. Is that what you're telling me?

MS. McGEEHAN: Well, I think this fiscal note that LBB did put -- does indicate that there may be some county costs. You know, they did put some numbers in for Tarrant County and for Bexar County. So, you know, it's not -- I don't think it's the number you're looking for. It's not a comprehensive number, but I think that the fiscal note does indicate that there may be a fiscal impact on counties.

SEN. GALLEGOS: There may be a fiscal impact. You don't know how much?

MS. McGEEHAN: No, I don't.

SEN. GALLEGOS: So what we're looking at in your fiscal note is just an open-ended fiscal note. Is that what you're telling me?

MS. McGEEHAN: The fiscal note is really showing the impact on the Secretary of State's office. I can't really speak to how the portion of the fiscal note that concerns impact on local government, how...
LBB -- you know, what their process is. I don't really
know.

SEN. GALLEGOS: All right. Then let me
rephrase my question.

MS. McGEEHAN: Okay.

SEN. GALLEGOS: So the $2 million that
you're showing is what the state is going to be
impacted. And the language that is showing you're going
to work in conjunction with the counties, you know, you
cannot speak to that, so we really don't know. Is that
what you're saying? It could or could not be impacted
for a million, two million, three million, whatever the
number. I don't know the numbers that you gave Bexar
County and Tarrant County. I have not been privy to
those numbers. But what I'm saying is, I really would
like to know that if my county is going to be impacted,
if at all, it's going to be in here, you know. Do you
see what I'm saying?

MS. McGEEHAN: Well, yes, I understand
what you're saying. And we are going to be sending out
a survey to try and gather that data from all the
counties.

SEN. GALLEGOS: You know, I don't like the
mandate to my county, something that this bill said that
they will do and then find out that they don't have the
funds to do it. You know, to me, that's an unfunded mandate in really telling Texans that are looking at this debate on computer and that are looking at this bill online, that this $2 million fiscal note that you've provided is only an impact to the state, not the counties, not each county. Is that correct?

MS. McGEEHAN: That's correct.

SEN. GALLEGOS: Okay. Thank you very much.

CHAIRMAN DUNCAN: Thank you, Senator Gallegos.

Senator Van de Putte.

SEN. VAN de PUTTE: Thank you, Mr. Chairman.

Ms. McGeehan, you've been an excellent resource witness for us, and there are just two questions that I need to ask to get into the record with regard to a survey.

Does Texas participate in the Election Administration and Voting Survey?

MS. McGEEHAN: Yes.

SEN. VAN de PUTTE: When was this survey completed, the last survey was completed? Was it after the 2008 election?

MS. McGEEHAN: Yes.
SEN. VAN de PUTTE: So we have that survey available?

MS. McGEEHAN: Yes.

SEN. VAN de PUTTE: Okay. The question that I have goes to the data on the survey that goes, I think, to all -- and this is the federal commission -- dealing with the number of provisional ballots in the State of Texas. As far as you know, how do we rank in the number of provisional ballots that are used with regard to our voting population?

MS. McGEEHAN: My general recollection is that as far as the total number cast, we're on the lower end. But as far as the number of provisional votes, meaning that not as many people cast a provisional vote in Texas as in some other states, but as far as the number of provisional ballots that are counted --

SEN. VAN de PUTTE: Yes.

MS. McGEEHAN: -- we have one of the lower rates among the states as to the number of provisional ballots that are counted. It is my understanding that in the state chart, that we have very high rejection provisional ballot rates. So, in other words, even right now under this system that we have, that the number of provisional ballots that are cast, we have some of the highest rejection rates for those
provisional ballots in all of the country.

MS. McGEEHAN: Yes.

SEN. VAN de PUTTE: At least that's what I understand from the report.

MS. McGEEHAN: That's correct.

SEN. VAN de PUTTE: Thank you. I know that we have the datasets that were put in for 2008, and so hopefully that we will be able to get this and make sure that as we monitor the bill as it progresses and the bill as it's implemented, we certainly don't need to get to the bottom of the bottom of the bottom on rejection of provisional ballots.

Thank you.

CHAIRMAN DUNCAN: Thank you, Senator Van de Putte.

Senator Fraser.

SEN. FRASER: Thanks for being here today and waiting all day.

I would like to clarify a point before you sit down. I think you're aware this morning that we had entered into a record -- the Secretary of State had a letter addressing the $2 million in the HAVA funds that was put into the record. Our understanding, from talking to the Secretary, the way the HAVA funds work, and also her relationship with the county, that she has
very broad discretion, assuming that the HAVA people
approve the using of this.

The $3 million that you're talking about
in voter education, it doesn't necessarily mean that
it's three plus two. It's possible that there's an
overlap, that this two million could be folded in --
possibly into the three. But that discretion goes back
to the Secretary and they make a determination. Is that
not true?

MS. McGEEHAN: That's exactly right.

SEN. FRASER: The other thing that I want
to clarify that there is a lot of discussion about, what
expense might go to Houston or what expense might go to
Bexar. Right now there is not clear, because I think
there's a lot of discussion going on of whether is that
Bexar expense or is that Secretary of State expense?

And we've got to determine what those
dollars are being spent on. Can we use Secretary of
State dollars and HAVA funds for that? So I think we're
premature of a county saying they've got "X" amount of
expenses, because it's possible that some of those
expenses flow from the Secretary of State's office, they
do not flow to the county, and they could handle that
with available people within the county and budget. Is
that not correct?
MS. McGEEHAN: That's correct. And just an example of that, the cost that Bexar County put in the fiscal note was -- I think their assumption was that the certificate, the voter registration certificate would have to increase in size. And I don't see anything in the bill that requires that. And the Secretary of State prescribes the form. So once that's explained to the county, they might withdraw that fiscal --

SEN. FRASER: I want to make sure that that's clear, is that some of these assumptions are possibly the-sky-is-falling assumptions that this is -- you know, this expense is going to be put on us, and I don't think that's been discussed. And some of this, I think, can be done by ruling of the Secretary of State, directing them. And there is a real good chance that a lot of these expenses go away that can be absorbed through the Secretary of State. And that is correct, isn't it?

MS. McGEEHAN: Yes.

SEN. FRASER: Okay. I wanted to clear that up. Thank you so much.

CHAIRMAN DUNCAN: The Chair recognizes Senator Williams.

SEN. WILLIAMS: Thank you, Mr. Chairman.
Ms. McGeehan, I want to add my thanks for you hanging in here with us all day. There's about three things that I would like to clear up with you. I just want to understand unequivocally, HAVA funds can be spent for things like training poll workers. Is that correct?

MS. McGEEHAN: Yes.

SEN. WILLIAMS: Okay. Thank you. Then are you familiar with the voter ID bill that went into -- in Utah recently? Have you taken a look at that?

MS. McGEEHAN: No, I have not looked at that.

SEN. WILLIAMS: Okay. I just think it's noteworthy, in light of Senator Van de Putte's comments, because the Salt Lake County Clerk's office -- I've got a news report here -- it's confirmed that there were only 13 cases of voters having to pick up their provisional ballots because they didn't have the proper identification to vote when they put this new law into effect. So it seems like it's had a great -- again, one more state where the impact has been really minimal. I'm not sure why we're having these other issues, but I don't think it's because of this.

And then finally I wanted to ask you, we
had talked earlier about the project that I asked you to
do, to cross-reference the driver's licenses and the
voter registration. How is that coming along? I know I
only asked today, but I just --

MS. McGEEHAN: Yes.

SEN. WILLIAMS: -- but what is a
reasonable expectation for us to get that information?

MS. McGEEHAN: I would hope by the end of
the week. One thing that our IT folks and our election
experts are trying to struggle with is like matching
criteria --

SEN. WILLIAMS: Right.

MS. McGEEHAN: -- you know, which we won't
have a TLD number, so we're working through some of
that. But I would expect by the end of the week we
would have it, if not earlier.

SEN. WILLIAMS: Okay. So do you need any
further direction from us? For instance, if we wanted
to target that universe of people that we know are out
there and maybe make a little extra effort to make sure
that they understood they were going to have a new
requirement when they went to vote as far as getting a
photo ID, if they didn't already have one -- and we've
identified who they are -- if we gave legislative intent
as a part of the bill tomorrow, would that be sufficient
for you-all and the Secretary of State's office to take
that direction and know that that's something that we
wanted to have done in your training plans and voter
education plans?

MS. MCGEEHAN: Yes. I think if there were
a statement of legislative intent, we would certainly
follow that.

SEN. WILLIAMS: That would be sufficient.
Okay. Thank you very much. Appreciate your help.

CHAIRMAN DUNCAN: All right. Members, are
there any other questions of Ms. McGeehan?

Okay. The Chair hears none. Thank you,
Ms. McGeehan.

The Chair calls David Maxwell, Deputy
Director of Law Enforcement, Texas Attorney General's
Office.

Mr. Maxwell, would you approach and state
your name and who you represent, and then we'll open it
up for questions.

TESTIMONY BY DAVID MAXWELL

MR. MAXWELL: I have a written statement
that I would like to put into the record, sir.

CHAIRMAN DUNCAN: Well, we haven't been
doing that.

MR. MAXWELL: Okay.
CHAIRMAN DUNCAN: If you would just go ahead and --

SEN. WEST: Mr. Chairman?

CHAIRMAN DUNCAN: We'll see. There is a proper way to get that in. And if --

MR. MAXWELL: My name is David Maxwell. I'm a resource witness.

CHAIRMAN DUNCAN: Would you state your name and who you represent.

SEN. WEST: Mr. Chairman?

CHAIRMAN DUNCAN: Just let him state his name, and then I'll take your inquiry.

Mr. Maxwell.

MR. MAXWELL: My name is David Maxwell. I'm the Deputy Director of Law Enforcement for the Texas Attorney General's office.

CHAIRMAN DUNCAN: All right. Senator West, for what purpose?

SEN. WEST: Mr. Chairman, I would like to introduce an exhibit. I think it's Exhibit 10.

CHAIRMAN DUNCAN: Oh, okay. Exhibit 10. Do we have Exhibit 10 up here? Do you have copies ready for distribution?

SEN. WEST: Yes, I think you have the exhibit up there. And, members, what Exhibit 10 is, is
CONSIDERATION OF SENATE BILL 14 1/25/2011

a letter from the members of the Congressional delegation: Sheila Jackson Lee, Eddie Bernice Johnson, Charlie Gonzalez, Lloyd Doggett, Gene Green, Rubén Hinojosa, Sylvestre Reyes and Al Green, asking that we -- opposing Senate Bill 14 and stating the reasons why they oppose Senate Bill 14.

So I would introduce that into the record.

CHAIRMAN DUNCAN: Members, any objections?

The Chair hears none. It will be received in the record.

(Exhibit No. 10 marked and admitted)

CHAIRMAN DUNCAN: Okay. Are there any questions for Mr. Maxwell?

All right.

The Chair hears none.

(Off-the-record discussion)

CHAIRMAN DUNCAN: All right. Are there any questions of Mr. Maxwell?

(Brief pause)

CHAIRMAN DUNCAN: All right. The Chair hears none.

Thank you, Mr. Maxwell. Appreciate you.
CONSIDERATION OF SENATE BILL 14 1/25/2011

PUBLIC TESTIMONY

CHAIRMAN DUNCAN: Okay. We are now ready to go into the public witness phase of the hearing today. According to our pre-set procedure, I'll call the names of the first five witnesses and they will be brought down to the Senate floor, and then we'll call them in their order.

First is John Patrick, Anita Pruitt, Jessica Gomez, Terri Burke, and Clifford Gay.

(Brief pause)

SEN. VAN de PUTTE: Mr. Chairman?

CHAIRMAN DUNCAN: Yes.

SEN. VAN de PUTTE: Inquiry, Mr. Chairman.

I have a statement here from one of our constituents representing the Southwest Voter Registration Education Project to put into the record. What appropriate time would you accept this or would it be appropriate to put this into the record? This is someone who wants to put something into the record but is not here to testify.

CHAIRMAN DUNCAN: It can go in at your request as a part of the record. But it's not a sworn statement. Is that correct?

SEN. VAN de PUTTE: That's correct.

CHAIRMAN DUNCAN: I think the process that we discussed earlier on was that any senator could put
CONSIDERATION OF SENATE BILL 14 1/25/2011

SEN. VAN de PUTTE: Mr. Chairman, may I be allowed to enter into the record the statement prepared and presented by Lydia Camarillo, Southwest Voter Registration Education Project Vice President?

CHAIRMAN DUNCAN: As exhibit what? Number what? Be number 11?

SEN. VAN de PUTTE: No. 11.

CHAIRMAN DUNCAN: Is there any objection?

The Chair hears none. It will be received.

(Exhibit No. 11 marked and admitted)

CHAIRMAN DUNCAN: Okay. And while our first five public witnesses will be approaching, let me go ahead and announce the names of the next five witnesses.

Catherine Engelbrecht, Carol Kitson, Placido Salazar, Roman Pena and Rosa Rosales.

Okay. If you'll approach. The first witness that we have is -- I don't have those cards -- here we go -- witnesses and panel of -- you will have three minutes. You'll get a -- I guess a 30-second warning, is a yellow light, that it comes on. We will not interrupt you. And then after you're finished, then the members may ask you questions.
CONSIDERATION OF SENATE BILL 14 1/25/2011

All right. Go ahead and approach the bench, Mr. Patrick. State your name and who you represent.

TESTIMONY BY JOHN PATRICK

MR. PATRICK: My name is John Patrick. I'm the Secretary-Treasurer of the Texas AFL-CIO.

Members of the Senate, Mr. Chairman, as an officer of the Texas AFL-CIO, I talk to workers we represent around the state. Those employees include refinery workers, teachers, plumbers, nurses, steelworkers, theatrical workers, correctional officers, firefighters, flight attendants, state workers, rubber workers and countless other trades and professions.

From my experience at this point in time, three issues concern our Texas union members above all others. First, jobs; second, jobs; third, jobs. Quite frankly, from my perspective and from the perspective of the AFL-CIO, jobs should be the emergency issue before this legislative session, not the voter ID bill.

Senate Bill 14 will be the first bill considered by a committee in the Texas Senate during this legislative session. The Governor has designated this bill as an emergency item. Unfortunately, I'm not aware of any mention of the word "jobs" or "employment" in Senate Bill 14. Senate Bill 14 would no longer allow
CONSIDERATION OF SENATE BILL 14 1/25/2011

someone to vote with a voter registration certificate alone but would require an official photo ID. The stated reason for the issue is alleged voter fraud.

Thousands of education employees around this state, as well as state employees and other local government employees, are concerned about budget cuts being considered by this state legislature. Those individuals would prefer that this body consider legislation that addresses our budgetary concerns rather than debating voters' photos.

Thousands of private sector employees are also concerned about jobs, as well they should be. Rather than obsessing about voters' photos, they would probably prefer that you consider legislation that establishes a preference for state and local governments to buy American products and services.

CHAIRMAN DUNCAN: Thank you, Mr. Patrick. Your time has expired.

Members, are there any questions of the witness?

All right. The Chair hears none. We appreciate your appearance.

The Chair calls Anita Pruitt -- or "Privitt."

Ms. Pruitt.
TESTIMONY BY ANITA PRUITT

MS. PRUITT: I’m Anita Pruitt. I represent the League of Women Voters of Texas.

For the 90-plus years since women gained the right to vote nationally, LWV has educated and agitated for active, informed participation of all citizens in government. No form of participation is more important than voting. We oppose any requirement that imposes needless difficulties on voters or tends to discourage legitimate voters from going to the polls and casting a ballot.

Texas voters know that identification is already required. To close what is characterized as a potential loophole for fraud, SB 14 would restrict acceptable identification a voter must present to a limited list of photo IDs and provide for criminal penalties. The real voting problem in Texas is not potential voter impersonation but low voter turnout. Texas was 46th among the states in turnout of the voter-eligible population for 2008 and 50th for the 2010 general election. No state had a lower turnout.

In each election cycle, League of Women Voters fields hundreds of questions from voters around the state. These questions show that Texas voters are often confused about requirements and discouraged from...
voting when they don't understand the process. SB 14 would add uncertainties for voters and for election workers. The bill would make it more difficult for many legitimate voters to cast a ballot and tend to discourage many more legitimate voters from even going to the polls.

Student voters would be among those adversely affected. Many students registered to vote in Texas or eligible to register to vote under Texas law might not have any of the voter IDs specified for SB 14. Those who register to vote where they attend school may fear that they will be turned away at the polls because their documents don't match.

In a few years we will celebrate the 50th anniversary of landmark civil rights legislation. Now we wonder how it could be so hard to have gotten that legislation passed. I'm wondering now, if we pass this legislation in Texas, how future generations will look back at us. Will they wonder why we did this or was it a legitimate thing that we did?

The League of Women Voters of Texas believes that this legislation is a backwards step, and we ask you to oppose it.
All right. The Chair hears none.

We appreciate your appearance here today.

The Chair calls Jessica Gomez.

Please state your name and who you represent.

TESTIMONY BY JESSICA GOMEZ

MS. GOMEZ: Thank you, Mr. Chairman. My name is Jessica Gomez, and I'm here as a voting rights specialist with Advocacy Incorporated, the protection and advocacy system for people with disabilities in the State of Texas.

I'm here today testifying in opposition on behalf of Advocacy Incorporated, as well as the Disability Policy Consortium, because of the large and onerous burdens Senate Bill 14 would place on the number of Texans with disabilities that do not have the photo identification required by this bill.

An estimated 10 percent of people with disabilities do not have photo identification. In Texas, that equals 257,800 voting age persons with disabilities who do not have the photo identification required by this bill. People with disabilities are less likely to have photo ID because many do not drive and rely on others to assist them with activities such as banking, that requires photo ID.
I will not go through all of the burdens upon people with disabilities to obtain an ID, since my colleague, Chase Bearden, already outlined those for you. But I did want to urge all of you to consider an exemption for people with disabilities in the State of Texas who do not have an ID.

And this bill will likely pass, in light of the burdens that it places on people with disabilities. I would urge you all to consider throughout this session other ways that you might ease the voting process for people with disabilities. For instance, a permanent mail-in ballot application, enforcement of the National Voter Registration Act which requires all state agencies, not just the Department of Public Safety, to offer voter registration opportunities, and expansion of the number of people a person can assist in filing a late ballot on the basis of a disability.

I stand ready to assist all of your offices in thinking about the ways that this bill might impact people with disabilities and ways that it can be revised to benefit them.

Thank you.

CHAIRMAN DUNCAN: Thank you, Ms. Gomez.

Are there any questions for the witness?
All right. The Chair hears none.

We appreciate your appearance here today.

Oh, I'm sorry, Senator Zaffirini. I didn't see it.

QUESTIONS FROM SENATE FLOOR

SEN. ZAFFIRINI: That's all right. Thank you, Mr. Chairman.

Thank you so much for your testimony. Did you hear Mr. Bearden's testimony earlier?

MS. GOMEZ: Yes, ma'am, I did.

SEN. ZAFFIRINI: And you heard my question when I asked him if he had specific amendments for this particular bill that would help us cure it and make it more positive, have a positive impact on persons with disabilities who want to vote?

MS. GOMEZ: Yes, I did.

SEN. ZAFFIRINI: Do you have additional suggestions or only the suggestions that you just articulated?

MS. GOMEZ: Well, those are suggestions that would be in addition to this bill. These would be separate bills filed by senators. In terms of an exemption or an amendment for this bill, I would suggest an affidavit that people with disabilities could sign that would provide criminal penalties if they were to...
CONSIDERATION OF SENATE BILL 14 1/25/2011

lie on that affidavit.

To further secure that process, you could also require a fingerprint so that if that person did vote fraudulently and then another person, the real voter came in, you could run the fingerprints and prosecute the original voter.

I would not support any amendments that would require verification of the disability status, because that would just again place another burden on people with disabilities to prove their status in order to vote.

SEN. ZAFFIRINI: It would also add an expense, wouldn't it?

MS. GOMEZ: Sorry?

SEN. ZAFFIRINI: It would also add an expense?

MS. GOMEZ: Absolutely. And for many of the reasons that Mr. Bearden outlined in his testimony, because of the expenses of traveling and obtaining the necessary documentation.

SEN. ZAFFIRINI: Well, how do you respond to the person who will say, well, persons with disabilities don't have to drive or get a ride to a driver's license office or to DPS in particular, the agency itself, to get a voter -- I mean, a photo ID,
they can simply register on-line? How do you respond to that suggestion?

MS. GOMEZ: I don't believe that there is a process to make that readily available. And, in addition, there is such a high number of people with low income who have disabilities that many of them might not have access to computer or the Internet that would be required to do that on-line.

SEN. ZAFFIRINI: So you would worry about a digital divide for persons with disabilities?

MS. GOMEZ: Absolutely.

SEN. ZAFFIRINI: Okay. Thank you very much.

MS. GOMEZ: Thank you.

CHAIRMAN DUNCAN: Thank you, Senator Zaffirini.

Are there any other questions of Ms. Gomez?

The Chair hears none.

Thank you very much.

The Chair calls Terri Burke.

TESTIMONY BY TERRI BURKE

MS. BURKE: Good evening, senators. I'm Terri Burke. I'm the Executive Director of the ACLU of Texas.
I'm here to talk about SB 14 in the context of provisional ballots. But I want to be certain you know that we believe that Texas is overdue for an overhaul of its election law, and we would certainly support a comprehensive look at that.

More than two years ago, Attorney General Abbott pledged to root out what he called an epidemic of voter fraud in Texas. He established a special unit in his office. He tapped $1.4 million in federal crime-fighting grant money and dispatched legislators -- "legislators" -- yes, maybe that, too -- investigators.

In '08, the last time we heard about this, General Abbott had prosecuted 26 cases, all involving blacks or Hispanics. All were committed by absentee ballot, not in-person voting. So how would photo voter ID have addressed those lives? SB 14 is still as it was in '09. It is still a solution in search of a problem.

Provisional ballots are one of the legislative priorities of the ACLU of Texas this session. We believe that these ballots were developed to give the opportunities to voters to cast a provisional ballot. They were envisioned as fail-safe voting protection for the voter to remedy faulty voter lists. What we're discovered in researching those in Texas is that we have an extremely high rate of ballot
rejections. The average rate of rejection nationally is 20 percent; yet, in Texas, it's nearly 80 percent of the provisional ballots cast, as least in the '08 election. In other words, 42,000 Texas voters who cast provisional ballots in 2008 saw most of those were not accepted. 9,400 were counted.

If passed, SB 14 will no doubt increase the number of provisional ballots that are cast at the polls and also will increase the number of votes that are rejected, due to new identification requirements. This bill would cost more Texas voters their legitimate right to vote. 32,000 Texas voters were rejected in 2008. That so many were rejected is a threat to our representative democracy. Texas ranked, as you've heard, 50th in registered voter turnout for 2010. We cannot continue placing undue burdens on eligible voters and keep a healthy democracy.

Thank you for your attention and thank you for what you're doing for the State of Texas.

CHAIRMAN DUNCAN: Thank you, Ms. Burke. Are there any questions for Ms. Burke?

Okay. The Chair hears none. We appreciate your appearance here today.

All right. The next group of persons who will need to be called into the chamber are Alfredo
Esparza, Marcelo Tafoya, Barbara Baxter, Hector M. Flores and Sergio Castillo.

All right. Our next witness is Catherine Engelbrecht.

Ms. Engelbrecht, state your name and who you represent.

TESTIMONY BY CATHERINE ENGELBRECHT

MS. ENGELBRECHT: Hi. My name is Catherine Engelbrecht. I'm with King Street Patriots and True the Vote. Thank you-all, senators, for the privilege of being able to speak with you this evening.

I stand before you today to testify in support of Senate Bill 14. I'm President of King Street Patriots, and I said earlier True the Vote, two non-profit groups, both based out of Houston. King Street Patriots is a volunteer organization of concerned citizens, and True the Vote is a citizen-led initiative to protect the right to vote and the integrity of the election process.

True the Vote volunteers work to educate citizens and train other citizen volunteers to be poll workers and poll watchers for their party, candidate or issue. Now, the reason that that is important is because in the last election cycle, we put out trained volunteers over 1,000 volunteers. And through the
CONSIDERATION OF SENATE BILL 14 1/25/2011

In course of the election cycle, they turned back in over 700 what we call incident reports. Those incident reports categorically were indications of election laws being broken. But many of the abuses stemmed from the lax and ambiguous forms of identification currently accepted at our polls.

These types of abuses would have been mitigated had we had benefit of legislation like SB 14. We witnessed numerous instances in which voters were in possession of more than one registration card. For example, a voter came in with a registration card and turned it over to the election judge, who looked at the poll book and said, "Oh, I'm sorry. You're already voted." And he reached into his other pocket and said, "Oh, well, how about this card?"

"That's a good card. You can vote that one."

Another instance where a woman came in to vote and was told she had already voted. And she said, "Well, that's not the case. I haven't." And she looked at the poll book and there was staring back at her a signature that she did not recognize.

Without photo identification, there is no way to verify that a person is who they say they are, if they are that person on the registration card, a utility
CONSIDERATION OF SENATE BILL 14 1/25/2011

bill or the check. These examples are clearly
violations of election code law, but there is no
realtime recourse for a poll worker. Poll workers are
obliged to allow these individuals to vote, to cast a
regular ballot, because the system does not prevent it.

Without photo identification, the evidence
of impropriety is limited only to a signature
comparison, which is typically considered insufficient
to warrant any further review. And so when we often
ask, "Well, where are the prosecutions?" it's because
more often than not, they end with the signature
comparisons, and that's all we have.

So as these scenes play out in polling
places across our communities over and over again,
election cycle after election cycle, the message
communicated to both poll workers and to voters is: The
rules don't really matter. And if the rules don't
really matter, then how do we know that our election
results are right? We are on a very slippery slope.
And the surest way to regain our footing is to restore
common sense to our election code.

CHAIRMAN DUNCAN: Thank you,
Ms. Engelbrecht.

MS. ENGELBRECHT: Thank you so much.

CHAIRMAN DUNCAN: Senator Williams, do you
CONSIDERATION OF SENATE BILL 14 1/25/2011

have a question?

QUESTIONS FROM SENATE FLOOR

SEN. WILLIAMS: No. I just wanted to thank her for being here and for all the effort that her group put into the last election cycle. I really appreciate what you guys are doing.

MS. ENGELBRECHT: Thank you.

CHAIRMAN DUNCAN: Thank you.

Any other questions?

Senator Patrick.

SEN. PATRICK: Yes. Thank you, Mr. Chairman.

Catherine, thank you. Senator Williams said you did what so many people really wanted to have done, and that was to put eyes on the election. You trained poll workers. They stood there -- poll watchers -- they identified; they reported. You-all stood up as citizens, fair and unbiased, and we appreciate your work and your effort.

I met you just about a year ago, and you were just a citizen, just a mom who, with your husband, own your own business, that said, "I want to make a difference," and I appreciate you and all the work that those unheralded volunteers did. Thank you very much.

MS. ENGELBRECHT: Thank you. Thanks to KENNEDY REPORTING SERVICE, INC.

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all of you.

CHAIRMAN DUNCAN: Hold on a minute. We've got another question.

Senator Van de Putte, did you have a question?

SEN. VAN de PUTTE: I sure did. Thank you, Mr. Chairman.

Thank you very much for coming and especially for waiting so long. But I wanted to understand, because I'm from Bexar County and not from Harris County where --

MS. ENGELBRECHT: Sure.

SEN. VAN de PUTTE: -- we love the people to be involved. But on the reports that we had from -- at least from the press, the group that you represent, the King Street Patriots, it was an article about voter intimidation. And so I wanted to ask you, were the districts, were the voting polling places that your group believed were having the numerous amount of fraud, where you were accusing several places of having voter intimidation, mainly occur in minority district that have been directed at Latinos and African-Americans, as reported in the press?

MS. ENGELBRECHT: That is all unequivocally incorrect.
SEN. VAN de PUTTE: And so there --

MS. ENGELBRECHT: May I? I'll explain very quickly. When we started the early election, within just a few hours of the polls opening, we were informed that a conference call, a press conference call had been called by the Texas Democrat party, already charging that there were 14 counts of voter intimidation, with no backing whatsoever. Well, the press ran with that, and it was all over the place.

The county attorney later said -- and, unfortunately, that didn't make it out to the press -- that there was, in fact, no voter intimidation. And our efforts were equally served over all 37 of the early election polling places, so we did not single out any community.

SEN. VAN de PUTTE: So this was at all -- you had groups at all of the early voting places, it wasn't just in the places that had minority, mainly Latino or African-American?

MS. ENGELBRECHT: That's correct. We had --

SEN. VAN de PUTTE: Thank you for the clarification.

MS. ENGELBRECHT: Thank you.

CHAIRMAN DUNCAN: Thank you, Senator Van
Are there any other questions of the witness?

All right. Ms. Engelbrecht, thank you for your testimony today.

The Chair calls Carol Kitson.

Ms. Kitson, please state your name and who you represent.

TESTIMONY BY CAROL KITSON

MS. KITSON: My name is Carol Kitson, and I basically represent myself and, quite frankly, my daughter.

This past November election, I was appointed as an alternate judge in Harris County precinct. And we had the presiding judge, two clerks. We did have two poll watchers at that location, and a translator.

In the late afternoon, the presiding judge's husband, who was acting as election clerk and responsible for giving each voter a numerical code, to allow activation of a voting machine, commented to the poll watcher that the voter he had just given this code to had voted earlier in the day at our location. The poll watcher agreed with this.

And I, too, had noted this same particular
CONSIDERATION OF SENATE BILL 14 1/25/2011

1 gentleman, because he had some very distinguishing
2 characteristics. He had a very distinctive scar and
3 limited use of one arm. I remembered seeing him earlier
4 in the day as a voter. Of course, I don't remember what
5 name or what voter card he used. And because we could
6 not possibly identify him -- we're not allowed to ask
7 for a photo ID -- he was able to vote for a second time.
8
9 This man was recognizable, but most people
10 would not be. We would have no way of knowing during a
11 busy election how many people were coming back through.
12 It's absolutely impossible.
13
14 Requiring all voters to present a photo ID
15 would prevent individuals from voting more than once.
16 This is important because even a few votes per precinct
17 passed fraudulent can affect the outcome in an election.
18 In Falls County where there's 9,392 registered voters,
19 they had a 42 percent turnout. In the Governor's race,
20 the difference was only 86 votes.
21
22 In Val Verde County, where they have
23 27,801 registered voters, they had a 26 percent turnout,
24 and the difference was only 377 votes.
25
26 And in Bexar County, a very large county,
27 registered voters of 905,859, they have 622 precincts,
28 and they had a 34 percent turnout. The difference was
29 1,671 votes between the two candidates for Governor.
That's less than three votes per precinct. Each fraudulent votes cast diminishes all of the valid votes cast. Every legal voter in Texas deserves to know that his or her vote was counted correctly, and we need to know that the winner of our elections is truly the winner and not elected because some voters used illegal means to get their candidate elected. We owe this to ourselves and to the future generations of Texans.

Thank you very much for letting me be here today.


Thank you, Mr. Salazar. You have three minutes. State your name and who you represent, please.

TESTIMONY BY PLACIDO SALAZAR

MR. SALAZAR: Yes, sir. Good evening, first of all, to all of you and thank you for serving our state. My name is Placido Salazar. I'm a Vietnam veteran, 20-year man, and I'm the Civil Rights chair for the Dr. Hector P. Garcia American GI Forum Organization of Texas.
And I would like to say that this whole thing about voter ID as well as other measures currently trying to be pushed through the state and federal legislation is xenophobia at its worst, fearing that immigrants will vote. And I'm also a present chair in Universal City, and we have enough trouble getting even the registered U.S. citizen voters to the polls. Last election, out of a city of almost 20,000, and mostly veterans who you would think would appreciate the privilege to vote, like myself, we had 60 Democrats and 75 Republicans, and we are worried about illegal immigrants coming to vote. That's ludicrous.

The Dr. Hector P. Garcia American GI Forum Organization of Texas, let it be known for the record that we are totally opposed to the artificial emergency grandstanding by Governor Rick Perry regarding the non-issue of the Texas voter ID and other conveniently selected self-promoting legislation. This senseless and costly voter ID legislation will not just affect Hispanics but also students, seniors and others who are unable to get around; people living in nursing homes, for example.

This is nowhere nearly as important nor affecting every citizen of our Great State of Texas as the ballooning budget deficit of up to $27 billion and...
the ridiculous cuts in education funding, especially when Texas is almost at the bottom of other states in the education ratings and cannot afford to fire any teachers. Our teachers invested too much time and money to fulfill their dreams of teaching our children. Stop playing politics with our students' and our teachers' lives and funding. Governor Perry, you were elected to be governor of Texas. Be a sensible, responsible governor of Texas.

Some schools in Texas have a drop-out rate of 70 percent; yet, our governor is running around the country promoting his book, Fed Up. Rick Perry, we are fed up with the shameful number of student drop-out. He can't even take care of business in Texas; yet, he wants to promote himself to Washington D.C.? Give me a break! We already had enough of that nonsense with your predecessor. He left Texas' financial situation in shambles, then he really fixed our wagon in D.C.

Too many of our Hispanic-American troops gave their lives and too many MIAs may never come home, fighting for the democracy and the freedom, or so-called freedom, of other peoples in other countries around the world for this great veterans organization, the AGIF, to allow Rick Perry or any other political leader to trample over our civil rights.
CHAIRMAN DUNCAN: Mr. Salazar, your time has expired. I'll give you a little bit --

MR. SALAZAR: Get rid of this legislation.

Thank you.

CHAIRMAN DUNCAN: Thank you for your testimony and for your wait here today. Wait A minute. There may be some questions. I don't know.

Are there any questions of the witness?

All right. The Chair hears none.

Thanks again for your appearance and your testimony.

MR. SALAZAR: Thank you, sir.

CHAIRMAN DUNCAN: The Chair recognizes "Riman" Pena.

Roman. Okay. It looks like an "i" to me.

State your name correctly, please, and who you represent.

TESTIMONY BY ROMAN PENA

MR. PENA: Mr. Speaker, thank you for your kindness.

Senator Uresti -- my senator -- Senator Van de Putte and senators and ladies and gentlemen, good afternoon -- well, it's good night now.

My name is Roman Pena, also known as Vic Pena. And I am here today -- rather tonight --
representing LULAC and the American GI Forum, who was born of LULAC to represent soldiers returning from World War II and wars thereafter.

As Vice Commander of the American GI Forum, C.P. Garcia Chapter, and Texas LULAC Veterans Affairs Chairperson, I'm very saddened as I sit here listening to the author of this bill, Senator Fraser, responding to your questions that he knows nothing of how this new law will impact voters in Texas. Many years ago, then Senator Navarro wrote Sam Houston about the Know Nothing party, and it wasn't nice.

Mr. Speaker, what is the real reason behind this legislation? To disenfranchise voters? Which voters? Fifty years ago, my generation -- and some of you included -- had a vision to make Texas and the United States of America a better place to live and be happy and share the American dream. And, my fellow Texans, we succeeded, because we walked in the valley of darkness and feared no evil, for great men and women like yourselves said, "Enough is enough," ya basta!

Today some members of your generation are trying to return Texas back to those dark ages. I beg of you to defeat this mean-spirited legislation, let not the flesh overcome the spirit for it is said that the fulfillment of the prophecy is at hand.
Thank you, and have a good day. And tear down this bill, Mr. Speaker.

CHAIRMAN DUNCAN: Well, thank you, Mr. Pena.

Sen. Van de Putte, do you have a question?

CONDOLENCES FROM SENATE FLOOR

SEN. VAN de PUTTE: Just for the witness.

Mr. Pena, we understand that you have just experienced a personal loss.

MS. PINZUR: Yes, I sure have.

SEN. VAN de PUTTE: So on behalf of the Texas Senate, let me offer condolences on the death of your wife, and so recently, and your patriotism and belief in your government to come and testify when you yourself had such a personal loss so quickly. Please note our condolences on the passing of your beautiful wife.

MR. PENA: I accept your condolences, Senator.

Thank you very much. Is there any questions?

CHAIRMAN DUNCAN: Any more questions?

The Chair hears none.

Thank you, Mr. Pena. Appreciate it. And sorry for your loss.
MR. PENA: Thank you.

CHAIRMAN DUNCAN: The Chair calls Rosa Rosales, National Alliance for Education and Equity, and LULAC.

State your name, please, and who you represent.

TESTIMONY BY ROSA ROSALES

MS. ROSALES: Honorable senators, ladies and gentlemen, my name is Rosa Rosales. I'm here today representing the National Alliance for Education and Equity -- and Equality -- and, of course, as an immediate past national president of the League of United Latin American Citizens, the oldest and the largest Latino organization in the nation that was founded to eradicate discrimination of any shape and form.

I am here today to voice strong opposition to SB 14, voter ID. At a time when the State of Texas is having to deal with a $27 billion deficit and, therefore, having big cuts in social services, health care, education -- and higher education, this voter education bill should not be a priority. This is not a quality-of-life legislation for the State of Texas for all of us.

As a matter of fact, the bill will
CONSIDERATION OF SENATE BILL 14 1/25/2011

actually create unnecessary barriers for the elderly, minorities and the working poor. Texas has a history of voter discrimination, as you have heard it here by many that have testified. If the law is enacted, it would primarily affect minorities and the elderly. The bill would actually regress the State of Texas to the days of the poll tax. Voters, especially the working poor and the elderly and women, will return -- or not return to the county department, the voter registration county, to provide the required identification within six days to cure the provisional vote and the problem that we've had with provisional votes here in the State of Texas. Most of them, a very high percentage, are rejected to begin with.

The implementation of this bill will cause the State of Texas a substantial amount of money. It's been estimated $2 -- $2 million. That money could actually be put to a better use, to address the immediate needs of the State of Texas where every single dollar is put into education. You know, higher education, health care, nursing homes, social services, instead of a voter ID bill, especially the State of Texas, I have been told, is in the last place of all the states in the United States when it comes to education. What a shame.
Finally, this SB 14, voter ID, is most likely to violate Section 5 and Section 2 of the Federal Voting Rights Act. LULAC is ready and prepared to take any action, whether it be legal action tomorrow, if it does violate the Voting Rights Act.

Thank you so much.

CHAIRMAN DUNCAN: Thank you very much. Are there any questions for Ms. Rosales?

The Chair hears none.

Thank you for your testimony.

All right. We're ready for our next panel. But before that, let me announce the last group. Amalia Martinez, Fidel Acevedo, Ray Rodgers, Gordon Quan, Rachel Delgado and Sandra Crenshaw.

Okay. The Chair calls Alfredo Esparza with LULAC.

State your name and who you represent, please.

TESTIMONY BY ALFREDO ESPARZA

MR. ESPARZA: My is Alfredo Esparza. I'm for LULAC, District 15, San Antonio, Texas. I'm on behalf of senior citizens in Bexar County, which I represent.

And the reason that I'm here today, I think this SB 14 is a bill that's very bad for senior
citizens. And the reason, can you imagine if your
mother is 70 or 80 years old, trying to go and get an
ID? Are you going to take her or your son or your
daughter or his grandson? I don't believe so, because I
work with seniors citizens every day. And you know
what? It's a hardship just to go to get their needs and
their groceries or their medications.

And we come in as LULAC to help our senior
citizens. Now, just think, there is a hardship for
senior citizens to go and get a new ID just to vote. A
lot of senior citizens vote, but this bill will make it
a real hardship problem to senior citizens, especially
those that are on disability or SSI. It's hard for them
to get around.

After you pass 60 or 65 like me, you think
about where you're going and where you need to be. And
I don't know about you, but I know as a fact that here
in Texas, it's not proper for bills like this to pass,
and that's why I'm here to testify about it.

Thank you very much.

CHAIRMAN DUNCAN: Thank you, Mr. Esparza.
Are there any questions for Mr. Esparza?
The Chair hears none.
Thank you for your testimony today.
The Chair calls Marcelo Tafoya.
Mr. Tafoya, please state your name and who you represent.

TESTIMONY BY MARCELO TAFOYA

MR. TAFOYA: My name is Marcelo Tafoya.

Good afternoon. I am the District 12 director for LULAC, the League of United Latin American Citizens. I also represent the CCC, the Coalition of Community Concerns. And the biggest concern we have is discrimination, especially in voting.

A couple of years ago, I was pleased to join some gentlemen that came down from the Justice Department looking into voter fraud and voter discrimination. They found no voter fraud, but they found six cases of voter discrimination against the Hispanic community. In cases where an Hispanic individual came up, and they gave them 45 minutes, because they had nobody there, to interpret for them on the voting process. A lady sat there for 45 minutes in a wheelchair waiting for somebody to come down from the county.

This is only one. There were several others that were turned away because they said that they had broken in front of the line. You know, I don't understand a lot of the issues that was brought up at the time, but it just happened to be a Spanish when all
these things were occurring.

Now, as far as being handicapped, I find an issue with cost. Okay? I'm on a fixed income. I'm pretty fortunate that I have my driver's license for a long time ago so I get it through the mail. Okay? I don't have to go take a test anymore. Maybe later on, they find out that I testified, they will probably call me in to go take a test, check my eyes, do the whole process. Right? But I don't care. I'm willing to do that or whatever it takes to defeat a bill that is unnecessary. Why do you have to try to fix something that is working?

No. 2, why do you take this bill on today when our children are failing in school? Look, I'm worried about my grandchildren, my great-grandchildren that are not getting educated, that we're lacking the money that it takes to educate our children properly. Why don't you take something up like that instead of worrying about somebody getting you elected again in this process? So please defeat this bill, let's get busy with the rule, let's get some money into the caucus. Let's don't be spending it uselessly, spending it for no reason whatsoever and start putting it where it belongs, the education of our children and the welfare of our community.
I want to thank y'all very much. God love!

CHAIRMAN DUNCAN: Thank you, Mr. Tafoya.

Hold on just a second.

Are there any questions for Mr. Tafoya?

All right. The Chair hears none.

Thank you for your testimony.

The Chair calls Hector M. Flores.

Mr. Flores, please state your name and who you represent.

TESTIMONY BY HECTOR M. FLORES

MR. FLORES: Governor, Mr. Chairman, members of the Senate, my name is Hector Flores. I'm from Duncanville, Texas, and I'm here to represent the Texas League of United Latin American Citizens known as LULAC, and I'm here to give opposition to this bill.

With a budget shortfall and many other issues confronting Texas during these hard economic times, we cannot understand why voter ID is such an urgent matter for the Texas Legislature. LULAC has voted unanimously to oppose this bill, and we ask you also to protect the voting rights of all citizens of Texas but also ask you to protect the voting rights of the Latino voters, as mandated by Section 5 and Section 2 of the Voting Rights Act.
Specifically, LULAC argues against the passage of any voter identification bill until such time as Texas can guarantee zero tolerance of voter discrimination and implement all protection of the Civil Rights Act as ordered by the Supreme Court. Given the history of Texas, this will be a long time in coming.

In 2005, 2006 and 2007, the Voting Rights sections of the Department of Justice filed 10 separate lawsuits against Texas. All 10 suits were for discrimination against Mexican-Americans, and one of the suits involved discrimination against Mexican-Americans and African-Americans combined.

There was also a separate lawsuit in Harris County for discrimination against Vietnamese-Americans. All suits were successful against Texas, and Texas entered into consent -- agreements to correct discriminations.

During the same period, several suits were brought by LULAC and MALDEF against Texas and also against several government entities, in particular in my hometown of Dallas, in Farmers Branch and in Irving, Texas. And, obviously, in LULAC vs. Perry, the Supreme Court found that Texas purposely discriminated against Mexican-Americans in Congressional District 23 in San Antonio where I come from.

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CONSIDERATION OF SENATE BILL 14 1/25/2011

I have five pages, but I will only try to synopsize. In light of the fact that the proposed bill brought forward by the Texas Legisl- -- the Senate, it's likely to violate both Sections 5 and Section 2 of the Federal Voting Rights Act. LULAC urges you not to adopt the proposed bill as is.

And, as you know, LULAC has participated in over 400 court-ordered elections in Texas since adoption of the Voting Rights Act, and we will vigorously challenge any voter ID bill. We're also, as has been mentioned earlier, ready to pursue an objection before the Voting Rights section of the Department of Justice, if necessary. But we hope that there are many options that you can take, but the first one you can take is not to support this bill.

I thank you very much for listening to me tonight, and I hope you will do the right thing.

CHAIRMAN DUNCAN: Senator Gallegos, do you have a question?

QUESTIONS FROM SENATE FLOOR

SEN. GALLEGOS: Yes.

Mr. Flores, let me ask -- and then I heard you when you testified in Dallas and you were on the redistricting hearing, and you were knowledgeable about voting rights and all that. I heard your testimony
today. I was wondering, were you in the chamber when Prof. Tijerina testified?

MR. FLORES: Absolutely.

SEN. GALLEGOS: You heard his testimony?

MR. FLORES: Yes, I did.

SEN. GALLEGOS: Okay. Let me ask you, hearing his testimony and the history of discrimination against Mexican-Americans as far as voting here in the State of Texas, do you agree with his testimony?

MR. FLORES: Yes, I do. In fact, the first time that I voted, I had to go get a poll tax to vote, when I turned of age. And so I had to decide whether I was going to go to the movies that weekend or go vote. And so, you know, it's a way to keep people from voting, in my opinion. And, of course, that's one of the reasons we did away with the poll tax in Texas.

SEN. GALLEGOS: So in your opinion, the incidents that Prof. Tijerina pointed out in his testimony -- and you've heard all of them; you heard all of them -- that it leads up to discrimination that is part of the history of the State of Texas to present. How would you compare that to Senate Bill 14 that's on the floor today?

MR. FLORES: Well, I'm not only expert on the bill, but I understand that there's still much
CONSIDERATION OF SENATE BILL 14 1/25/2011

desired to be done to fix this bill so perhaps it might comply into the future. Obviously, this is going to be just an obstacle for the elderly, for handicapped people, but also for minorities who may not have an ID to begin with. And I would venture to say that both my grandmothers -- and I'm a fifth generation Tejano -- both of my grandmothers didn't go around with their ID. And, you know, this is going to be a problem and it's going to keep people from voting. I don't think it's the right way to go for Texas.

SEN. GALLEGOS: Mr. Flores, thank you for coming to testify. Thank you.

MR. FLORES: Thank you, Senator.

CHAIRMAN DUNCAN: Senator West, for what purpose?

SEN. WEST: Just one question.

Hector, how you doing?

MR. FLORES: I got up at 4:30 this morning. They sequestered me over there. They told me I might be here till 8 o'clock in the morning like the last time. I said, "Absolutely not. I got to go work in the morning."

SEN. WEST: Well, thank you very much for coming down. I really do appreciate it.

MR. FLORES: My pleasure.
SEN. WEST: You know, during the earlier conversation that I was having with Senator Fraser, he was saying that people in our district are supportive of this voter ID bill. Now, you've lived in that district for as long as I have.

MR. FLORES: Thirty-eight years.

SEN. WEST: In fact, we kind of live pretty much around the corner from one another?

MR. FLORES: Yes, sir.

SEN. WEST: And you have worked in that district as an activist for years. Is that correct?

MR. FLORES: Yes, sir.

SEN. WEST: So you have opportunities to talk to people in the district. Is it a fair statement -- is that a fair statement that was made by my friend, Senator Fraser, that the bulk of people in the 23rd senatorial district favor this voter ID bill?

MR. FLORES: I don't think so.

SEN. WEST: Okay. Thank you very much.

MR. FLORES: Thank you, sir.

Mr. Chairman.

CHAIRMAN DUNCAN: Thank you for your testimony.

Are there any other questions of the witness?
CONSIDERATION OF SENATE BILL 14 1/25/2011

All right. The Chair hears none.

Appreciate your testimony today.

MR. FLORES: Thank you very much.

CHAIRMAN DUNCAN: Fidel Acevedo.

TESTIMONY BY FIDEL ACEVEDO

MR. ACEVEDO: Thank you, Mr. Speaker, senators. My name is Fidel Acevedo, and I'm here to testify on Senate Bill 14. It seems like a long way from the last time we had to do this, but we have to do it all over again. It seems like history repeats itself. We can't just get away from it right away. We just have to keep right on doing it until we do the right thing.

I think the GOP has the right idea about doing some things repeatedly. Certainly this senate bill is not one of them. I have to tell the senate chamber here today that I have to excuse myself from -- refrain from using some harsh language that's coming from San Antonio District 14, the Fighting 14, and my senator, they're listening to me, I have to be respectful to each and every one of you.

However, it does merit saying that this bill, as the gentleman testified earlier as an expert, it is discriminatory to say the least. It will continue the tradition here in the State of Texas of doing just
that. "Some way, somehow, we're going to keep Mexican-Americans from voting." It is not like if, over there in Horseshoe Bay, that the Mexicans are just getting ready to go over there and remove Senator Fraser. Huh? I don't think so. That's not going to happen.

But as I slow down just a little bit, just to think of what tremendous work you guys do, let's put the priorities right. I have to tell you -- and I must say this -- that our priorities are wrong here in the chamber right now. Education, education, jobs, jobs, the economy. The photo ID can wait if we must have to go that route. But it's jobs, education for our children. That is the priority.

I think maybe somebody had heartburn and the Governor had to say, "We have to have an emergency session for this particular one," or maybe perhaps the Lt. Governor had to follow up and say, "Hey, look! This is a valid emergency. We ought to put it in the priority first time out, first thing out, have to come out of the chute is this bill."

Please help defeat this bill. I know that's an impossibility, but at least it's -- I'm an optimist, and I hope that you guys can do the right thing. Thank you.
CHAIRMAN DUNCAN: Thank you.
Are there any questions for the witness?
All right. The Chair hears none.
We appreciate your appearance here today.

MR. ACEVEDO: Thank you.

CHAIRMAN DUNCAN: Members, we have some cards of some persons who registered that they would like to testify but did not respond to the call, but I'll read their names once again. Ray Rodgers, Gordon Quan, Rachel Delgado, Sandra Crenshaw, Clifford Gay, Barbara Baxter, Sergio Castillo, Amalia Martinez of Austin, Texas, LULAC 12.

The doorkeeper will check once again. These cards will be placed in the record, that they have appeared and they have registered their position.

Is there anyone else who would wish to testify on, for or against Senate Bill 14?
All right. The Chair hears none.

Senator West?

SEN. WEST: Mr. Chairman, I would like to put in Exhibit No. 13, which is the League of United Latin American Citizens' objections and arguments against the voter identification bill.

CHAIRMAN DUNCAN: What's the exhibit number?
SEN. WEST: Twelve.

CHAIRMAN DUNCAN: Twelve. Exhibit 12. Is there any objection?

Exhibit 12 will be received.

(Exhibit No. 12 marked and admitted)

CHAIRMAN DUNCAN: There being no public testimony coming forward -- or no additional public testimony coming forward, the public testimony is closed.

Senator Fraser, you're recognized for a motion.

MOTION BY SENATOR FRASER

SEN. FRASER: Mr. President, I would now move that Senate Bill 14 be reported to the Senate, with a recommendation that it do pass and be printed.

CHAIRMAN DUNCAN: The Secretary will call the roll.

ROLL CALL FOR VOTE ON SENATE BILL 14

SECRETARY SPAW: Birdwell?

SEN. BIRDWELL: (Indicated "yea" vote)

SECRETARY SPAW: Carona?

SEN. CARONA: (Indicated "yea" vote)

SECRETARY SPAW: Davis?

SEN. DAVIS: (Indicated "nay" vote)

SECRETARY SPAW: Deuell?
SEN. DEUELL: (Indicated "yea" vote)
SECRETARY SPAW: Duncan?
CHAIRMAN DUNCAN: (Indicated "yea" vote)
SECRETARY SPAW: Ellis?
SEN. ELLIS: (Indicated "nay" vote)
SECRETARY SPAW: Eltife?
SEN. ELTIFE: (Indicated "yea" vote)
SECRETARY SPAW: Estes?
SEN. ESTES: (Indicated "yea" vote)
SECRETARY SPAW: Fraser?
SEN. FRASER: (Indicated "yea" vote)
SECRETARY SPAW: Gallegos?
SEN. GALLEGOS: (Indicated "nay" vote)
SECRETARY SPAW: Harris?
SEN. HARRIS: (Indicated "yea" vote)
SECRETARY SPAW: Hegar?
SEN. HEGAR: (Indicated "yea" vote)
SECRETARY SPAW: Hinojosa?
SEN. HINOJOSA: (Indicated "nay" vote)
SECRETARY SPAW: Huffman?
SEN. HUFFMAN: (Indicated "yea" vote)
SECRETARY SPAW: Jackson?
SEN. JACKSON: (Indicated "yea" vote)
SECRETARY SPAW: Lucio?
SEN. LUCIO: (Indicated "nay" vote)
CONSIDERATION OF SENATE BILL 14 1/25/2011

SECRETARY SPAW: Nelson?

SEN. NELSON: (Indicated "yea" vote)

SECRETARY SPAW: Nichols?

SEN. NICHOLS: (Indicated "yea" vote)

SECRETARY SPAW: Ogden?

SEN. OGDEN: (Indicated "yea" vote)

SECRETARY SPAW: Patrick?

SEN. PATRICK: (Indicated "yea" vote)

SECRETARY SPAW: Rodriguez?

SEN. RODRIGUEZ: (Indicated "nay" vote)

SECRETARY SPAW: Seliger?

SEN. SELIGER: (Indicated "yea" vote)

SECRETARY SPAW: Shapiro?

SEN. SHAPIRO: (Indicated "yea" vote)

SECRETARY SPAW: Uresti?

SEN. URESTI: (Indicated "nay" vote)

SECRETARY SPAW: Van de Putte?

SEN. VAN de PUTTE: (Indicated "nay" vote)

SECRETARY SPAW: Watson?

SEN. WATSON: (Indicated "nay" vote)

SECRETARY SPAW: West?

SEN. WEST: (Indicated "nay" vote)

SECRETARY SPAW: Whitmire?

SEN. WHITMIRE: (Indicated "nay" vote)

SECRETARY SPAW: Williams?
CONSIDERATION OF SENATE BILL 14 1/25/2011

SEN. WILLIAMS: (Indicated "yea" vote)
SECRETARY SPAW: Zaffirini?
SEN. ZAFFIRINI: (Indicated "nay" vote)
SECRETARY SPAW: Wentworth?
SEN. WENTWORTH: (Indicated "yea" vote)
SECRETARY SPAW: West?
SEN. WEST: (Indicated "nay" vote)
SECRETARY SPAW: Whitmire?
SEN. WHITMIRE: (Indicated "nay" vote)
SECRETARY SPAW: Williams?
SEN. WILLIAMS: (Indicated "yea" vote)
SECRETARY SPAW: Zaffirini?
SEN. ZAFFIRINI: (Indicated "nay" vote)
SECRETARY SPAW: Governor Dewhurst?
PRESIDENT DEWHURST: (Indicated "yea" vote)

CHAIRMAN DUNCAN: There being 20 ayes, 12 nays, Senate Bill 14 will be favorably reported to the Senate, with the recommendation that it do pass and be printed.

The Chair recognizes Senator Wentworth for a motion.

SEN. WENTWORTH: Mr. President, I move that the Committee of the Whole Senate rise and report -- Mr. Chairman, I should say.
CONSIDERATION OF SENATE BILL 14 1/25/2011

CHAIRMAN DUNCAN: Is there any objection to the motion?

The Chair hears none. It's so ordered.

PRESIDENT DEWHURST: Good job. Thank you.

(Conclusion of hearing before Committee Of the Whole at 9:19 p.m.)
CERTIFICATE

STATE OF TEXAS

COUNTY OF TRAVIS

WE, Kim Pence, Aloma J. Kennedy and Lorrie A. Schnoor, Certified Shorthand Reporters in and for the State of Texas, do hereby certify that the above-mentioned matter occurred as hereinbefore set out.

WE FURTHER CERTIFY THAT the proceedings of such were reported by us or under our supervision, later reduced to typewritten form under our supervision and control and that the foregoing pages are a full, true and correct transcription of the original notes.

IN WITNESS WHEREOF, WE have hereunto set our hand and seal this 7th day of February 2011.

Kim Pence
Certified Shorthand Reporter
CSR No. 4595 - Expires 12/31/11

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TRANSCRIPT OF PROCEEDINGS BEFORE
THE SENATE OF THE STATE OF TEXAS
EIGHTY-SECOND LEGISLATURE
(COMMITTEE OF THE WHOLE SENATE)
AUSTIN, TEXAS

IN RE: §

CONSIDERATION OF §

SENATE BILL 14 §

COMMITTEE OF THE WHOLE SENATE
TUESDAY, JANUARY 25, 2011

BE IT REMEMBERED THAT AT 8:05 a.m., on
Tuesday, the 25th day of January 2011, the above-
entitled matter continued at the Texas State Capitol,
Senate Chamber, Austin, Texas, before the Committee of
the Whole Senate. The following proceedings were
reported by Aloma J. Kennedy, Lorrie A. Schnoor and Kim
Pence, Certified Shorthand Reporters.

VOLUME 2 PAGES 20 - 542
Law Enforcement with the Office of the Attorney General;

and Ann McGeehan, Director of Elections, the Secretary of State's office; and Rebecca Davio, Assistant Director for Driver's License with the Department of Public Safety.

When we have completed the invited testimony and you've had an opportunity to question those who have been invited, then I will -- I don't think the list is as long as it was last year, but certainly I'm sure there will be discussion among the members concerning their testimony.

Then we'll open up for public testimony. You will recall last session, we would announce the names of those who were in line, and you are in line in order of your registration at the front desk. We will have those persons escorted down to the well, and then they will be allowed to begin their testimony.

It's the intent of the Chair to impose a three-minute time limit on the public testimony as well, and I will not recognize anyone to interrupt someone giving public testimony until their time has run. There is a timer at the front at the secretary's desk. There will be a warning, I think it's a 30-second warning.

Members, we do have a court reporter, Ms. Kennedy. Ms. Kennedy, would you stand so everyone can see you.

Remember Ms. Kennedy from last time. I think she went 12 or 13 hours.

Because we're making a record here, obviously we need to be mindful that the court reporter only has two hands and can only type one person at a time. So the Chair will be careful to help you remember that we cannot have people talking over each other.

Also we need to try to identify each other so that -- or identify yourself when you're speaking or I'll try to do that so that the record will be clear as to the source of the comments being recorded.

We will take periodic breaks in order to allow the court reporter a little time, but we will move expeditiously as we move through the process.

There is a document -- like last session, we will have an orderly process for admitting documents into the record. They will be labeled as exhibits and be referred to in the record and will be received in the record by exhibit number. So when you have an exhibit that you want to introduce into the record, well, then, you'll need to have it marked. And the secretary's desk up here will have a procedure for marking your exhibits and receiving them in the record.

Once we have completed the public
testimony -- and, obviously, we're going to be interrupted by our Senate session which begins at 11:00.
Once we finish the public testimony, then it will be appropriate for you to lay out any amendments that you may wish to have considered by the body.
And once that's completed, then, obviously, we will vote on our resolutions to rise and report back to the full Senate.
That is basically the layout of the procedure. Any questions?
Senator Van de Putte.
SEN. VAN de PUTTE: Thank you, Mr. Chairman. Thank you for outlining the process and the procedures that we will be using today. My question is specifically with those members of the public who wish to offer testimony sometimes today who have disabilities. To my knowledge, we have people coming to the floor who are in wheelchairs and will not be able to use the podium. I wanted to ask what sort of amenities or accommodations we will have so that they will be able to have that, but some sort of a table so they can refer to their documents when they're testifying.
CHAIRMAN DUNCAN: Senator, we can accommodate that.
SEN. VAN de PUTTE: Thank you very much, Mr. Chairman.
CHAIRMAN DUNCAN: Members, also I forgot to mention, the resolution that we passed yesterday allows us to have a staff person on the floor to assist us. And so if you wish to have that person sit, well, then, you'll need to ask the sergeant for a chair, and we have chairs available back there.
Any other questions?
All right. The Chair hears none.
Senator Fraser, you're recognized to explain Senate Bill 14.
Obviously, this is an issue that we know a lot about, we had a lot of experience with two years ago. The issue I think has been defined and talked about a lot. I think we all recognize the dangers of voter fraud has threatened the integrity of the electoral process for the entire history of the United States. The threat continues today. In 2005, there was a Commission, a bipartisan commission, the Carter-Baker Commission, that was appointed by the Election Commission. Of course, President Carter, a past president; James Baker, Secretary of State, they reaffirmed the dangers by saying, "Elections are at the heart of democracy. Americans are losing confidence in the fairness of elections. And while we do not face a crisis today, we need to address the problem of our electoral system."

The Commission concluded at the end of the day, "There is considerable national evidence of in-person voter fraud. And regardless of whether one believes that voter impersonation is widespread or relatively rare, there can be no serious dispute that the real effect can be substantial because in a close election, even a small amount of fraud could make the margin of difference."

Texas today has a legitimate interest in protecting elections. It is imperative that we protect the public's confidence in elections by deterring and detecting voter fraud.

In upholding the Indiana photo ID law, the U.S. Supreme Court stated, "Confidence in the integrity of our electoral process is essential to the functioning of our participatory democracy. Voter fraud drives honest citizens out of the democratic process and breeds distrust of our government. Voters who fear the legitimate votes will be outweighed by fraudulent ones, will feel disenfranchised."

On October 10, Lighthouse poll, which I have here and be entering into the record -- it's the newest poll that is out -- shows that 86 percent of Texas voters -- that's both Republican and Democrats -- favor voter photo ID laws.

The bill that we're laying out today is in compliance with the U.S. Supreme Court Decision which upheld the Indiana voter ID legislation because it, No. 1, deters and detects fraud; 2, it protects the confidence in elections; and, 3, it counts only eligible voters' votes.

It also complies with the Supreme Court decision, because it offset burdens on voters by providing access to free ID cards, allowing for provisional ballots and absentee ballots, ensuring that obtaining photo ID is no more inconvenient or burdensome.
than the usual act of voting and providing an exception for elderly voters.

The current law, as you know, provides that when a voter shows up to vote, he or she must just show a valid voter registration card. If unable to do so, the voter may show a photo ID card or other official mail from a government entity -- utility bill, bank statement, government check, paycheck or other government document with name and address -- and sign an affidavit.

Senate Bill 14, what we're doing with this bill, Senate Bill 14 would require a voter to show a photo ID except that people 70 or older on January 1, 2012, may continue to vote with just a registration card, under current law. Acceptable ID will include an unexpired card issued by the Department of Public Safety, a military ID, a passport or a citizenship certificate with photo. Voters who cannot produce an acceptable form of photo identification will be allowed to cast a provisional ballot. That ballot will be counted if the voter returns within six days to show a photo ID.

It would also provide for statewide training and notification of the changes required for the individual to vote with the photo ID. It would provide for a free DPS-issued identification card to any registered voter who requests an identification card. Every fraudulent vote effectively still is a legitimate vote. Elections are too important to leave unprotected when the Legislature could take proactive steps to prevent fraud and protect our democracy.

Mr. President, that is what Senate Bill 14 does. And if there's no questions, I would move passage.

SEN. WHITMIRE: Mr. President --
SEN. VAN de PUTTE: Yes.
SEN. WHITMIRE: -- could we slow down?

Will the gentleman yield?

CHAIRMAN DUNCAN: I think Senator Van de Putte was first on the list, Senator.

Senator Van de Putte.

SEN. VAN de PUTTE: Thank you,

Mr. Chairman, I think. Mr. Chairman, inquiry. At what point in the proceedings today would a motion be in order to move that all of the testimony and record from this issue from the 2009 legislative session be made into the record? Would that be done -- would that motion be proper at the point of original testimony or at the beginning of these questions at this point?

CHAIRMAN DUNCAN: Senator, at any time that one would want to make that motion, it would be recognized.
SEN. VAN de PUTTE: Mr. Chairman, would you recognize me for that motion at this time?

SEN. FRASER: Mr. Chairman--

CHAIRMAN DUNCAN: Before we do that, we do have a motion in writing that Sen. Huffman intends to introduce with the record, so why don't we do that first and then we'll do everything else. And it would be my suggestion to -- and what I had hoped to do was finish the testimony or at least the question and answers on the bill and then start at that point in time putting evidence into the record. So if that's suitable with everyone, it just makes a little more sense to me to keep it in order that way.

SEN. VAN de PUTTE: Thank you, Mr. Chairman.

And then I would like to ask my colleague, the author of the bill, to yield.

CHAIRMAN DUNCAN: Okay.

SEN. FRASER: Mr. Chairman, before we --

CHAIRMAN DUNCAN: Senator Fraser, why don't we approach the chair; approach. (Off-the-record discussion at bench)

CHAIRMAN DUNCAN: The Chairman recognizes Senator Huffman for motion in writing.

SEN. HUFFMAN: Thank you, Mr. Chairman.

At this time I move that the entire record and transcripts of the hearing related to Senate Bill 362 heard by the Committee of the Whole during the 81st Legislative session be included in the record and would move that it marked as Exhibit No. 1. Exhibit No. 1 includes all the invited, public and written testimony, in addition to all of the exhibits submitted by the members during the hearing on Senate Bill 362. The previous testimony and debate on Senate Bill 362 is relevant, because then and now the objective is to create legislation that protects the integrity and reliability of the electoral process. It includes 870 pages of transcribed testimony. There were 13 invited witnesses plus two resource witnesses, 36 public witnesses and 29 written articles presented. So it includes all the exhibits as well, submitted by members during the 81st legislative session on the Committee of the Whole, which totals 55 total exhibits.

At this time I move for introduction of Exhibit No. 1 into the Committee of the Whole's records. (Exhibit No. 1 marked)

CHAIRMAN DUNCAN: Members, you've heard the motion. Is there any objection to the motion?

SEN. DAVIS: Question.

CHAIRMAN DUNCAN: Senator Davis, do you have a question?
SEN. DAVIS: Yes. Senator Huffman, during the debate on the Senate floor last session, a number of questions could not be answered by some of the resource witnesses at the moment that they were asked; and, instead, there was a follow-up. For example, the Secretary of State's office and the Attorney General's office wrote follow-up answers to some of the questions that they were not prepared to ask during the hearing. Does your motion in writing include the inclusion of those written responses that were provided to the Senate after the hearing took place?

SEN. HUFFMAN: I am not advised on that, but I would certainly have no objection and would move for all of that to be included in the record, because I think it would certainly make it, you know, more complete and certainly would be relevant.

The record has been certified by Patsy Spaw, the Secretary of the Senate, and so we might check with her to see if that was done. If not, we could certainly make sure that it was placed in Exhibit No. 1 as part of the record.

SEN. DAVIS: Thank you. I would appreciate that.

CHAIRMAN DUNCAN: I suggest that it be Exhibit 1A, if there are additional information, so that it can be kept separate from what you are going to introduce in your motion in writing as Exhibit 1.

SEN. HUFFMAN: Yes, sir.

CHAIRMAN DUNCAN: Okay. Is there any objection to Exhibit 1 being included in the record?

All right. The Chair hears none. Exhibit 1 will be included in the record.

(Exhibit No. 1 admitted)

CHAIRMAN DUNCAN: All right. Sen. Van de Putte.

SEN. VAN de PUTTE: Thank you, Mr. Chairman.

QUESTIONS FROM SENATE FLOOR

SEN. VAN de PUTTE: Would the gentleman yield, the author of the bill yield?

SEN. FRASER: I would yield.

SEN. VAN de PUTTE: Thank you. Thank you, Mr. Chairman.

And thank you, Senator Fraser.

Senator Fraser, this is kind of like a dance where we have another song, another round, and so we find ourselves with another year and this version of the voter identification bill. And I wanted to ask you a few questions.

Given the fact that the bill that was debated during the 81st Legislature was a different...
bill, can you tell me the model for the bill that was in
the 81st Legislature and the differences in what you
have proposed in this legislative session?

SEN. FRASER: Well, if you don't mind, the
bill before us today is Senate Bill 14, and I will
probably spend my time talking about that bill. The
bill you're addressing, obviously, didn't get through
the process. So I'm going to be addressing the comments
on Senate Bill 14 which is before us. So I would be
glad to describe it, if you would like.

SEN. VAN de PUTTE: Well, my question has
deal with -- I understand that since last we met,
there are two years and different court cases. And the
bill that was before this body last legislative session
was modeled on a Georgia law and used the template. And

I understand it, this year's model is fashioned after
the Indiana law?

SEN. FRASER: And I think you actually
have made the point that I was going to make. Two years
have passed. Since that time, we've had, you know,
obviously, the confirmation by the Supreme Court on the
photo ID and then also the preclearance of the Georgia
bill by Dale Jays (phonetic).

So looking at, you know, the experience of
the bill in place, the simplicity of the photo ID, we
chose to go with that. And as you will remember, the
recommendation by President Carter and Secretary of
State Baker was, you know, the national photo ID, and
that's what we're attempting to implement.

SEN. VAN de PUTTE: Thank you.
Mr. Chairman.
And a few other questions. With the
Carter-Baker Commission, they felt very strongly about
encouraging the maximum participation in voter and
suggested the type of strategies that we're using. But
the addendum for both gentlemen and the members of the
commission were that they, as I recall, and entered into
the record during last legislative session, was that the
conclusion of the commission was that we should not
implement the type of photo identification until you had
universal registration, and I believe that was one. But
given that or not, what I really wanted to ask you is --

SEN. FRASER: Hold on a second. I'm
sorry. I disagree with that. That is not what the
commission said. And if you would like to correct that,
but I disagree.

SEN. VAN de PUTTE: The State of Georgia
is under two sections of the Voting Rights Act, as is
Texas. Is that correct?

SEN. FRASER: They are a Section 5 voting
rights state like Texas.

SEN. VAN de PUTTE: And to your knowledge,
Case 1:12-cv-00128-RMC-DST-RLW Document 207-1 Filed 06/20/12 Page 9 of 17

3 is the State of Indiana subject to Section 5 of the
4 Voting Rights Act?
5 SEN. FRASER: To my knowledge, they are
6 not.
7 SEN. VAN de PUTTE: So Indiana would have
8 a different burden of proof under a legal document and a
9 legal challenge than the State of Georgia?
10 (Brief pause)
11 SEN. FRASER: I'm sorry. I was asking for
12 some data. Would you reask the question, please.
13 SEN. VAN de PUTTE: The State of Indiana,
14 which your bill is modeled after, without two alternate
15 forms of identification; whereas, the Georgia bill that
0037
1 we talked about last legislative session had two --
2 certainly had a photo identification, but if the voter
3 was unable to produce a photo identification, they could
4 produce for the election judges two forms of
5 identification without, and it was utility bill and --
6 in fact, the things that you struck here.
7 But in Indiana that requirement is not
8 there, so we went with the Indiana bill. But my
9 question is, Indiana is not subject to Section 5 of the
10 Voting Rights Act. So their legal hurdle to the
11 Department of Justice challenge is very different than
12 what happened in the State of Georgia. Is that correct?
13 SEN. FRASER: The Indiana law has been
14 approved by the U.S. Supreme Court, the Georgia law was
15 precleared by the Department of Justice, and both of
16 those have gone through that challenge.
17 SEN. VAN de PUTTE: Senator Fraser, when
18 this legislature passes the voter identification bill --
19 and there is no doubt that this bill will pass -- it
20 will have to proceed to the Department of Justice for
21 clearance?
22 SEN. FRASER: As a Section 5 state, we are
23 subject to Section 5 rules.
24 SEN. VAN de PUTTE: So, yes, it will
25 proceed to the Department of Justice?
0038
1 SEN. FRASER: We are a Section 5 voter
2 rights state, and we will be subject to those laws.
3 SEN. VAN de PUTTE: And do you have any
4 concerns that a Section 5 state as Texas would offer to
5 the Department of Justice a voter identification bill
6 that mirrors a non-Section 5 state rather than something
7 that has already been upheld in the Georgia law, a
8 Section 5 state?
9 SEN. FRASER: We are offering a bill that
10 has been approved by the U.S. Supreme Court. And the
11 parameters that the Supreme Court set, we meet all of
12 those tests.
13 SEN. VAN de PUTTE: However, in the
14 Indiana court and in the Supreme Court case on Indiana,
what they said was, the undue burden was -- did not be demonstrative because they did not have the level of minority voters, that was never a check point, because they did not have to go through the Department of Justice. Is that correct?

SEN. FRASER: I'm sorry. I'm having equipment failure here. Just a second.

(Brief pause)

SEN. FRASER: Senator, I'm sorry. I'm asking for data, backup data, because the information that you're addressing, my information doesn't agree with that, is that the Georgia law that I have in front of me said it is a photo ID. Do you have something that shows differently?

SEN. VAN de PUTTE: Yes. In the Georgia bill, you have to have a photo ID. However --

SEN. FRASER: I realize you're saying that, but do you have -- you know, do you --

SEN. VAN de PUTTE: The bill that you introduced last year had the two alternate forms of ID, which was exactly the Georgia bill. We used the model of the Georgia bill.

SEN. FRASER: And that bill is not before us today; Senate Bill 14 is before us.

SEN. VAN de PUTTE: That's correct. And so my question is --

SEN. FRASER: And I would ask you, did you vote for that bill last year?

SEN. VAN de PUTTE: No, sir, I didn't.

SEN. FRASER: Okay.

SEN. VAN de PUTTE: But my question is, do you have any concerns that we will offer to the Department of Justice a bill, a voter identification bill that is modeled after a state law that does not have to go through Section 5, rather than a Georgia model which already has been proven and has been affirmed, both in the court case and the Department of Justice? That was my question. Do you have any concern that we will have done all of this debate and work, and certainly to ensure the ballot security, only to be shut down at the Department of Justice, because we are a Section 5 state and what we're offering in your bill is not something that has been approved by the Department of Justice?

SEN. FRASER: I have no concern about Senate Bill 14, both going before the U.S. Supreme Court or going before the Department of Justice.

SEN. VAN de PUTTE: Thank you, Senator Fraser. I wanted to ask a little bit of your thinking. And in the bill that you have before us, the student identifications were omitted from your list of acceptable documentation. And could you give me the
rationale why a student photo identification is not acceptable form of identification?

SEN. FRASER: The types of identification we've included are one from a government entity that would identify that person as who they are, that they say they are, they're a valid voter and a citizen of the United States, and these are the ones that we have suggested that would be acceptable.

SEN. VAN de PUTTE: So the rationale for not having student identification cards on the list, since you omitted them, is because they aren't issued by a governmental entity?

SEN. FRASER: I didn't say that.

SEN. VAN de PUTTE: I'm sorry. Can you repeat your answer.

SEN. FRASER: I said I did not say that.

SEN. VAN de PUTTE: So why were the student identifications -- you explained that the student identifications were omitted from the list of acceptable documentation, because it was not a government entity.

SEN. FRASER: The four types of identification that we are offering up we believe are less confusing, they're simpler for both voters and election voters. Everyone knows what they look like. There is a standardization of those, and they all look alike and it would be less confusing for the systems who are accepting the voter IT.

SEN. VAN de PUTTE: And, Senator Fraser, one of the provisions in your bill also omits birth certificates from the list of acceptable forms of identification, even though that does come from government entities. And so why is it that birth certificates were omitted?

SEN. FRASER: This is requiring a photo ID, current photo ID.

SEN. VAN de PUTTE: Senator Fraser, are there any provisions in the bill to accommodate a voter that has a different address on their photo identification and their voter registration card?

SEN. FRASER: The Secretary of State is here as a resource witness, and I'm sure they will be glad to answer that.

SEN. VAN de PUTTE: No, I'm not asking the difference. I'm asking, is there any provision in Senate Bill 14?

SEN. FRASER: It is not addressed, because that is taken care of by the Secretary of State, that we don't address that in the bill. That would be by an interpretation of rule of the Secretary of State. They will be here, and you can ask them that question.

SEN. VAN de PUTTE: So also you would
SEN. FRASER: We've actually got two different -- you know, kind of an overlap here. We've got the Department of Public Safety that I believe Senator Williams is going to be answering questions, because that's his area. And then we also have the Secretary of State available as a resource that I think you can ask that question.

SEN. VAN de PUTTE: Senator Fraser, under Senate Bill 14, your voters can cast a provisional ballot. Under the Indiana bill, that is set at a 10-day cure. Why is it that you chose a six-day cure?

SEN. FRASER: And you'll remember, the Georgia law is only 48 hours, two days. They went 10 days; the Georgia law went two days. We decided that six days would be sufficient to come back.

SEN. VAN de PUTTE: And as I understand it, the Georgia law does have a 48, but they can use two alternate forms of ID which are not in your bill. So what sort of --

SEN. FRASER: I'm sorry. You know, you keep saying that. You need to pull up the data to show me that, please.

SEN. VAN de PUTTE: So to prove their provisional ballot is correct and the six-day cure, what documentation does your bill have that is acceptable?

SEN. FRASER: Photo ID.

SEN. VAN de PUTTE: So only a photo identification. So they would have to --

SEN. FRASER: The acceptable photo IDs that are outlined in the bill would be an acceptable form, yes.

SEN. VAN de PUTTE: Senator Fraser, do you know right now in the State of Texas, we're able to cast provisional ballots? That's correct, isn't it?

SEN. FRASER: I'm sorry. Ask that again.

SEN. VAN de PUTTE: Current election law allows Texas voters to cast a provisional ballot. Is that correct?

SEN. FRASER: I'm sorry. That is another question I think you should ask the Secretary of State. It is my belief that, but I'm sorry, I don't want to answer that. You can, if you don't mind, ask the Secretary of State.

SEN. VAN de PUTTE: Thank you, Senator.

SEN. FRASER: Again, that's a question that --

SEN. VAN de PUTTE: So, for example, women that got married?
State of Texas has a greater minority population than the State of Indiana?

SEN. FRASER: I'm not advised.

SEN. VAN de PUTTE: To your knowledge, have any studies been done to determine if there has been, under current Texas voter laws, any impact that it would have on affected class of Latino and African-American voters?

SEN. FRASER: The bill that I'm laying out today is a model that has been approved by the U.S. Supreme Court, it has been precleared by the Department of Justice in Georgia. It will deter fraud. We're providing free access of cards. And, yes, we believe this will protect confidence in election in making sure only eligible voters are counted.

SEN. VAN de PUTTE: Senator Fraser, on the availability of free identification cards, is there a means test, or what sort of proof do citizens have to give to the Department of Public Safety to be able to get a free identification card under your bill?

SEN. FRASER: The Department of Public Safety is here as a resources witness. Senator Williams is also here. That's his area of expertise. If you have a question about that, if you would like, I will yield to Senator Williams now or you can wait and ask the DPS when it comes up.

SEN. VAN de PUTTE: Well, right now the DPS I don't think gives free IDs. But in your bill, what sort of process or documentation can voters use to get a free identification card, in your bill? What are the --

SEN. FRASER: If you would like I can yield to Senator Williams or we can wait and have the DPS. Our instruction is the bill, is that they will issue an ID card and they will not charge. That is very clear to the DPS. And if you want to ask how that will be done, they will be coming up, and you will be able to ask that question. Or if you would like for me to yield to Senator Williams, we'll let him answer that.

SEN. VAN de PUTTE: No, Senator. Thank you. I appreciate this is just a different bill from last legislative session, and I was trying to get at least some of your thinking of why you went with a different bill than last year, a more restrictive, a far more restrictive bill than what we debated last legislative session. And I look forward to the questions, I look forward to the testimony today, but I don't have any other further questions.

And I'm sure some of my colleagues have questions, both of the author of the bill and any of the other senators that have certain sections that they have got expertise on.
But thank you very much, Mr. Chairman. I don't have any other further questions.

CHAIRMAN DUNCAN: Senator Watson?

SEN. WATSON: Thank you, Mr. Chair.
Will the senator yield for a couple of questions? Oh, I'm sorry.

SEN. FRASER: One second, please. Are you wanting me to yield?

SEN. WATSON: Yes --

SEN. FRASER: Hold on a second, please.

SEN. WATSON: -- if you don't mind.

(Senator Whitmire speaking without mic)

SEN. FRASER: Do you have the floor now?

(Senator Whitmire speaking without mic)

SEN. FRASER: No, you're asking questions over here.

(Senator Whitmire speaking without mic)

SEN. FRASER: Making sure I get the answers correct.

I will yield now.

SEN. WATSON: Thank you, Chairman Fraser.

I want, if you don't mind, to ask about the fiscal note for just a second. The fiscal note that was attached to your bill, Senate Bill 14, indicates that the fiscal implication to the state is anticipated to be $2 million. Is that correct?

SEN. FRASER: Could you hold one second.

SEN. WATSON: Sure.

SEN. FRASER: I need to pull the data here.

(Brief pause)

SEN. FRASER: Senator, I was just verifying. We spent a lot of time last night talking about this. I think you're aware that the HAVA funds that come from the federal government, which I believe are Help America Vote Institute, I guess it is, Help America Vote, the HAVA, there are funds that come to every state to the secretary of state. We have a fund that is setting in the Secretary of State's office that would be more than sufficient to handle this.

In other states like Indiana and Georgia, the HAVA funds have been used before. We have requested that those funds be available for this. They advised us back, until the passage of the bill, they can't approve the funds. But the assumption is that those funds are before the Secretary of State, and they will be here at some point. You can ask them about those funds, the parameters, but it is our belief that the HAVA funds will be available for this and would offset the fiscal note.

SEN. WATSON: I appreciate that answer.
SEN. FRASER: Right now the fiscal note that was delivered is $2 million, yes.

SEN. WATSON: Okay. And that's what I really wanted to ask about. And I'll talk about the fact that y'all want to take some federal funds, here in a second. But first of all, last session when we were talking about the fiscal note, my memory was and is, that at the beginning of the session when you filed the bill last session, there was a zero fiscal note, and then that got changed to the same as it is right now, a $2 million fiscal note for voter awareness, and it was exclusively for voter awareness in the second fiscal note.

Can you tell me what analysis has gone into coming up with how much money should be spent on voter awareness and voter education regarding this bill, in order to get to that $2 million?

SEN. FRASER: I think the analysis on this comes from the Secretary of State's office, and I'm sure they will be glad to answer your question. Two years ago before we started, we advised them that we needed voter education. If you remember in the bill, we discussed in that when we were discussing that, that we needed to have an appropriation for that.

I think Senator Ogden stood up and talked about the fact that they would be willing to make sure that there was money there. Since then, we have been made aware that the Secretary of State not only I think has a plan for doing that but also a plan for requesting the funds from HAVA.

SEN. WATSON: Well, I'll ask about that. So, then, let me ask you another question. You indicated in your opening comments that -- and I've read your legislation -- under this bill, everyone gets a free identification card if they come in and ask for a free identification card, they show a voter registration card and/or they apply for a registration card. That $2 million that you've just talked about doesn't include the cost, any of the cost for providing these free identification cards, does it?

SEN. FRASER: I'm sorry. I was doing something else. Would you ask that last question again, please.

SEN. WATSON: Does the $2 million in the fiscal note include any of the cost of providing free identification cards?

SEN. FRASER: To my knowledge, it does not.

SEN. WATSON: And, in fact, there is no means test and your bill forbids DPS from collecting a
If any eligible voter comes in or submits a registration application, they can then avoid what is the typical $15 fee?

SEN. FRASER: Senator, have you seen the numbers that have been collected by DPS on the number of eligible voters that have registered since 2006, the ones that registered with a driver's license or a driver's license and a social security card that identified the number of people registering --

SEN. WATSON: Yes.

SEN. FRASER: -- that already had identification? So the question you're asking is, the universe we're talking about we believe is very, very, very small. In fact, the Carter Commission, after the implementation in both Indiana and Georgia, and actually Mississippi they looked at, they found that only 1.2 percent of people did not have, already have a photo ID available, so the universe of this, so the question you're asking --

SEN. WATSON: Then why don't we talk about specific numbers. With you talking about those numbers, you're probably aware that in 2007, House Bill 218 was offered. It was referred to the committee, the Senate Committee on State Affairs. And in that one, which was HB 218, DPS talked specifically about identification cards and it put a fiscal note, it believed that it would be $1.3 million per biennium or $4 million every six years out of the highway fund. Were you familiar with that?

SEN. FRASER: Senator, you're getting into an area that's outside of my area of expertise. We have the person that's in charge of that. You've got two choices. Either you can ask that question of DPS as a resource when it comes up, or I will yield to Senator Williams right now and he can answer your question.

SEN. WATSON: Senator, if you would answer that question.

SEN. FRASER: I now yield to Senator Williams.

SEN. WILLIAMS: I just want to be sure I've got your question right.

SEN. WATSON: Sure. Since we're talking about numbers here -- and I'm trying to get a feel for what the cost of this is -- in House Bill 218 in the 2007 -- the 80th legislative session, there was a bill filed that dealt with the provision of identification cards. And in that one, the LBB indicated the fiscal note would be $1.3 million or $4 million every year coming out of the highway fund. Are you familiar with that?

SEN. WILLIAMS: I'm not familiar with House Bill 218. But, you know, I take what you're
Case 1:12-cv-00128-RMC-DST -RLW Document 207-1 Filed 06/20/12 Page 17 of 17

saying--

SEN. WATSON: Sure. Okay.

SEN. WILLIAMS: -- at value.

SEN. WATSON: And since I anticipate that there would be deferral to you on the next question, too, let me just go ahead and ask that. Last session, in the 81st session, there was a bill by -- it was HB 2335 that indicated, similar to what Senate Bill 14 does not, that there couldn't be a fee charged for issuing a document that someone might use as proof of their identification for purposes of voting. In the fiscal note there, the LBB singled out DPS identification cards, which is what we're talking about here, and assumed that if everyone used those, the number they came up in that fiscal note was $47 million over five years. Are you familiar with that one?

SEN. WILLIAMS: I'm not familiar with that--

SEN.WATSON: Okay.

SEN. WILLIAMS: -- particular bill. But what I can tell you is that the cost to the Department of Public Safety for issuing an ID card is about $1.67. It's a very small amount of money. So $47 million sounds -- that's a lot of IDs at a buck 67 apiece. And so what I would say is that when I discussed this with the Department of Public Safety recently -- and they'll be here to testify about this in detail more -- I think that it would be difficult for them to determine now how many people might take advantage of the free ID card. I think it's probably not possible for them to estimate that.

But the cost, I think we're all pretty comfortable that it would be fairly negligible. When you look at the universe of registered voters, which is somewhere around 13 million people, I think, and you've got about 15 million people that have either a driver's license -- and I can get you the exact numbers. I have them here -- there are a lot of people that already --

SEN. WATSON: Right.

SEN. WILLIAMS: -- have state ID cards.

And a lot of the folks that don't have those would be attempting to do is not engage in that as I vote no this. What I've tried to go is go back and find out what the LBB, which we rely upon for fiscal notes, has actually said about these sorts of things, with previous...
legislation that has addressed this, as opposed to
speculation.

SEN. WILLIAMS: And, Senator Watson, I
understand, and there are a lot of things -- I'm not
familiar with those bills. And what I would tell you is
that each -- the LBB comes up with their methodology
based on what each bill's requirements are. And not
being familiar with that --

SEN. WATSON: Sure.

SEN. WILLIAMS: -- I can't tell you what
the difference between that and this is. But we did
specifically sit down and talk to DPS, and they really
don't expect that this is going to be any big burden on
the agency that they're not going to be able to handle.

SEN. WATSON: Thank you for your answer.

SEN. WATIAMS: Yes.

SEN. WATSON: I have a couple more
questions for Senator Fraser, if that would be all
right.

SEN. FRASER: I'm back with you.

SEN. WATSON: Okay. Great! Thank you,

Would the HAVA money that -- first of all,
you're familiar that in the base budget that the Senate
has but out, the $2 million for this biennium for voter
education has been explicitly cut. You're familiar with
that. Right?

SEN. FRASER: I don't think the word
"explicitly cut," I don't think it's been addressed.

SEN. WATSON: Well, it's been struck
through in the base budget. Did you know that?

SEN. FRASER: I'm not advised.

SEN. WATSON: Okay. Are you also familiar
that in this budget it calls for a $358 million cut to
the DPS budget?

SEN. FRASER: Again, I'm not on Finance;
I'm not sure you're on Finance. And so, no, I
haven't -- the base bill is the starting point of
discussion, so I'm not advised.

SEN. WATSON: All right. So you're not
advised whether, out of that 9.5 percent of the cut
comes in regulatory and the licensing area for DPS?

SEN. FRASER: Well, and as you know, as we
start the session, that's a draft budget as a starting
point. We're a long ways from that being concluded. So
the answer is no, I'm not aware.

SEN. WATSON: Thank you very much.

Thank you, Mr. Chairman.

SEN. ELTIFE: Senator Whitmire, what
purpose do you rise?

SEN. WHITMIRE: Will the gentleman yield?

SEN. ELTIFE: Senator Fraser yield?
SEN. FRASER: Be glad to.

SEN. WHITMIRE: Senator Fraser, a couple

of questions about the implementation of your

legislation if it passes. First off, I have to make

this observation: Have you ever seen the gallery so

empty when the Legislature is considering something

that's been given such a high billing as Senator Duncan

was making yesterday when he asked us to go to Committee

of the Whole? I mean, how timely this was and how

critical it was? The Governor has made it an emergency,

and I don't think I've -- I don't know if there's 20

people in the gallery. If it's so important, can you

explain to me why the gallery is empty --

SEN. FRASER: I am not advised.

SEN. WHITMIRE: -- based on --

SEN. FRASER: I'm concentrating on the

action on the floor rather than looking up and seeing

who is in the gallery.

SEN. WHITMIRE: Well, but it's an

indication, if the public is really concerned,

particularly based on your polling data, which I'm sure

you would join with, we don't govern in the state by

polls normally, do we?

SEN. FRASER: Well, other than I find it

interesting, whenever they asked the people of your

district that you represent --

SEN. WHITMIRE: Sure.

SEN. FRASER: -- of whether they're in

favor, the polls continue to show that the public, both

Republican and Democrat --

SEN. WHITMIRE: Well --

SEN. FRASER: -- you say, "Will you

support a person voting with a photo ID?"

SEN. WHITMIRE: And did you include in

that question and would you be for it if it would

disenfranchise senior citizens, students or others? You

and I know it's all in how you ask the question. In

fact, the way you're stating it, I'm surprised you

didn't get 100 percent. If you ask people, "Are you

against vote fraud?" I would assume you would get

100 percent.

SEN. FRASER: Here's the question --

here's the question --

SEN. WHITMIRE: It's the unintended

consequences that we're concerned about.

SEN. FRASER: "Do you favor or oppose

requiring a photo ID before a person is allowed to

vote?" Pretty straightforward.

SEN. WHITMIRE: I'm surprised you didn't

get 100 percent if you include "and stop fraud." It's

when you add into it, "if it meant disenfranchising

senior citizens," and then I think you would have a
significant drop.
The bottom line is, Senator Fraser, and we'll have -- and let's have this ballot: Would you concede that we're all, all 31 of us are against election fraud?

SEN. FRASER: I will not concede that until after the vote, and we're assuming the ones that vote for it are --

SEN. WHITMIRE: Well, let me go ahead and speak for the 12 of us that are probably going to vote "No." We're all against election fraud. And I would suggest we've actually seen an election process since we took this up two years ago. Let's look at the most recent election. What fraudulent activity this past November are you so concerned about? I think it's the election -- and maybe I should be more concerned.

If you look at the election results, it was an overwhelming victorious day for Republicans in November. You replaced 34 Democrats in the house. Now, are you suggesting there was significant fraud on that election day?

SEN. FRASER: Senator, all we're trying to do with this bill is that when you walk into the polling place and represent that you are John Whitmire --

SEN. WHITMIRE: Sure.

SEN. FRASER: -- that you can prove you are who you say you are before you vote, it's a very simple concept.

SEN. WHITMIRE: Except, Senator Fraser, the unintended consequences that you're going to disenfranchise people that have not been able to acquire these cards, and that's what I want to spend a few moments on. Walk me through a real life example of how a senior citizen in my district is going to acquire that card. Do they do it by mail? Do they have to do it in person? What's the process?

SEN. FRASER: Senior citizens over --

SEN. WHITMIRE: Give me a real life.

Don't say, "We're going to provide it." Let's break down what an 86-year-old lady in my district, never been required to have one, how is she going to get her card?

SEN. FRASER: She would vote under current law because she's exempt.

SEN. WHITMIRE: You've given her an exemption. Does she have to prove, that day, her age?

I mean, Troy --

SEN. FRASER: You can ask that question of the Secretary of State. But I'm assuming --

SEN. WHITMIRE: Well, you're the author. And let me just tell you, like I said, we're all against fraud. As elected officials, it's in our own personal self-interest to have honest elections with the highest
integrity. We're doing it for the people that we
represent as well. So that's not the issue, are we for
or against fraud? It's the implementation, it's the
disenfranchisement, Troy, that we're fighting for and
what we've been fighting for, for the last couple of
years. Tell me how we're going to address the
unintended consequences of someone not being able to
vote on election day, because I know you don't want
that. And I --

SEN. FRASER: I was sent down here by the
people of my district to represent their views. The
polling of my district shows that it's almost 90 percent
of the people in favor of it.

SEN. WHITMIRE: Okay.

SEN. FRASER: The district that you
represent, I think if you poll in that district -- and I
have used some polling that shows close to the same
number -- that say that when they're asked, "Do you
think you should have to show a photo ID?" and they say
yes.

SEN. WHITMIRE: And my --

SEN. FRASER: So my answer is, we need to
pass this, because the people in our district --

SEN. WHITMIRE: Well --

SEN. FRASER: -- believe that they should
show a photo ID.

SEN. WHITMIRE: First of all, I don't
govern by poll. And if I was at a town hall meeting and
I walked through, after they've said they're for voter
ID, then I start talking about the implementation of it,
they start being just as concerned as I am. So I want
to know how people are going to acquire these cards.
Forget the 86-year-old. Let's go to a 56-year-old
person. How do they acquire the card? Are you familiar
in Houston it takes two to three hours to get a driver's
license at the DPS office?

SEN. FRASER: John, I was about to ask
you, you know, ask you your age, but I know your age.
We're both 61. A 61-year-old person in our age group,
is it going to be a real problem for you and I to drive
down to the DPS to get --

SEN. WHITMIRE: Well, see, that's what's
so sad about this discussion. You're not putting
yourself in the shoes of someone who doesn't have the
means that you and I have, they have to depend on
someone else for transportation. They may not have any
resources. How is a 56-year-old person in Houston,
Texas, going to acquire this card --

SEN. FRASER: We are not changing --

SEN. WHITMIRE: -- no driver's license.

SEN. FRASER: We are not changing the
mail-in ballot. And if someone has a reason that they
need to vote by mail --

SEN. WHITMIRE: On a mail-in ballot, how do you prove -- that's early voting. How do you verify who you are in that instance?

SEN. FRASER: I'm sure the Secretary of State would be glad to answer that.

SEN. WHITMIRE: Okay. But that's not what we're talking about. We're talking about one election day, a person in Houston wants to vote, how do they acquire the voter ID, photo ID?

SEN. FRASER: The DPS and the Secretary of State will both be here, and I'm sure they will be glad to answer that question.

SEN. WHITMIRE: Troy, you're proposing this. And before we go forward, I would like to know, do you have to go to the DPS office? Do you order it by mail? That's a critical concern of all of us that are voting "No" against this bill. And I don't --

SEN. FRASER: Senator, did --

SEN. WHITMIRE: -- think you want to disenfranchise anybody, but I'm afraid that there's unintended consequences that you have not envisioned.

SEN. FRASER: Did another senator advise you of what you had to do to go down to the DPS office to get your driver's license?

SEN. WHITMIRE: Well, we're not talking about me. We're fortunate; you and I are fortunate. We probably don't have to wait in lines. In Houston, Texas --

SEN. FRASER: There are 15 million drivers in Texas. Of the 31 Senate districts, I think that would mean there's about 500,000, I believe, in my district. And I don't think I've got a one of them that I instructed on how to go down and get a photo ID.

SEN. WHITMIRE: Okay. Well, let me just tell you about the DPS operations in Harris County. A working person cannot go by and get their license renewed on their lunch hour, before work or after work, because literally it's a two to three-hour wait. So how do you add this new group of participants that have to show up at a DPS office to get a voter ID.

SEN. FRASER: We have someone coming from the DPS. I think you can ask that question or I'll yield to Senator Williams.

SEN. WHITMIRE: I'm not sure if they're --

SEN. FRASER: The bill that I'm laying out is very clear, that it complies with the Supreme Court ramification and it also has been cleared by the Department of Justice.

SEN. WHITMIRE: Okay. So you don't know.

Is that your answer?
SEN. FRASER: I said we've got resource witnesses that are coming. I'm not an expert in that area. We do have an expert coming, and they'll be glad to answer your question.

SEN. WHITMIRE: The DPS folks will have to publicly say at Gessner and I-10 or at Tacoma and 290, two sites in my district -- and I complained and asked for more resources -- it's a two- to three-hour wait, Governor Dewhurst, to get your driver's license renewed. So you can't even go over there on your lunch hour and get a driver's license, and now you want the folks to go over there and, I assume, wait in line to get a voter ID.

Let me ask you another question about the education that you're going to provide. Is it going to be done in bilingual materials with a --

SEN. FRASER: I'm sure the Secretary of State will be glad to answer that question.

SEN. WHITMIRE: Well, you're the sponsor.

SEN. FRASER: And as the sponsor, I invited the Secretary of State as a resource witness, to make sure we have someone that knows the answer to that particular question.

SEN. WHITMIRE: One also is, your bill provides same-day registration. Now, according to you, you're going to have a fail-safe system that you'll know who is showing up to vote. Are you open to the idea that someone who has gotten motivated in the last 30 days, maybe the days just leading up to the election, with this secure form of ID can show up on election day, prove who they are and ask to vote?

SEN. FRASER: The bill does not provide for same-day registration.

SEN. WHITMIRE: I'm sorry. What?

SEN. FRASER: The bill does not provide for same-day registration.

SEN. WHITMIRE: Would you be amenable to us proposing it and --

SEN. FRASER: The bill does not provide, as I -- I filed the bill, and the bill does not provide for same-day registration.

SEN. WHITMIRE: Okay. Thank you for your answers.

CHAIRMAN DUNCAN: Senator Uresti.

SEN. URESTI: Thank you, Mr. Chairman.

Would the gentleman yield for some questions?

SEN. FRASER: I would love to yield.

SEN. URESTI: Thank you, Senator Fraser.

I want to ask you a few questions, kind of to follow on what Dean Whitmire asked you specifically regarding the DPS offices. And I don't know if they're here yet or
not. But particularly about my district, you know how large it is. It goes from San Antonio all the way to El Paso, and it has 23 counties, as I'm sure you're aware, Senator Fraser.

And one of the concerns that I have is that between here and El Paso -- and you may know this. If not, I would like to let you know and the other members know -- well, let me ask you this: Do you know how many of my 23 counties do not have a DPS office?

SEN. FRASER: Senator, you know, the start of your description of this, I'm very familiar with the district, because I used to represent a lot of it. And that area between -- going out toward El Paso, I've had that when I was a state rep. It was in my state representative district. And then part of your other district was when I was a senator. So, yes, I'm very familiar with it.

The answer to your question that you're asking about driver's license location, we'll have somebody from DPS here, and I'm sure they'll be glad to answer that question for you.

SEN. URESTI: Well, in the meantime, Senator Fraser, let me let you and the members know. There are eight counties in my district out of the 23 that do not have a DPS office. Loving County has no office, Crockett County, Hudspeth County, Jeff Davis County, Kinney County, Real County -- we had some good folks here yesterday representing Real County -- and Terrell County have their offices temporarily closed.

And, Senator Fraser, do you know how many people live in those counties? There are 47,000 people that live in those counties in my district that don't have a DPS office.

SEN. FRASER: Do you know how many in those counties drive that have a license?

SEN. URESTI: No, I don't. Do you know, Senator?

SEN. FRASER: I don't, no. I have been out in those counties and I see people driving. I'm assuming they have a driver's license.

SEN. URESTI: Well, it makes it even more difficult if they don't have a driver's license and they need to get a driver's license or a photo ID to vote. How are they going to drive long distances in order to retrieve that -- or obtain that ID?

SEN. FRASER: Again, the data we've been shown is that people registered to vote -- and I guess I would like to look in your area -- but about 90 percent of the people that are coming in show their driver's license when they register to vote.

You know, yes, there's -- it looks like there's a lot of people or, you know, 47,000, but I'm
assuming that the bulk of those, probably a lot of them
have IDs.

SEN. URESTI: Well, that's an assumption,
Senator Fraser, that you're making that I don't have the
luxury of making on behalf of those 47,000 people. But
in addition to that, Senator Fraser and members, there's
another 70,000, another 70,000 constituents in my
district that have access to only partial or sporadic
service; for example, Senator Fraser, the first Tuesday
of each month from 9:00 to 4:00. So they have one day a
month, members, to go and get an ID, and that's between
the hours of 9:00 to 4:00.

Well, if you can't get off of work that
one month -- that one Tuesday and that's the only day
it's open, what are my constituents supposed to do,
Senator Fraser?

SEN. FRASER: I think that's probably a
question you would want to ask the DPS. Or, if you
would like, I will yield to Senator Williams.

SEN. URESTI: But this isn't their bill;
this is your bill, Senator Fraser.

SEN. FRASER: And that's the reason I
bring in, you know, knowledgeable witnesses, expert
witnesses that can answer these questions. We have
someone from DPS that will be here. Or Senator
Williams, that's in the area of his committee.

SEN. URESTI: So they're going to answer
my question as to what should my constituents do if they
can't get off of work that one Tuesday of the month in
order to get their ID to vote? That's what you're
saying, they're going to answer that question?

SEN. FRASER: You'll just have to ask
them.

SEN. URESTI: This is your bill, Senator
Fraser. I'm asking you, because I need to go back to my
district and tell them that they have to get a photo ID
in order to vote. And their first question to me is
going to be, "Well, Senator Uresti, you know that our
DPS offices are closed," or "We have no DPS office in
our county," or "It's only open on one Tuesday a month."
What am I supposed to do, Sen. Uresti"?

SEN. FRASER: Again, the DPS will be here.
You can outline the problem, and you can outline the
problem with Senator Williams, and you're free to ask
them those questions.

SEN. URESTI: Sen. Fraser, in addition to
those counties that have no DPS offices, many of my
constituents in several other counties are going to have
to travel long distances in order to get an ID. For
example, my constituents in Crockett County, Ozona, will
have to travel 163 miles round trip to San Angelo to get
to the nearest DPS office. And if you live in Sanderson
TX_00000923
JA_000922
TX_00000923
USA_00015804
in Terrell County, you will have to travel 170 miles round trip to get to Fort Stockton. If you live in Sierra Blanca in Hudspeth County, you have to travel 176 miles to get to El Paso in order to get to the DPS office. Did you know that, Sen. Fraser?

SEN. FRASER: I'm very aware of that, that, you know, the district I represented, there were bus routes that were 80 to 90 miles each way for kids to attend public school, because the people lived out in the country.

SEN. URESTI: And would you agree with me, then, that that's going to be a challenge for those folks?

SEN. FRASER: We're not changing the early voting mail-in ballot rules, and that will still be an option for people.

SEN. URESTI: So they don't need an ID to vote by mail?

SEN. FRASER: By mail? Again, you can ask the Secretary of State. We're not addressing the mail-in ballots. The Secretary of State will be here. Someone from their office, you can ask that question.

SEN. URESTI: Well, let me just mention a few more of my counties. If you live in Van Horn in Culberson County, you have to travel 200 miles round trip to Marfa, which is the nearest DPS office. If you live in Pecos, which is in Reeves County, you have to travel 143 miles to Fort Stockton. If you live in Rocksprings in Edwards County, it's 152 miles round trip to Del Rio, Sen. Fraser. And finally, if you live in Medina, which is in Hondo, if you live in Hondo, which is in Medina County, you have to travel 84 miles.

And so again my question; Sen. Fraser -- if you can't answer it, just let me know -- what am I supposed to tell my constituents -- because this is your bill; it's not my bill -- how are they supposed to get their Texas ID if their DPS office is --

SEN. FRASER: Senator, if I were you, when the DPS comes up, I would ask them questions and say, "Is there a way that we could do something like a temporary van coming through to accommodate those people?" And if I were the senator from that area, that probably would be a question I would ask the DPS. But again, they're coming forward, and that's a question I think that is appropriate of the DPS of, you know, "How do we make sure that we accommodate those people?"

SEN. URESTI: Well, it's a great suggestion, Senator Fraser. But what if DPS says, "We can't do that. It's not in the budget, the $2 million that we're being allocated"? So then what do I tell my constituents?

SEN. FRASER: Well, you're assuming the
SEN. URESTI: Well, you're assuming that they're going to say that they will be able to do it.

SEN. FRASER: No. I'm assuming that the DPS is going to come up and you'll have the opportunity to ask them.

SEN. URESTI: Okay. So then let's assume the DPS spokesperson says, "Great idea that Senator Fraser has. We can do that," there's going to be a cost associated with that. Isn't that correct? That's not included in the fiscal note of $2 million?

SEN. FRASER: Again, I'm not advised, I think the DPS could advise you on that, or Sen. Williams.

SEN. URESTI: Do we know when they're going to be available to answer or --

SEN. FRASER: I think they're on hand. And as soon as we complete these questioning, I think we'll going to bring -- you know, as soon as we start the -- well, I think that the plan -- I'm not speaking for the Chair, but I believe we're going to allow questions from members, then we're going to have invited guests. And then once we start the public testimony, they would be ready to come up, and I think they'll answer any questions you've got.

SEN. URESTI: Senator Fraser, let me ask you a few more questions, if I may, please. And I want to be clear. So as I understand it, in order to vote with your bill, if your bill passes, you can have a voter registration card and a Texas ID or a driver's license, and you're able to vote with both of those documents. Correct?

SEN. FRASER: Actually, you don't -- if you go in and you're on the voter roll and you have a driver's license, they'll allow you to vote, because I know that's -- you know, I do that now.

SEN. URESTI: So you don't need your voter registration card, is my real question? If you have a valid Texas ID or a valid Texas driver's license, then you do not need --

SEN. FRASER: I think probably if you'll ask the Secretary of State. But my understanding is that you just have to identify yourself with a photo. And if you're on the voter roll and you're at the correct voting location, you live in that precinct and you're on that roll and you show them your ID, I believe you'll be allowed to vote.

SEN. URESTI: And that's my question, but I want to be specific about it. So if I have a valid photo ID or a valid Texas driver's license and I'm on the rolls, then I do not need a voter registration card. Correct?
SEN. FRASER: To my understanding, the answer is yes. But I still think I would ask that question of the Secretary of State.

SEN. URESTI: Well, I'm pretty sure that's correct. That's what I read. Then why do we need a voter registration card, then? Why are we going to need voter registration cards after your bill passes?

SEN. FRASER: Good question. Why don't you ask that of the Secretary of State. It might be a -- you could offer that as a cost-saving measure.

SEN. URESTI: Okay. That's all the question I have for now, Mr. Chairman.

Thank you, Senator Fraser.

CHAIRMAN DUNCAN: Thank you, Senator.

Senator Gallegos.

SEN. GALLEGOS: Senator Fraser, the questions that you're being asked and are asking us to wait for resource witnesses, I'm concerned that we're not getting answers from the author of the bill. Now, Senator Huffman just showed us a box with testimony and questions and supposedly answers that were asked two years ago. And a lot of the questions that you're referring to that we get answers from resource witnesses weren't answered at that time.

I mean, we just want an assurance here that whatever was in that box that Senator Huffman had did not have all the questions answered. I heard what she told Senator Davis, but a lot of the questions that you're being asked today were the same questions that were asked two years ago and have never been answered.

SEN. FRASER: Senator, I stayed up very late last night reading the deposition of the questions that were asked, that you asked me last year, the answers. And I guess if you're concerned about that, maybe you should get that deposition and you read it and that way you can feel more comfortable about what was asked and what was answered. Have you read the deposition?
SEN. GALLEGOS: There will be plenty of time for that. But I'm just asking you, as the author of the bill. You know, I mean, you are laying it out, and you're trying to explain it. And you're asking us to ask resource witnesses on questions, especially the questions that Senator Uresti had. And it concerns me that before we even, you know, lay it out and go forward with a bill, that the people that are here listening, at least they have the right to -- they leave, they have the right to know these questions, especially those questions that Senator Uresti just got through asking you. And it concerns me that we cannot get answers at the time that the bill is laid out, before we even go forward with the witnesses. And that just concerns me, that we're not getting answers.

SEN. FRASER: I think you can take a lot of comfort in the fact that we will not ask you to vote for the bill until we bring up an expert witness and you will be allowed to ask those questions and get the answer you're looking for.

SEN. GALLEGOS: Well, I mean, we did that two years ago. And some of the questions that the box that Senator Huffman had still doesn't have answers in that box that she had that's going to be introduced as Exhibit No. 1.

SEN. FRASER: Have you read all the data that was in the box?

SEN. GALLEGOS: I have not read it; I have not read it. But, you know, I would think that, especially some of the questions that I asked and I'm fixing to ask you, you know, that if those answers aren't in that box that Senator Huffman introduced as Exhibit No. 1. I just want to make a point that it concerns me that these questions these senators have about their districts are not being answered. I just wanted to make that point.

And on another question, Senator, on the fiscal note -- and I know that Senator Watson brought it up -- it says that it's $2 million to implement. Now, here is my concern on that, is that Texas is ranked No. 2 nationally in this country as far as population. Missouri is ranked 19th. Yet, the numbers that I'm looking at on the costs that the Secretary of the State of Missouri on implementing -- and Missouri only has 5.9; we have 25 million -- Missouri has 5.9 in population, and the Secretary of the State of Missouri is going it's going to cost $6 million just to implement their voter ID program, and that's just the first year. The second year, another $4 million.

Now, with only 5.9 in population, and I'm looking at Texas that has 25 million, now, what kind of methodology is the Secretary of State using in Missouri?
as opposed to the Secretary of State in Texas? To me, that math -- you know, I'm not an expert in math, but I can tell the difference between 5.9 and 25 million to implement a voter ID bill, you know, that obviously there's something wrong here in the numbers. Can you tell me the difference in 6 million for Missouri and 2 million in implementing the cost of voter ID in Texas?

SEN. FRASER: I'm not a citizen of Missouri, so we don't have access to that information. And you and I have been in the Legislature a long time, and you're very aware that your fiscal note -- whenever you file a bill, you get a fiscal note with a bill, they look at the cost, and this is the cost that's been estimated.

SEN. GALLEGOS: You know, Senator, I'm concerned here that this number that has been laid out in this bill -- you know, and we do have -- and I don't know if the rules if we have the Ogden amendment on this bill where you're looking at one number and then all of a sudden, before we start implementing the bill, it's going to cost us $30 million to implement the bill by the numbers -- if we use the formula being used by Missouri that has only 5.9 in population. Now, that really concerns me. $30 million, Senator Watson could use that here and stop the closure of those Austin Independent School District schools that are being closed. They could use that $30 million that I see as opposed to what I'm seeing as the formula in math that Missouri used.

Now, it concerns me that the fiscal note that's laid out in this bill is misleading, according to the other states that are using more money and less population to implement their voter ID bill. That concerns me, Senator. And, I mean, is there somebody that can answer that question for me, why it costs so little on a state that has 25 million in population as opposed to another state that has 5 million and it's triple the cost?

You know, I mean, that concerns me, and that should concern you, when you're given a number, and we're telling the people in the audience here, the taxpayers, it's only going to cost us $2 million. And we have 25 million in population; Missouri only has 5.9 million, and it's costing them $6 million to implement voter ID. Now, you know, that really concerns me. And I don't want to mislead the public in any form or fashion that it's only going to cost us $2 million to upstart voter ID when that is a misleading number. And that concerns me, Senator, and it should you. If this number is misleading, now who can answer that question for me?

SEN. FRASER: I think you're very aware of