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
**CONSIDERATION OF SENATE BILL 14 1/25/2011**

1. **PROCEEDINGS**
2. **TUESDAY, JANUARY 25, 2011**
3. **10:05 a.m.**
4. **CHAIRMAN DUNCAN:** The Committee of the Whole will come to order.

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<th>1</th>
<th>Ms. Kennedy, would you stand so everyone can see you.</th>
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<tr>
<td>2</td>
<td>Can you hear me?</td>
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<td>Remember Ms. Kennedy from last time. I think she went 12 or 13 hours.</td>
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<td>Obviously we need to be mindful that the court reporter only has two hands and can only type one person at a time.</td>
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<td>Because we’re making a record here, obviously we need to be careful that the court reporter does not get interrupted by our Senate session which begins at 11:00.</td>
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<td>6</td>
<td>It’s the Chair’s intent to place a 10-minute limit on invited testimony.</td>
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<td>And that’s -- or identify yourself when you’re speaking or to their documents when they’re testifying.</td>
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<td>Senator Fraser in just a moment to lay out the specifics of Senate Bill 14. And then after he lays the bill out, 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.</td>
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<td>We will take periodic breaks in order to expediently as we move through the process.</td>
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<td>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.</td>
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<td>Once we have completed the public testimony -- and, obviously, we’re going to be interrupted by our Senate session which begins at 11:00.</td>
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<td>12</td>
<td>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.</td>
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<td>And once that’s completed, then, obviously, we will vote on our resolutions to rise and report back to the full Senate.</td>
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<td>That is basically the layout of the procedure. Any questions?</td>
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<td>Senator Van de Putte.</td>
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<td>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, a reasonable question.</td>
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<td>CHAIRMAN DUNCAN: Thank you, senator Van de Putte, an excellent question.</td>
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<td>LAYING OUT OF SENATE BILL 14</td>
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<td>3</td>
<td>SEN. FRASER: Thank you, members.</td>
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<td>Obviously, this is an issue that we know a lot about, and we</td>
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<td>margin of difference.&quot;</td>
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<td>Texas today has a legitimate interest in</td>
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<td>protecting elections. It is imperative that we protect</td>
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<td>the public's confidence in elections by deterring and</td>
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<td>29</td>
<td>detecting voter fraud.</td>
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<td>In upholding the Indiana photo ID law, the</td>
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<td>U.S. Supreme Court stated, &quot;Confidence in the integrity</td>
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<td>of our electoral process is essential to the functioning</td>
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<td>of our participatory democracy. Voter fraud drives</td>
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<td>honest citizens out of the democratic process and breeds</td>
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<td>distrust of our government. Voters who fear the</td>
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<td>legitimate votes will be outweighed by fraudulent ones,</td>
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CONSIDERATION OF SENATE BILL 14 1/25/2011

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<th>Voter returns within six days to show a photo ID.</th>
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<td>It would also provide for statewide training and notification of the changes required for an 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.</td>
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**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 carried 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.

**Chairman Duncan:** Members, you've heard the motion. Is there any objection to the motion?

**Senator Davis:** Question.

**Chairman Duncan:** Senator Davis, do you have a question?

**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?

**Senator Huffman:** I am not advised on that, but I would certainly have no objection and would move for introduction of Exhibit No. 1 into the Committee of the Whole's records.

**Chairman Duncan:** Senator Fraser, 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. Before we do that, we do have a motion in writing that Senator 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.

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**Chairman Duncan:** 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 --
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1 The record has been certified by Patsy Spaw, the Secretary of the Senate, and we might check
2 with her to see if that was done. In fact, we could
3 certainly make sure that it was placed in Exhibit No. 1
4 as part of the record.
5 SEN. DAVIS: Thank you. I would
6 appreciate that.
7 CHAIRMAN DUNCAN: I suggest that it be
8 Exhibit 1A, if there are additional information, so that
9 it can be kept separate from what you are going to
10 introduce in your motion in writing as Exhibit 1.
11 SEN. HUFFMAN: Yes, sir.
12 CHAIRMAN DUNCAD: Okay. Is there any
13 objection to Exhibit 1 being included in the record?
14 All right. The Chair hears none. Exhibit
15 1 will be included in the record.
16 (Exhibit No. 1 admitted)
17 CHAIRMAN DUNCAN: All right. Sen. Van de
18 Putte.
19 SEN. VAN de PUTTS: Thank you, Mr. Chairman.
20 QUESTIONS FROM SENATE FLOOR
21 SEN. VAN de PUTTS: Would the gentleman
22 yield. the author of the bill yield?
23 SEN. FRASER: I would yield.
24 yield. the author of the bill yield?
25 SEN. FRASER: I would yield.

1 I understand it, this year's model is fashioned after
2 the Indiana law?
3 SEN. FRASER: And I think you actually
4 have made the point that I was going to make. Two years
5 have passed. Since that time, we've had, you know,
6 obviously, the confirmation by the Supreme Court on the
7 photo ID and then also the preclearance of the Georgia
8 bill by Dale Jays (phonetic).
9 So looking at, you know, the experience of
10 the bill in place, the simplicity of the photo ID, we
11 chose to go with that. And as you will remember, the
12 recommendation by President Carter and Secretary of
13 State Baker was, you know, the national photo ID, and
14 that's what we're attempting to implement.
15 SEN. VAN de PUTTS: Thank you.
16 Mr. Chairman.
17 And a few other questions. With the
18 Carter-Baker Commission, they felt very strongly about
19 encouraging the maximum participation in voter and
20 suggested the type of strategies that we're using. But
21 the addendum for both gentlemen and the members of the
22 commission were that they, as I recall, and entered into
23 the record during last legislative session, was that the
24 conclusion of the commission was that we should not
25 implement the type of photo identification until you had

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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 PUTTS: Thank you, Senator Fraser. I wanted to ask a little bit of your thinking.

SEN. FRASER: As a Section 5 state, we are not 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. VAN de PUTTS: Senator Fraser, when this legislature passes the voter identification bill -- and there is no doubt that this bill will pass -- it will have to proceed to the Department of Justice for clearance?

SEN. FRASER: As a Section 5 state, we are subject to Section 5 rules.

SEN. VAN de PUTTS: Senator Fraser, when this legislature passes the voter identification bill, will the Department of Justice challenge it?

SEN. FRASER: The types of identification the Department of Justice will be looking for in a bill like this are --

SEN. VAN de PUTTS: So the rationale for the bill that is modeled after a state law that does not mirror a non-Section 5 state rather than something that has already been upheld in the Georgia law, a 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 there is no doubt that this bill will pass -- it will have to proceed to the Department of Justice for clearance?

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

SEN. VAN de PUTTS: 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: That's correct. And I would ask you, did you vote for that bill last year?

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

SEN. FRASER: Okay.

SEN. VAN de PUTTS: But my question is --

SEN. FRASER: Okay. I realize you're saying that, but do you have -- you know, do you have concerns that we will offer to the Department of Justice a bill, a voter identification bill that has already been upheld in the Georgia law, a model which already has been proven and has been affirmed, both in the court case and the Department of Justice?

SEN. VAN de PUTTS: However, in the Indiana court and in the Supreme Court case on Indiana, what they said was, the undue burden was -- did not be demonstrated because they did not have the level of minority voters, that was never a checkpoint, because they did not have to go through the Department of Justice.

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

SEN. FRASER: I realize you're saying that, but do you have -- you know, do you have concerns that we will offer to the Department of Justice a bill, a voter identification bill?
CONSIDERATION OF SENATE BILL 14 1/25/2011

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

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

SEN. FRASER: The Secretary of State is responsible for this. The Secretary of State will answer this question.

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

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

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

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

SEN. VAN de PUTTS: 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.

SEN. VAN de PUTTS: Thank you, Senator.

SEN. FRASER: Since it’s based on Indiana law, do you believe that the State of Texas has a greater minority population than the State of Indiana?

SEN. VAN de PUTTS: I haven’t heard that before.

SEN. FRASER: Thank you, Senator.

SEN. VAN de PUTTS: 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 should be sufficient to come back.

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

SEN. FRASER: Photo ID.

SEN. VAN de PUTTS: So only a photo ID.

SEN. FRASER: The acceptable photo ID that is outlined in the bill would be an acceptable form, yes?

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SEN. VAN de PUTTS: Senator Fraser, do you believe that the State of Texas has a greater minority population than the State of Indiana?

SEN. FRASER: I’m not advised.

SEN. VAN de PUTTS: To your knowledge, have any studies been done to determine if there has been a change in the demographics of the voting population since the last Senate Bill 14 was introduced?

SEN. FRASER: I can’t answer that question for you. You should ask the Secretary of State.

SEN. VAN de PUTTS: Thank you, Senator.

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 PUTTS: 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?

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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 courted.

SEN. VAN de PUTTS: 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 resource 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 DES when it comes up.

SEN. VAN de PUTTS: Well, right now the DPS I don't think gives free S. 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 DRS. Our instruction is the bill, is that they will issue an ID card and they will not charge. That is very clear to the DES. And if A- 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. WATSON: Thank you, Mr. Chairman. 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: 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 available to 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. My question was, it's a $2 million fiscal note. Right?
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. I'll talk about 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. WATSON: Then why don't we talk about the typical $3 fee?

SEN. FRASER: Senator, you're getting into an area that's outside of my area of expertise. We have 6 million registered voters in the state, and our typical $3 fee wouldn't be $1.3 million or $4 million every year coming out of the highway fund. Are you familiar with that?

SEN. WATSON: Yes.

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?

SEN. WATSON: -- that already had identification? So the question you're asking is, the universe we're talking about believe is very, very, very small. In fact, the Carter Commission, after the implementation in both Indiana and Georgia, 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. FRASER: I think Senator Ogden stood up and talked about the fact that they would be willing to make sure 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 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 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?
CONSIDERATION OF SENATE BILL 14 1/25/2011

1 SEN. WILLIAMS: I'm not familiar with 53 attempting to do is not engage in that as I vote no
2 House Bill 218. But, you know, I take what you're 2 this. What I've tried to go is go back and find out
3 saying -- 3 what the LBB, which we rely upon for fiscal notes, has
4 SEN. WATSON: Sure. Okay. 4 actually said about these sorts of things, with previous
5 SEN. WATSON: -- at value. 5 legislation that has addressed this, as opposed to
6 SEN. WATSON: And since I anticipate that 6 speculation.
7 there would be deferral to you on the next question, 7 SEN. WILLIAMS: And, Senator Watson, I
8 too, let me just go ahead and ask that. Last session, 8 understand, and there are a lot of things -- I'm not
9 in the 81st session, there was a bill by -- it was HB 9 familiar with those bills. And what I would tell you is
10 2335 that indicated, similar to what Senate Bill 14 does 10 that each -- the LBB comes up with their methodology
11 not, that there couldn't be a fee charged for issuing a 11 based on what each bill's requirements are. And not
12 document that someone might use as proof of their 12 being familiar with that --
13 identification for purposes of voting. In the fiscal 13
14 note there, the LBB singled out DPS identification 14 SEN. WATSON: Sure.
15 cards, which is what we're talking about here, and 15 SEN. WATSON: -- I can't tell you what
16 assumed that if everyone used those, the number they 16 the difference between that and this is. But we did
17 came up in that fiscal note was $47 million over five 17 specifically sit down and talk to DPS, and they really
18 years. Are you familiar with that one? 18 don't expect that this is going to be any big burden on
19 SEN. WATSON: I'm not familiar with 19 the agency that they're not going to be able to handle.
20 that -- 20 SEN. WATSON: Thank you for your answer.
21 SEN. WATSON: Okay. 21 SEN. WILLIAMS: Yes.
22 SEN. WILLIAMS: -- particular bill. But 22 SEN. WATSON: I have a couple more
23 what I can tell you is that the cost to the Department 23 questions for Senator Fraser, if that would be all
24 of Public Safety for issuing an ID card is about $1.67. 23 right.
25 It's a very small amount of money. So $47 million 24 SEN. FRASER: I'm back with you.
25

SEN. WILLIAMS: I'm not familiar with 54
House Bill 218. But, you know, I take what you're 55 attempting to do is not engage in that as I vote no
saying -- 52 this. What I've tried to go is go back and find out
the Department of Public Safety recently -- and they'll 53 what the LBB, which we rely upon for fiscal notes, has
be here to testify about this in detail more -- I think 54 actually said about these sorts of things, with previous
5 it would be difficult for them to determine now how 5 legislation that has addressed this, as opposed to
5 many people might take advantage of the free ID card. I 5 speculation.
7 think it's probably not possible for them to estimate
8 that. 7 SEN. WATSON: And, Senator Watson, I
9 But the cost, I think we're all pretty 9 understand, and there are a lot of things -- I'm not
comfortable that it would be fairly negligible. When 9 familiar with those bills. And what I would tell you is
11 you look at the universe of registered voters, which is 10 that each -- the LBB comes up with their methodology
12 somewhere around 13 million people, I think, and you've 11 based on what each bill's requirements are. And not
13 got about 15 million people that have either a driver's 12 being familiar with that --
14 license -- and I can get you the exact numbers. I have 13 SEN. WATSON: Sure.
15 the difference between that and this is. But we did 14 SEN. WATSON: -- I can't tell you what
16 don't expect that this is going to be any big burden on 15 the difference between that and this is. But we did
17 the agency that they're not going to be able to handle. 16 specifically sit down and talk to DPS, and they really
18 SEN. WATSON: Thank you for your answer. 17 don't expect that this is going to be any big burden on
19 SEN. WILLIAMS: Yes. 18 the agency that they're not going to be able to handle.
20 SEN. WATSON: I have a couple more 19 SEN. WATSON: Thank you for your answer.
21 questions for Senator Fraser, if that would be all 20 SEN. WILLIAMS: Yes.
23 right.

SEN. FRASER: I'm back with you. 24 SEN. WATSON: I'm back with you.
SEN. WILLIAMS: -- I can't tell you what 25 SEN. WATSON: Okay. Great! Thank you,
The difference between that and this is. But we did 25
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. WILLIAMS: 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.
### CONSIDERATION OF SENATE BILL 14 1/25/2011

| 1 | SEN. WATSON: Thank you very much. |
| 2 | Thank you, Mr. Chairman.         |
| 3 | SEN. ELTIFE: Senator Whitmire, what |
| 4 | purpose do you arise? |
| 5 | SEN. WHITMIRE: Will the gentleman yield? |
| 6 | SEN. ELTIFE: Senator Fraser yield? |
| 7 | SEN. FRASER: Be glad to.         |
| 8 | SEN. WHITMIRE: Senator Fraser, a couple |
| 9 | of questions about the implementation of your |
| 10 | legislation if it passes. First off, I have to make |
| 11 | this observation: Have you ever seen the gallery so |
| 12 | empty when the Legislature is considering something |
| 13 | that's been given such a high billing as Senator Duncan |
| 14 | was making yesterday when he asked us to go to Committee |
| 15 | of the Whole? I mean, how timely this was and how |
| 16 | critical it was? The Governor has made it an emergency. |
| 17 | and I don't think I've -- I don't know if there's 20 |
| 18 | people in the gallery. If it's so important, can you |
| 19 | explain to me why the gallery is empty -- |
| 20 | SEN. FRASER: I am not advised. |
| 21 | SEN. WHITMIRE: -- based on -- |
| 22 | SEN. FRASER: I'm concentrating on the |
| 23 | action on the floor rather than looking up and seeing |
| 24 | who is in the gallery. |
| 25 | SEN. WHITMIRE: Well, but it's an |

| 57 | ... |

| 58 | ... |

| 59 | ... |

| 60 | ... | 1 was an overwhelming victorious day for Republicans in |
| 61 | November. You replaced 34 Democrats in the House. Now, |
| 62 | are you suggesting there was significant fraud on that |
| 63 | election day? |
| 64 | SEN. FRASER: Senator, all we're trying to |
| 65 | do with this bill is that when you walk into the polling |
| 66 | place and represent that you are John Whitmire -- |
| 67 | SEN. WHITMIRE: Sure. |
| 68 | SEN. FRASER: -- that you can prove you |
| 69 | are who you say you are before you vote, it's a very |
| 70 | simple concept. |
| 71 | SEN. WHITMIRE: Except, Senator Fraser, |
| 72 | the unintended consequences that you're going to |
| 73 | disenfranchise people that have not been able to acquire |
| 74 | these cards, and that's what I want to spend a few |
| 75 | moments on. Walk me through a real life example of how |
| 76 | a senior citizen in my district is going to acquire that |
| 77 | card. Do they do it by mail? Do they have to do it in |
| 78 | person? What's the process? |
| 79 | SEN. FRASER: Senior citizens over -- |
| 80 | SEN. WHITMIRE: Give me a real life. |
| 81 | SEN. FRASER: Don't say, "We're going to provide it." Let's break |
| 82 | down what an 86-year-old lady in my district, never been |
| 83 | required to have one, how is she going to get her card? |
| 84 | SEN. FRASER: She would vote under current |
CONSIDERATION OF SENATE BILL 14 1/25/2011

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

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, if I said, we're all against fraud. As elected officials, it's in our own personal 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 Secretary of State. But I'm assuming...

SEN. WHITMIRE: And my --

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

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 so --

SEN. FRASER: If 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.

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. We're talking about on 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 would be glad to answer that question.
CONSIDERATION OF SENATE BILL 14 1/25/2011

1 because literally it's a two to three-hour wait. So how
2 do you add this new group of participants that have to
3 show up at a DPS office to get a voter ID.
4 SEN. FRASER: We have someone coming from
5 the DPS. I think you can ask that question or
6 I'll yield to Senator Williams.
7 SEN. WHITMIRE: I'm not sure if they're --
8 I think you as the sponsor ought to explain that.
9 SEN. FRASER: The bill that I'm laying out
10 is very clear, that it complies with the Supreme Court
11 ramification and it also has been cleared by the
12 Department of Justice.
13 SEN. WHITMIRE: Okay. So you don't.
14 Is that your answer?
15 SEN. FRASER: I said we've got resource
16 witnesses that are coming. I'm not an expert in that
17 area. We do have an expert coming, and they'll be glad
18 to answer your question.
19 SEN. WHITMIRE: The DPS folks will have to
20 publicly say at Geesner and I-10 or at Tacoma and 290,
21 two sites in my district -- and I complained and asked
22 for more resources -- it's a two- to three-hour wait,
23 Governor Dewhurst, to get your driver's license renewed.
24 So you can't even go over there on your lunch hour and
25 get a driver's license, and row you want the folks to go
26 over there and, I assume, wait in line to get a voter ID.

SEN. WHITMIRE: Would you be amenable to
us proposing it and --
SEN. FRASER: The bill does not provide,
4 as I -- I filed the bill, and the bill does not provide
5 for same-day registration.
SEN. WHITMIRE: Okay. Thank you for your
7 answers.
CHAIRMAN DUNCAN: Senator Uresti.
SEN. URESTI: Thank you, Mr. Chairman.
Would the gentleman yield for some
11 questions?
SEN. FRASER: I would love to yield.
SEN. URESTI: Thank you, Senator Fraser.
14 I want to ask you a few questions, kind of to follow on
15 what Dean Whitmire asked you specifically regarding the
16 DPS offices. And I don't know if they're here yet or
17 not. But particularly about my district, you know how
18 large it is. It goes from San Antonio all the way to
19 El Paso, and it has 23 counties, as I'm sure you're
20 aware, Senator Fraser.
And one of the concerns that I have is
22 that between here and El Paso -- and you may know this.
23 If not, I would like to let you know and the other
24 members know -- well, let me ask you this: Do you know
25 how many of my 23 counties do not have a DPS office?

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. URESTI: Senator, you know, the start
2 of your description of this, I'm very familiar with the
3 district, because used to represent a lot of it. And
4 that area between -- going out toward El Paso, I've had
5 that when I was a state rep. It was in my state
6 representative district. And then part of your other
7 district was when I was a senator. So, yes, I'm very
8 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, Sulsleth County, Jeff Davis
County, Kinney County, Real County -- we had some good
folks here yesterday representing Real County -- and
Terrrell 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.
CONSIDERATION OF SENATE BILL 14 1/25/2011

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 7 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 DNS will be here. You can outline the problem, and you can outline the problem with Senator Williams and you're free to ask 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 165 miles round trip to San Angelo to get to the nearest DPS office. And if you live in Terrell County, you will have to travel 370 miles round trip to get to Port 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, of course, 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.

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 Utopia, which is in Uvalde County, you have to travel 160 miles to Port 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

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1 Medina, which is in Hondo, if you live in Hondo, which 1 with your bill, if your bill passes, you can have a 2 is in Medina County, you have to travel 84 miles. 2 voter registration card and a Texas ID or a driver's 3 and so again my question; Sen. Fraser -- 3 license, and you're able to vote with both of those 4 supposed to tell my constituents -- because this is your 4 documents. Correct?
5 bill: it's not my bill -- how are they supposed to get 5 SEN. FRASER: Actually, you don't -- if 6 their Texas ID if their DPS office is -- 6 you go in and you're on the voter roll and you have a 7 the DPS comes up, I would ask then questions and say, 7 driver's license, they'll allow you to vote, because I 8 "is there a way that we could do something like a 8 know that's -- you know, I do that now. 9 temporary van coming through to accommodate those 9 SEN. URESTI: Do you don't need your voter 10 people?" And if I were the senator from that area, that 10 registration card, is my real question? If you have a 11 probably would be a question I would ask the DPS. But 11 valid Texas ID or a valid Texas driver's license, then 12 again, they're coming forward, and that's a question I 12 you do not need -- 13 think that is appropriate of the DPS of, you know, "How 13 SEN. URESTI: So you don't need your voter 14 do we make sure that we accommodate those people?" 14 registration card, if your bill passes, you can have a 15 SEN. FRASER: Well, it's a great 15 documents. Correct?
16 suggestion, Senator Fraser. But what if DPS says, "We 16 SEN. URESTI: Well, it's a great 17 can't do that. It's not in the budget, the $2 million 17 suggestion, Senator Fraser. But what if DPS says, "We 18 that we're being allocated"? So then what do I tell my 18 can't do that. It's not in the budget, the $2 million 19 constituents? 19 that's correct? That's not included in the fiscal note of $2 million?
20 SEN. FRASER: Okay. So then let's assume 20 SEN. FRASER: Again, I'm not advised, I 21 that the DPS spokesperson says, "Great idea that Senator 21 think the DPS could advise you on that, or 22 Fraser has. We can do this," there's going to be a cost 22 think the DPS could advise you on that, or 23 associated with that. Isn't that correct? That's not 23 think the DPS could advise you on that, or 24 included in the fiscal note of $2 million? 24 think the DPS could advise you on that, or 25 SEN. URESTI: Well, I'm pretty sure that's 25 think the DPS could advise you on that, or
26 correct. That's what I read. Then why do we need a 26 SEN. URESTI: Okay. So then let's assume 27 photo identification when you vote. You know, 27 SEN. URESTI: Okay. So then let's assume 28 Carls, when you walk in and they say, "Senator Uresti, 28 you're on the roll and you're at the 29 you know, we'll need some identification," and even 29 you're on the roll and you're at the 30 and you're on the roll and you're at the 31 and you're on the roll and you're at the 32 you're on the roll and you're at the 33 you're on the roll and you're at the 34 you're on the roll and you're at the 35 you're on the roll and you're at the 36 you're on the roll and you're at the 37 you're on the roll and you're at the 38 you're on the roll and you're at the 39 you're on the roll and you're at the 40 you're on the roll and you're at the 41 you're on the roll and you're at the 42 you're on the roll and you're at the 43 you're on the roll and you're at the 44 you're on the roll and you're at the 45 you're on the roll and you're at the 46 you're on the roll and you're at the 47 you're on the roll and you're at the 48 you're on the roll and you're at the 49 you're on the roll and you're at the 50 you're on the roll and you're at the 51 you're on the roll and you're at the 52 you're on the roll and you're at the 53 you're on the roll and you're at the 54 you're on the roll and you're at the 55 you're on the roll and you're at the 56 you're on the roll and you're at the 57 you're on the roll and you're at the 58 you're on the roll and you're at the 59 you're on the roll and you're at the 60 you're on the roll and you're at the 61 you're on the roll and you're at the 62 you're on the roll and you're at the 63 you're on the roll and you're at the 64 you're on the roll and you're at the 65 you're on the roll and you're at the 66 you're on the roll and you're at the 67 you're on the roll and you're at the 68 you're on the roll and you're at the 69 you're on the roll and you're at the 70 you're on the roll and you're at the 71 you're on the roll and you're at the 72 you're on the roll and you're at the 73 you're on the roll and you're at the 74 you're on the roll and you're at the 75 you're on the roll and you're at the 76 you're on the roll and you're at the

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<td>1. CHAIRMAN DUNCAN: Thank you, Senator.</td>
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<td>2. SEN. GALLEGO: Senator Fraser, the former Secretary of the State of Texas had a box of testimony, and some of the questions that she was asked were not answered, and I'm wondering if Senator Uresti has any questions about that box that she had that's going to be introduced as Exhibit No. 1.</td>
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<td>3. SEN. URESTI: Thank you. Senator, I'm not sure about that box, but a lot of the questions that was asked and supposedly answered 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.</td>
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<td>4. SEN. GALLEGOS: Senator Fraser, we did that way you can feel more comfortable about what was asked and what was answered. Have you read the deposition?</td>
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<td>5. SEN. FRASER: 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.</td>
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<td>1. SEN. GALLEGOS: There will be plenty of time for that. But I'm just asking you, as the author of the bill where you're looking at one number and then all of the numbers -- if we use the formula being used by the Secretary of State in Texas, that's just the first year.</td>
</tr>
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<td>2. SEN. URESTI: 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 of 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?</td>
</tr>
<tr>
<td>3. SEN. GALLEGO: 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 the numbers -- if we use the formula being used by Missouri that has only 5.9 in population, 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?</td>
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<tr>
<td>4. SEN. URESTI: 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 -- 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.</td>
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<tr>
<td>1. SEN. FRASER: Have you read all the data that was in the box?</td>
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<td>2. 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.</td>
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<tr>
<td>3. SEN. URESTI: Thank you. Senator, I'm not sure about that box, but a lot of the questions that was asked and supposedly answered 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.</td>
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<td>4. SEN. GALLEGOS: Senator Fraser, we did that way you can feel more comfortable about what was asked and what was answered. Have you read the deposition?</td>
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SEN. FRASER: I think you're very aware of the fact that this number comes from LBB. I believe it's called the Secretary of State and asked for that number. So if you have a concern about it, probably you should ask the LBB and/or the Secretary of State. I believe the Secretary of State is going to tell you there are HAVA funds that they're requesting that would possibly even eliminate that $2 million.

SEN. GALLEGOS: Well, I mean, I heard you tell Senator Watson about the HAVA funds. I'm just saying, that's a misleading number. And if we're going to mandate Texans to get a photo ID and you have no place to send them to, especially inside the loop and especially those without transportation, and if they can't get to it on a bus route, to one of the DPS centers --

SEN. FRASER: Senator, if you have evidence that someone in your district has the inability to get a driver's license, I wish you would bring that forward.

SEN. GALLEGOS: I'm talking about your number is misleading, now who can answer that question for me? If this number is misleading, now who can answer that question for me?

SEN. FRASER: Hopefully that you will look at it and maybe in some of our amendments will take that into consideration. I'm just telling you, you know what's in Houston, not in Horseshoe Bay where you live. And, you know, that is really a problem that we have, especially those of us that represent minority communities like Senator Uresti and me and others on this floor.

SEN. GALLEGOS: Senator Fraser,

SEN. GALLEGOS: The City of Fort Worth I think doesn't have any either inside -- what is that loop? 82, 182? -- 81. And Dallas, Senator West, only has one -- only has one inside the city, only has one DPS center inside the city. And it concerns me, if we're going to mandate Texans to get a photo ID and you have no place to send them to, especially inside the loop and especially those without transportation, and if they can't get to it on a bus route, to one of the DPS centers --

SEN. GALLEGOS: But the fiscal note on this bill is saying only two million bucks. Now, you know, that just concerns me, Senator. And I guess I'll ask that question when the proper resource witness comes up.

SEN. FRASER: The other question I had was similar to Senator Uresti's question. Now, two years ago, I put maps up on one of my amendments where the City of Houston has no DPS offices within the 610 loop. The City of Fort Worth, I believe -- let me see here. Let me look at my notes here. The City of Fort Worth I think doesn't have any either inside -- what is that loop? 82, 182? -- 81. And Dallas, Senator West, only has one -- only has one inside the city, only has one DPS center inside the city. And it concerns me, if we're going to mandate Texans to get a photo ID and you have no place to send them to, especially inside the loop and especially those without transportation, and if they can't get to it on a bus route, to one of the DPS centers --

SEN. GALLEGOS: I'm talking about your number is misleading, now who can answer that question for me? If this number is misleading, now who can answer that question for me?
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SEN. WILLIAMS: Senator Gallegos, I had a similar question of what you have as I visited with the Department of Public Safety about this. And, in fact, it had been a while since I had renewed my license. And when I went in, they now issue -- these temporary licenses actually have a photo on the license, and it would be valid under whatever reason, that that DES certification, paper license, that this is used for identification purposes. And, you know, in more detail, we could get the Department of Public Safety to give you some more detail on that. But now the temporary license, 98,000 drivers right now have temporary licenses without photo IDs.

SEN. WILLIAMS: Well, you know, I'm not advised about that. I think we ought to get the Department of Public Safety --

SEN. GALLEGOS: Well, I agree.

SEN. WILLIAMS: I'm told that those, you know, temporary licenses you used to get when you were in the process of renewing your licenses now have your ID on them, your photo.

SEN. GALLEGOS: Senator Williams, I understand what you just told me. But, you know, I've known some folks that have had their license pulled and have not gone through the process, and there is no photo ID. All they're given is the sheet of paper that I have right here that they're driving with, 98.184 that are given a paper temporary license, and it says on that paper that this is used for identification purposes. And it says -- it says here -- well, I'm not going to read it to you. Just trust me; you can read it yourself. It says that this would be used for identification purposes.

SEN. WILLIAMS: Well, thank you, Senator Gallegos. And I'm glad that you raised this issue, and we ought to ask the Department of Public Safety to clear it up for us. Thank you.

SEN. GALLEGOS: That's why I brought it up; Senator Williams and Senator Fraser. That's being done on temporary suspended license, no photo ID. But on the face of this sheet that DPS has given out, it says that this is for identification purposes. I just wanted to point that out. I do have an amendment that I hope you will take, Senator, that alleviates almost 100,000 that we know of right now.

SEN. FRASER: Have you turned that amendment in? If you get the amendments in so we get a chance to look at them --

SEN. GALLEGOS: Sure.

SEN. FRASER: -- I think there's a better chance for, you know, us to understand what you're trying to do. So if you have an amendment, I would ask you to turn it in.

SEN. GALLEGOS: Sure.

SEN. FRASER: Thank you, Mr. Chairman.
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1 SEN. DAVIS: Well, I would -- 
2 SEN. FRASER: -- that you would like to -- 
3 and we also, I believe, are going to have someone from 
4 Indiana here this afternoon, and we're also going to 
5 have an invited -- an attorney who will address that. 
6 so if you have specific questions about that, that might 
7 be the appropriate place. 
8 SEN. DAVIS: Well, I'll read to you from 
9 those in a moment. But let's start just by talking 
10 about what's required on the Texas voter registration 
11 application right now. Right now a person may put their 
12 driver's license number or their social security number 
13 on their registration application to become a voter in 
14 the State of Texas. Correct? 
15 SEN. FRASER: You've got the data. And I 
16 think probably the best person to ask, and that's the 
17 Secretary of State. 
18 SEN. DAVIS: Well, I have it right here. 
19 And there are some people who can't provide that 
20 information, and there's another opportunity for that 
21 person to attest to whom they are, to attest to the fact 
22 that they're a legal citizen and not a felon who would 
23 be prevented from voting. And I'm sure the Secretary of 
24 State probably has a number that shows to us -- and we 
25 will ask for this on the record today -- how many people 


SEN. DAVIS: And you would agree that it 
2 may be the case that if I live in one of those three 
3 states and it's easier for me to get a driver's license 
4 in that state, then I may have a lower percentage of 
5 citizens who don't have a photo ID than another state 
6 might have where it's more difficult to get a driver's 
7 license? 
8 SEN. FRASER: I'm not advised. 
9 SEN. DAVIS: Are you aware that even in 
10 those states, in the 1.2 percentage number, there was a 
11 disparate impact that was found on elderly and women and 
12 African-Americans in terms of people who actually had 
13 the eligible photo ID that's counted in that percentage? 
14 SEN. FRASER: I'm not advised. 
15 SEN. DAVIS: Does it concern you at all 
16 that the bill that we are looking at today, the bill 
17 that you filed, might have a disparate impact on women, 
18 minorities and senior citizens, possibly disabled people 
19 in the State of Texas? 
20 SEN. FRASER: The bill that we're filing 
21 today believe will be approved by the U.S. Supreme 
22 Court, and also the bill in Georgia was precleared by 
23 the Justice Department. So I believe our bill will 
24 comply with both of those. 
25 SEN. DAVIS: Okay. Well, I'm going to

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1 read to you from the Supreme Court opinion, the U.S. 1
2 Supreme Court opinion when it was reviewing the Indiana 2
3 law.
4
5 They acknowledged that there is evidence 5
6 in the record, in fact, of which we may take judicial 6
7 notice that indicates that a somewhat heavier burden may 7
8 be placed on a limited number of persons by virtue of 8
9 the photo ID requirement. They include elderly persons 9
10 born out of state, persons who, because of economic or 10
11 other personal limitations, may find it difficult either 11
12 to secure a copy of their birth certificate or to 12
13 assemble the other required documentation to obtain a 13
14 religious objection to being photographed.
15
16 "If we assume, as the evidence suggests, 16
17 that some members of those classes were registered 17
18 to vote when the Indiana law was enacted, the new 18
19 identification requirement may have imposed a special 19
20 burden on their right to vote. The severity of that 20
21 burden is, of course, mitigated by the fact that if 21
22 eligible voters without photo ID may cast provisional 22
23 ballots, that will ultimately be counted."
24
25 Are you aware that in the State of 25
26 Indiana, I can cast a provisional ballot, and the 26
27 Senate made its decision in terms of whether the 27
28 burden was constitutionally acceptable, based on the
29 fact in Indiana, I can cast a provisional ballot, and if 29
30 I attest to the fact that I'm unable to pay for the cost 30
31 of getting the underlying documents to receive a photo 31
32 ID, that I do not, in voting my provisional ballot, have 32
33 to show a photo ID?
34
35 SEN. FRASER: Senator, my observation is 35
36 that what you've read from the Supreme Court opinion is 36
37 a portion of it, but it's a snippet. And it also 37
38 continues to say that those do not present an undue 38
39 burden for the person to vote.
40
41 SEN. DAVIS: That's correct. They said 41
42 they didn't believe that it created a constitutionally 42
43 prohibited burden, based on the fact that voters in the 43
44 State of Indiana have the opportunity to vote a 44
45 provisional ballot even if they don't have a photo ID, 45
46 if they can show that they were unable to get one, 46
47 either because of their circumstances as an elderly 47
48 person or because they're indigent. Does your bill 48
49 provide a special exception for people under those 49
50 circumstances to vote a provisional ballot?
51
52 SEN. FRASER: The bill that I'm moving 52
53 forward I believe will be approved by the U.S. Supreme 53
54 Court and will be precleared by the Department of 54
55 Justice.
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<td>1</td>
<td>The reason that we are advocating or you are advocating for photo ID is so that the person who is receiving my ballot can verify that I am the person casting it. Correct?</td>
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<td>2</td>
<td>SEN. FRASER: Yes.</td>
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<td>3</td>
<td>SEN. DAVIS: And if my driver’s license is expired but it’s a state-issued driver’s license and it has my name and it has my picture on it and my name matches what’s on the registrar’s — the precinct rolls, how does that fail to prove that I’m who I am?</td>
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<td>SEN. FRASER: I think we go back to the word “valid.” Do you have a valid Texas driver’s license?</td>
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<td>SEN. DAVIS: How does it fail to prove that I am who I am?</td>
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<td>6</td>
<td>SEN. FRASER: You don’t have a valid Texas driver’s license.</td>
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<td>7</td>
<td>SEN. DAVIS: And as I said earlier, in Georgia and in Indiana, under the laws that were deemed acceptable by the Supreme Court and the courts in Georgia received preclearance by the Department of Justice, each of those allows some acceptance of expired IDs.</td>
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<td>8</td>
<td>I want to talk a little bit about how difficult if is, because I really think every one of us in this room needs to appreciate the burden that people have when they’re being asked to supply some of the documentation that’s required in your bill. And I’ve put together a little chart that I just want to go over very quickly. I won’t belabor the point.</td>
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<td>9</td>
<td>Can you bring it closer over here, Dan, so I can actually point at it?</td>
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<td>10</td>
<td>Thank you.</td>
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<td>11</td>
<td>Now, each of us, whether we’re in the Senate or the House of Representatives in the State of Texas, we each bring unique backgrounds and perspectives to the table. And because of our unique backgrounds and perspectives, we’re able to represent people in ways that hopefully contribute to a better understanding for each of us in terms of how we can best serve them.</td>
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<td>12</td>
<td>Senator Fraser, I came from a fairly challenging background before I arrived on the floor of the Texas Senate. I had the opportunity to receive an incredible education that ultimately allowed me the privilege of standing here and having a conversation with you today. But there was a time when I was indigent, there was a time when I was a single mother and I was working a full-time job during the day in Dallas, from which I had to leave my house at 6 o’clock in the morning every morning to arrive at, and I worked a part-time job four nights a week waiting tables.</td>
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<td>13</td>
<td>If I had been required during that point in time to show some of the ID requirements that are being proposed under your bill, I have to admit to you that I would have been quite challenged in being able to accomplish it. I had gotten divorced, so my name was different on my state ID than was on the registration rolls. And so because of that, I would have had to go through the process of trying to get a new state ID.</td>
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<td>14</td>
<td>And, honestly, with my schedule, it would have been fairly impossible for me to achieve it.</td>
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<td>15</td>
<td>I think it’s pretty easy for us to stand on the Senate floor where we are today and the shoes we’re in today and say, “Why should that be a problem?” But for people who have to take time off of work and for whom that’s an unaffordable idea, it can be a very, very real problem.</td>
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| 16   | The other issue, in trying to receive a state ID in the State of Texas is, it’s almost a circular process. In order to get the state ID, you have to have underlying ID that provide you with the opportunity to get that ID. And I know we’re talking right now in the State of Texas about giving free ID to people who come in to the Department of Motor Vehicles and ask for that ID, based on the fact that they want to
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SEN. FRASER: Senator, I appreciate the story you just gave. And I would advise you of the situation?

SEN. DAVIS: Senator, I appreciate the story you just gave. And I disagree that it’s unknown. I believe it’s unknown number.

SEN. FRASER: The question has already been asked twice. We will have someone here from the Secretary of State and the DPS that can answer that question for you.

SEN. DAVIS: Okay. Back to the fiscal note, Senator Fraser. The fiscal note --

SEN. FRASER: We’ve also talked about that a couple of times.

SEN. DAVIS: Yes, we did, but I want to ask this question. The fiscal note, of course, described the methodology under which the $2 million figure was compiled, and it specifically states that it left out the cost for training poll workers and election officers. It specifically states that it left out any cost for coordinating voter registration drives. It specifically states that it left out the costs of providing the ID cards, all of that because it is an unknown number.

SEN. FRASER: Well, you’re making an assumption, and this amount was brought forward by LBB after they talked to the secretary of the State. The Secretary of State, I think, they can answer that question. But I disagree that it’s unknown. I believe the Secretary of State and LBB knew exactly what they were doing when they brought it forward, because that’s their job.

SEN. DAVIS: Well, it literally says that. It says, ‘The fiscal impact of the revenue loss from the prohibition of DPS to collect a fee is unknown because it is not known how many people would make such a vote.’
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SEN. FRASER: And that is a correct statement.

SEN. DAVIS: And it also says that the cost of coordinating voter registration drives or other activities designed to expand registration is also unknown, and it also says that the cost for responsibilities, the training for people who would be responsible for implementing this is unknown.

SEN. DAVIS: Let me ask a question about the bill itself. I'm a little confused about a section.

SEN. DAVIS: And the LLB has put a statement on it that they really don't know what the cost is, but intuitively we understand there's going to be a cost. We'll probably have a conversation about that. Right?

SEN. DAVIS: And I think the conversation you should have should be the Secretary of State in discussing the HAVA funds that the federal government has provided to both Indiana and Georgia for the implementation of their law that we believe will be approved for that, but it has not been approved, because HAVA has clearly said the bill has to be passed before they could pass judgment on whether those funds could be used. That amount of money is setting in the Secretary of State's office now, and I think that would be a good question to ask them.

SEN. DAVIS: It's your bill, though, Senator Fraser.

SEN. DAVIS: And I believe our bill will be approved by the U.S. Supreme Court and approved in Section 5 by the Department of Justice.

SEN. DAVIS: Good morning, sir.

SEN. DAVIS: And the good thing about that, that is, these HAVA funds that we're going to request will also train poll workers to make sure they understand it. The ruling would be made by the Secretary of State, and they will train them how to do that, and I feel very comfortable that you would get to vote.

SEN. DAVIS: Senator Fraser, good morning, sir.

SEN. DAVIS: Thank you very much.

Mr. Chairman. I would like to ask the author a couple of questions.

SEN. DAVIS: Good morning, sir.

SEN. DAVIS: I'd like to ask a question about Section 5.

SEN. DAVIS: And I think we commented about the activities designed to expand registration is also unknown, and it also says that the cost for responsibilities, the training for people who would be responsible for implementing this is unknown.
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<tr>
<td>1 which both of us like.</td>
<td>1 your objective is?</td>
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<td>2 SEN. FRASER: Both of us do like.</td>
<td>3 SEN. FRASER: No. My philosophy is that I</td>
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<td>3 agree.</td>
<td>4 do everything I can trying to keep any unfunded</td>
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<td>4 SEN. WEST: No, we're not going to have</td>
<td>5 mandates. I'm not advised of how they would be</td>
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<td>5 any unfunded mandates on counties, are we? This bill</td>
<td>6 impacted.</td>
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<td>6 would not occasion any unfunded mandates on counties.</td>
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<td>7 SEN. FRASER: This bill?</td>
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<td>8 SEN. WEST: Yes, this bill that you're</td>
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<td>9 proposing. The counties will not have to pick up any of</td>
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<td>10 this cost -- is that correct -- because that would be an</td>
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<td>11 unfunded mandate? And I know you are not for unfunded</td>
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<td>12 mandates. Right?</td>
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<td>13 SEN. FRASER: I am not for -- I'm opposed</td>
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<td>14 to unfunded mandate, but I'm not advised of whether it</td>
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<td>15 would be --</td>
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<td>16 SEN. WEST: So you can tell counties, you</td>
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<td>17 can tell all county officials in the sound of my voice</td>
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<td>18 and your voice that there will be no unfunded mandates</td>
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<td>19 in this bill and counties will not have to spend any</td>
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<td>20 money that they don't have right now to implement this</td>
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<td>21 particular bill. Correct?</td>
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<td>22 SEN. FRASER: I had my largest county,</td>
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<td>23 Bell County, in my office last week, and I told Judge</td>
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<td>24 Burrows at that time that I'm opposed to unfunded</td>
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<td>25 mandate and, you know, we'll do everything we can to</td>
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<td>26 keep them off the counties.</td>
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<td>27 SEN. WEST: So you're telling county</td>
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<td>28 officials there are no unfunded mandates coming from</td>
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<td>29 this bill?</td>
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<td>30 SEN. FRASER: I didn't say that.</td>
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<td>31 SEN. WEST: So there may be unfunded</td>
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<td>32 mandates coming from this bill?</td>
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<td>33 SEN. FRASER: I'm not advised.</td>
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<td>34 SEN. WEST: So let me back up. And I want</td>
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<td>35 to pursue this just a minute now. You philosophically</td>
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<td>36 are not for unfunded mandates. Right?</td>
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<td>37 SEN. FRASER: That's a correct statement.</td>
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<td>38 SEN. WEST: That is a correct statement.</td>
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<td>39 And you, by your action in previous legislatures, have</td>
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<td>40 made certain that you have not passed any bills that</td>
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<td>41 would provide for unfunded mandates on the counties.</td>
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<td>42 Right?</td>
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<td>43 SEN. FRASER: I have made an effort not to</td>
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<td>44 vote, if possible.</td>
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<td>45 SEN. WEST: Okay. Now, in this particular</td>
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<td>46 bill, it is your objective to make certain that there</td>
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<td>47 are no unfunded mandates on any county in this entire</td>
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<td>48 state. Is that correct?</td>
<td>49</td>
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<td>49 SEN. FRASER: I'm not advised.</td>
<td>50</td>
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<tr>
<td>50 SEN. WEST: You're not advised as to what</td>
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SEN. FRASER: You're asking me a question.

SEN. WEST: Okay. Thank you. Now, as it relates to -- this bill, plus the costs that we don't know, you've said repeatedly that it's going to cost at least $2 million. And we know, based on the fiscal note, that there's still some undetermined cost.

SEN. FRASER: I have not said one time that it's going to cost $2 million. I've said there is a fiscal note that has been projected, but there are dollars in the HAVA fund. Federal funds, that are setting in the Secretary of State's office that far exceed that number. And I think the Secretary of State probably will let us know what that is. So there is a pct of money there that we believe will help offset some of the associated expenses. I do not believe the cost will be $2 million.

SEN. WEST: Now, the HAVA funds, is that general revenue or is that federal funds?

SEN. FRASER: Federal funds.

SEN. WEST: Okay.

SEN. FRASER: And I believe I'm right, but again, I would ask that question of the Secretary of State if I were you.

SEN. WEST: Okay. Well, as it relates to the counties get this money under the local impact --

SEN. FRASER: Yes. What it's going to do is that when you walk into --

SEN. WEST: So let me make sure that I understand this, then. The answer to that question is, you don't know. So if we don't appropriate that money -- then that's an unfunded mandate. Correct?

SEN. FRASER: Senator, you're on the Finance Committee. You helped with proposing the draft bill, and then you will be voting on the bill coming out of the committee that you send to us, so I think you would be better to answer that. My job is to pass the bill. The implementation of the bill, then, and the cost will have to be considered by the Finance Committee.

SEN. WEST: So let me make sure that I understand this, then. The answer to that question is, you don't know. So if we don't appropriate that money -- then that's an unfunded mandate. Correct?

SEN. FRASER: My job is to bring the bill forward, put it before the membership, advise what the bill will do. And then if there's a fiscal impact --

SEN. WEST: Advise what the bill will do?

SEN. FRASER: The bill is going --

SEN. WEST: Is that your job? Didn't you just say part of your job is to advise what it will do?

SEN. FRASER: Yes. What it's going to do is that when you walk into --

SEN. WEST: So I'm asking you --

SEN. FRASER: -- in Oak Cliff and want to vote, you're going to have to show your smiling face --

SEN. WEST: And I'm asking what it will do.

SEN. FRASER: It's going to do in terms of unfunded mandates right now.

SEN. WEST: And I think that's what I'm asking.

SEN. FRASER: For advised about unfunded mandates.

SEN. WEST: Not advised. So where will the counties get this money under the local impact --

SEN. FRASER: And I think that's what I'm asking.

SEN. WEST: Do you know -- then let me ask this question. Do you know where the county will get the money from, counties will get that money from?

SEN. FRASER: You're asking me a question.

SEN. WEST: And I think that's what I'm asking.

SEN. FRASER: Do you know where the counties will get that money from?

SEN. WEST: Do you know where the county will get that money from?

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1 the $2 million we're discussing, there is sufficient
2 HAVA funds allocated to voter education and poll worker
3 training that would cover this expense that is
4 available.
5 Also, in addition to your question, we
6 have been advised by other counties saying they do not
7 expect more than a nominal cost for counties, existing
8 staff and resources should be sufficient to implement
9 the new law.
10 And I would request this be entered into
11 the record.
12 (Exhibit No. 3 marked and admitted)
13 CHAIRMAN DUNCAN: Senator Fraser, you
14 still have the floor. Senator West, Senator has yielded
15 to you for questions.
16 And before we do that, before we do that,
17 let me make an announcement. We typically adjourn 30
18 minutes ahead of session in order to allow the sergeants
19 and secretary to prepare for the Senate session. So at
20 10:30, I'll recognize a member on a motion to rise and
21 report progress. So if you can watch the clock. It
22 doesn't mean we're going to cut you off, it just means
23
24 going to recognize Sen. Van de Putte at this point to
25 introduce a motion in writing.

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SEN. FRASER: It's not in that. That's
3 conversation --
4 SEN. WEST: Then how are you making that
5 statement, if it's not in this fiscal note? There's
6 nothing in the fiscal note that says that.
7 SEN. FRASER: Mr. Chairman?
8 CHAIRMAN DUNCAN: Senator Fraser.
9 SEN. FRASER: Could I please enter into
10 the record -- this is information coming that is
11 addressing the questions he's talked about addressing
12 HAVA. I would like to have this added as an exhibit,
13 please.
14 CHAIRMAN DUNCAN: Bring it forward to the
15 Secretary, if you would, and we'll need to --
16 SEN. WEST: May we approach on it, Your
17 Honor -- Your Honor -- may we approach on it,
18 Mr. Chairman?
19 CHAIRMAN DUNCAN: You may.
20 (Brief pause)
21 SEN. FRASER: Mr. President?
22 CHAIRMAN DUNCAN: Senator Fraser, if
23 you'll hold on just a minute. I'm going to allow --
24 we're already premarked a couple of exhibits. And so
25 just in order to keep the record flowing correctly, I'm

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Mr. Chairman?

SEN. FRASER: And, members. just to
1 clarify, what we're entering here is the answer to the
2 question that we've been discussing. It is a letter
3 from the Secretary of State, Hope Andrade, saying that
4 the $2 million we're discussing, there is sufficient
5 HAVA funds allocated to voter education and poll worker
6 training that would cover this expense that is
7 available.
8 Also, in addition to your question, we
9 have been advised by other counties saying they do not
10 expect more than a nominal cost for counties, existing
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| SEN. FRASER: You didn’t read the rest of the fiscal note, is that Corral County reported the costs associated with the provision would be absorbed within existing revenues. You gave one example, but I think most of the counties expect this to be a nominal cost and that they have existing staff and resources -- | SEN. WEST: And then --
| SEN. WEST: I’m sorry. You said most of the counties. You’ve given examples of three. You said 11 most of the counties. Is -- | SEN. FRASER: To handle this.
| SEN. WEST: There’s 254 counties, and you've just made a statement that most of the counties have said they can absorb it within their normal -- | SEN. FRASER: I said I do not expect it to be more than a nominal cost.
| SEN. WEST: But otherwise -- now Bexar County is saying it’s going to be over $380,000. That’s not a nominal cost, is it? | SEN. FRASER: That’s Section 11.
| SEN. WEST: Okay. Well, I mean, it’s your bill. (Simultaneous discussion) | SEN. FRASER: -- Finance.
| SEN. WEST: Let’s talk about just sections of the bill. Specifically, the issue concerning -- and I'm on page, in Section 7 of the bill, specifically (c) and (d). Let me know when you’re with me on it. | SEN. FRASER: What page are you on?
| SEN. WEST: I’m in Section 7 of the bill. | SEN. FRASER: That’s Section 11.
| SEN. WEST: Okay. As relates to -- let’s talk about the election officer. Now, what’s the definition of the election officer? | SEN. FRASER: That would be a good question to the Secretary of State.
| SEN. WEST: So you don’t know what an election officer is? | SEN. FRASER: I’ve got a witness, you know, an expert witness coming in that -- you know, I think I do, but it would be improper for me to answer. I’ve got an expert person you can ask.
| SEN. FRASER: I’ve not advised. I'm not a member of Finance; you are. And I think that would be a decision of Finance. | SEN. FRASER: Let me ask this: Did you rely on the Secretary of State’s office in helping to draft this bill?
| SEN. WEST: Okay. Well, I mean, it’s your question to the Secretary of State. | SEN. FRASER: So on the Secretary of State’s office in helping to draft this bill?
| SEN. WEST: I don’t say I don’t know 123 | SEN. FRASER: What page are you on?
| SEN. WEST: I’m in Section 7 of the bill. | SEN. FRASER: That’s Section 11.
| SEN. WEST: Okay. Got it. Okay. | SEN. FRASER: And the reality is, if it’s an unfunded mandate, you’re responsible for it if this bill passes. Now, let me ask you this: The $2 million, the $2 million that you’re talking about, if it does not come from HAVA funds, then it’s going to have to come from general revenue. Is that correct? | SEN. WEST: Okay. As relates to -- let’s talk about the election officer. Now, what’s the definition of the election officer?
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SEN. WEST: What the election officer is. But the Secretary of
2 State is coming, and it would be improper for me to
3 answer that if we have an expert witness that can answer
4 it, you know, for sure.
5 SEN. FRASER: So it would be improper for
6 you to answer what an election officer is?
7 SEN. WEST: No. We've got an expert
8 witness that would be the better person to ask.
9 SEN. FRASER: Okay. In terms of what an
10 election officer is in your bill. Okay,
11 As it relates to Section (d), you say
12 that, "If the voter's name is on the precinct list of
13 registered voters and the voter's identity can be
14 verified from the documentation presented under
15 Subsection (b), the voter shall be accepted for voting."
16 But if, in fact, and the election officer is to make
17 that determination. Is that correct?
18 SEN. FRASER: Again, that's a great
19 question to ask the Secretary of State's office.
20 SEN. WEST: How does your bill work? Tell
21 us how your bill works.
22 SEN. FRASER: You know, it's a --
23 (Simultaneous discussion)
24 SEN. WEST: I mean, would that be a great
25 question to ask the Secretary of State?
26 SEN. FRASER: -- I think they're going to
27 hand you a ballot and allow you to vote.
28 SEN. WEST: Then let me --
29 SEN. FRASER: -- I think they're going to
30 hand you a ballot and allow you to vote.
31 SEN. WEST: Then let me ask you this: My
32 last name is spelled W-e-s-t. Suppose there's some
33 typographical error where they spelled it W-e-s, but
34 it's me. I have an ID, but my name is misspelled. What
35 happens then? I have to vote a provisional ballot?
36 SEN. FRASER: I think that would be a
37 great question to ask the Secretary of State.
38 SEN. WEST: But what's your intent, though? I'm just asking your intent. Can't ask the
39 Secretary of the Senate what's your -- I mean, Secretary
40 of State what your intent is.
41 SEN. FRASER: I intend to --
42 (Simultaneous discussion)
43 SEN. WEST: You've got to manifest your
44 intent so the Secretary of State will know, have some
45 guidance in terms of how this bill should be
46 implemented. Don't you agree, as the author of the
47 bill?
48 SEN. FRASER: My intent is to give the
49 Secretary of State the authorization to determine the
50 rules, train the poll workers. They would make a
51 determination on that.
52 SEN. WEST: So the poll worker in this
53 instance would be the election officer? I have to ask
54 the Secretary of State?
55 SEN. FRASER: You need to ask the
56 Secretary of State.
57 SEN. WEST: Okay. Poll workers, let's
58 talk about poll workers. How much do we pay poll
59 workers?
60 SEN. FRASER: Again, Senator, you're
61 your question as to your intent as the author of this bill.
62 SEN. WEST: Okay. In terms of what an
63 election officer is, in your bill. Okay,
64 As it relates to Section (d), you say
65 that, "If the voter's name is on the precinct list of
66 registered voters and the voter's identity can be
67 verified from the documentation presented under
68 Subsection (b), the voter shall be accepted for voting."
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70 that determination. Is that correct?
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74 us how your bill works.
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78 question to ask the Secretary of State?
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1 asking the question. I would suspect probably poll
2 workers may be paid different from one county to
3 another. And it's an area -- I think that that's a good
4 question of the Secretary of State.
5
6 SEN. WEST: Okay. Now, you keep referring
7 to the Secretary of State. But in the bill analysis,
8 7 doesn't it also say that this bill does not expressly
9 grant any additional rulemaking authority to the state
10 office -- to a state officer, institution or agency?
11 Does it say that? Do I have to ask the Secretary of
12 State about that also?
13 SEN. FRASER: Senator, I'm sorry. I'm not
14 advised. I do not have a bill analysis. Do you have
15 one in front of you you would like show me?
16 SEN. WEST: I co.
17 SEN. FRASER: We don't have it.
18 SEN. WEST: You don't have a -- okay. In
19 the bill analysis, what it says is that this bill does
20 not expressly grant any additional rulemaking authority
21 to a state officer, institution or agency?
22 SEN. FRASER: Isn't that standard language
23 that's put on every bill?
24 SEN. WEST: I con't know. But what I'm
25 asking you is --

129 1 Iron West Texas, the City of Lubbock. And they are
130 2 great voters and very concerned. And I've seen the
131 3 polling data that shows that West Texas was the highest
132 4 percentage of people that believe that they should show
133 5 their ID whenever they show up to vote. I'm really glad
134 6 to have them at my back.
135 7 Go ahead.
136 8 SEN. WEST: Do I need to ask the Secretary
137 9 of State about that, too, or what?
138 SEN. FRASER: You could. These people
139 respect the opinion of the Secretary of State, and they
140 probably have already asked.
141 SEN. WEST: Okay. Senator Fraser, a
142 couple of things. As it relates to the Carter-Baker
143 Commission, you've talked about the recommendations, and
144 you are following the recommendations that came out of
145 that commission. Is that correct?
146 SEN. FRASER: No. I filed a piece of
147 legislation that I believe will be approved by the U.S.
148 Supreme Court and will be cleared by the Department of
149 Justice.
150 SEN. WEST: Okay. Let me ask you this:
151 Have you made mention of the Carter-Baker Commission?
152 SEN. FRASER: I have made references a
153 couple of times of things that they mentioned in their

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SEN. WEST: So you don’t know whether you did or not. Is that the answer to my question?

SEN. FRASER: My answer is, the bill that we filed, that we brought forward, is a bill that clearly says that whenever you vote, you need to show your ID, and I believe that bill will be approved by the U.S. Supreme Court and approved by the Department of Justice.

SEN. WEST: And we need to ask the Secretary of State. Okay. I understand that. But what I’m asking is, you would agree that if we are trying to, quote unquote, purify our election process, that we should do everything we can in order to make certain people are registered to vote. Wouldn’t you agree with that?

SEN. FRASER: I think maybe when the --

SEN. WEST: Well, you would not agree with that?

SEN. FRASER: If you’ll allow me to make a statement.

SEN. WEST: Sure.

SEN. FRASER: I think when DPS comes up, I think there’s going to be a lot of discussion about what they can do in the form of either making it easy for people to sign up and/or even, maybe even a temporary van for an area that Senator Uresti had talked about in far West Texas. Those people that are, you know, 100 miles the nearest location, maybe there’s a way to accommodate that. So I think the answer to your question is, I’m anxious to hear the response of the Department of Safety of what they’re either able and/or willing to do.

SEN. WEST: And let’s assume that they are able and willing to do more than your bill permits. Would you support an amendment that would enable them to do what they’re able to do in order to --

SEN. FRASER: Have you prefiled that amendment and have I had a chance to look at it?

SEN. WEST: No. I’m asking you, have you filed your amendment?

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SEN. FRASER: Have you prefiled that amendment and have I had a chance to look at it?

SEN. WEST: No. I’m asking you a question right now.

SEN. FRASER: And I’m asking you, have you filed your amendment?

SEN. WEST: Well, you basically said sir, that you have to wait -- we have to wait until you hear their testimony before we can make a determination as to whether or not they’re --

SEN. FRASER: No, I can’t tell you --
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SEN. WEST: Well, let me finish; let me finish, please. Let me finish.
SEN. WEST: What you just said a second ago is, is that you want to defer to the Department of Public Safety to make a determination as to whether or not there are things that they can do in order to make certain they're doing the outreach that's necessary to accommodate just some of the concerns that senator Uresti had.
SEN. FRASER: I didn't say that at all. I said --
SEN. WEST: What did you say?
SEN. FRASER: -- I'm anxious to hear their testimony when they're asked and their response of what they are able, capable of doing for that. And then once you do that, if you want to offer an amendment, I will look at every amendment offered. If you'll got one, you need to go ahead and file it.
SEN. WEST: Let me give you a hypothetical, then. If the Department says that they can do much more than your bill currently allows them to do, would you support an amendment that would give them the resources or give them the rulemaking authority to be able to do the outreach?
SEN. FRASER: I just didn't hear. You said you lived in a retirement --
SEN. WEST: I just didn't hear. You said you lived in an area where there's a lot of retired people.
SEN. FRASER: People. Okay.
SEN. FRASER: Yes, like myself.
SEN. WEST: Yes.
SEN. FRASER: Those people that I know, people that are up to that age, it would not be an inconvenience for them, and they're still very, very active. Actually, I've got numerous people that I play golf with often that are above 70 and up to 80. So, the number probably could have been higher, but that number we thought was a fair number and represented a number that we could offer up as a very fair number for an exception to this bill.
SEN. WEST: Let me make sure I understand your answer to that question. You're saying that the age 70 is predicated on people that you know that live in your community?
SEN. FRASER: It is predicated by a democrat member offering me that up as a number, that if we would put that in the bill, there would be five or six Democrats that would vote for the bill. That's the answer to my question.
SEN. WEST: Okay. But you added a lot of other stuff after that. What was all that other stuff?
SEN. FRASER: The other stuff was the people that I know that are capable of that. Now, if someone is not capable, we are not changing the mail-out ballot procedures. And that anyone for some reason that could not vote in person would be allowed to vote like they do today.
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<thead>
<tr>
<th>SEN. FRASER:</th>
<th>I actually believe that the number probably could easily be higher, because --</th>
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<tbody>
<tr>
<td>SEN. WEST:</td>
<td>So you would make it 80 years old?</td>
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<tr>
<td>SEN. FRASER:</td>
<td>I'm sorry.</td>
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<tr>
<td>SEN. WEST:</td>
<td>You would make it 80 years old for the record. Okay? I didn't ask you that.</td>
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1 Exhibits, too. If you have exhibits that
2 you want to enter into the record so that we can make
3 sure we have an orderly transition of those exhibits,
4 would you go ahead and bring those forward, at least
5 during the interim time, so we can go ahead and number
6 and have them available. It's not absolutely
7 necessary that we introduce them in their chronological
8 order, but it does help have a clearer record.
9 Finally, I want to remind you, we did have
10 a little talking over, so we've got to make sure we have
11 a clear record. So please, in the future, remember to
12 speak one at a time.
13 Senator Zaffirini is recognized for an
14 announcement.
15 (Announcement by Senator Zaffirini)
16 CHAIRMAN DUNCAN: Thank you, Senator.
17 The Chair recognizes Senator Seliger for a
18 motion.
19 SEN. SELIGER: Mr. President, I move that
20 the Committee of the Whole Senate rise and report
21 progress.
22 CHAIRMAN DUNCAN: Members, you've heard
23 the motion. Is there objection?
24 (Recess: 10:43 a.m. to 12:38 p.m.)

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CONSIDERATION OF SENATE BILL 14 1/25/2011

1 QUESTIONS FROM THE SENATE FLOOR (CONTINUED)

1 READY?

2 CHAIRMAN DUNCAD: Senator Fraser, are you ready?

3 SEN. FRASER: I am ready.

4 CHAIRMAN DUNCAD: Senator West, you're recognized to continue your questioning with Senator Fraser.

5 SEN. WEST: Yes, sir. Thank you very much.

6 SEN. FRASER: And we're going to try it without earphones. See how that works. I think I'm good with you.

7 CHAIRMAN DUNCAD: And if I could advise both of you, I had some -- we had some concerns about you were both talking at the same time on your last dialogue. So if each of you could remember that, and I'll try to help you --

8 SEN. WEST: Okay.

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18 SEN. WEST: Okay.

19 CHAIRMAN DUNCAD: Senator Fraser, I think, then, when we were looking -- can I ask that the last question be read back?

20 SEN. WEST: I was just trying not to be redundant on it.

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CONSIDERATION OF SENATE BILL 14 1/25/2011

1 SEN. FRASER: And my position is, is that you've taken both sides of that issue. You argued in favor of funds last time. You're -- now you're asking for amendment saying we're not going to use funds. If we don't use funds to educate voters, obviously that's a problem.

SEN. WEST: So the answer to my question is no, I believe the instruction to the Secretary of State is that we do need to educate the voters.

SEN. FRASER: I want to make sure voters understood and that no one misunderstands this process. So it's difficult for me when you're arguing both sides of the issue.

I think the answer to your question is, I'm not going to take a position today about whether we should or should not. We are requesting that the Secretary of State do sufficient education so that no one misunderstands the implementation of this bill.

SEN. WEST: Regard --

SEN. FRASER: We're going to give -- we're going to give them that power. And that without a doubt, I would hate for us to be using money that could be used for a schoolteacher, and I'm not going to get into that debate because I'm a great supporter of schoolteachers.

But I still stand by the letter from the Secretary of State. The Secretary of State believes very clearly that they have sufficient funds, the money is available, and it will be made available.

SEN. WEST: So the answer to my question is, is that if there are no federal funds available, you would support an amendment that basically says that we're going to have to make those decisions; and we've made a decision that that's what we're going to do.

SEN. FRASER: I am so advised that you're a member of finance, a very respected member, and you're very capable of making those hard decisions; and I'm sure you'll move forward and make the right decision for our wonderful schoolteachers across the state.

SEN. WEST: So you'd be -- you'd be in favor of cutting schoolteachers saying -- and, I mean, you agree with me that based on the budget that was introduced by the House and the budget that was introduced by the Senate, that school districts will be under pressure to terminate some of the teachers who would otherwise be in the classroom?

SEN. FRASER: I -- I don't agree with anything other than the fact --

SEN. WEST: Okay. All right.

SEN. FRASER: -- that your own finance, you're going to have to make those decisions; and we've got to make sure that we educate voters, making sure that they understand the implementation of this law.

SEN. WEST: All right. Let me ask the question this way, then: Would you agree with me that one the House and the Senate have introduced bills that put pressure on school districts to reduce their budgets that would impact the number of teachers that would be in classrooms?

SEN. FRASER: You're a member of the Finance Committee that implemented a draft budget. I am not. I have not advised.

And the answer is, I'm sorry, I don't -- I -- I'm not advised on that issue.

SEN. WEST: If you were so advised -- if you were so advised that both the House and the Senate introduced bills that would require us cutting our commitment to our public schools and our teachers, if you were so advised that both houses introduced the budget that did that, would your position still be the same as it relates to the question I asked you concerning whether or not we should be using general revenue in order to fund voter ID implementation over funding our public schools?

SEN. FRASER: I am so advised that you're a member of finance, a very respected member, and you're very capable of making those hard decisions; and I'm sure you'll move forward and make the right decision for our wonderful schoolteachers across the state.

SEN. WEST: What decision would you make?

SEN. FRASER: I'm sorry?

SEN. WEST: What decision would you make?

SEN. FRASER: I'm not advised on that issue.

SEN. WEST: So if you had -- if you had to make a decision, though, if you were on finance and had to make a decision, what decision would you make?

SEN. FRASER: I'm sorry. I'm not sitting on finance. I'm not subject to being able to listen to the debates, so it would be -- wouldn't be right for me to take a position on that.

SEN. WEST: But if you had to make -- take a position on funding voter ID over schoolteachers, which one would you fund?

SEN. FRASER: I -- I think the position -- because this bill is before us, it is extremely important that -- that we deter and detect fraud and restore the public confidence in the election system.

SEN. WEST: So that's your answer in terms of -- is that what you're telling the teachers, that you'd rather do that than -- to the extent it's there, 1515 anything other than the fact --

SEN. WEST: Okay. All right.

SEN. FRASER: -- that your own finance, you're going to have to make those decisions; and we've got to make sure that we educate voters, making sure that they understand the implementation of this law.

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CONSIDERATION OF SENATE BILL 14 1/25/2011

1 you'd --
2 (Simultaneous speaking)
3 SEN. FRASER: Well, unfortunately, since
4 I'm not a member of finance, I don't get to make a
5 choice of what I would rather do. I'm laying --
6 bringing forward a bill today that would restore the
7 confidence of the public in the election system and --
8 today, because I'm sponsoring that bill, that I'm going
9 to ask that we -- you know, we restore that confidence.
10 SEN. WEST: So, I'm trying to -- so let me
11 make certain I understand your answer to my question.
12 SEN. FRASER: I know you're trying to --
13 SEN. WEST: Let me -- let me -- hold up.
14 Now, I'm listening, because if you remember, both of us
15 can't talk at the same time because the stenographer's
16 taking it down, and I'm trying to make certain that I am
17 reminded of that fact.
18 So your answer to that question is that
19 you would prefer to fund the voter ID bill, if need be,
20 with state funds than to put extra money -- take that
21 $2 million, if we need to, and put it back in the budget
22 for our school districts?
23 SEN. FRASER: The -- you know, the -- you know,
24 the important thing -- or the good thing with the
25 Legislature is you don't get to make -- answer questions

1 for me, and the -- I did not say that at all.
2 Today I'm laying -- bringing forward a
3 bill that would deter and detect fraud and restore the
4 public confidence in the election system.
5 SEN. WEST: How does your bill detect
6 fraud?
7 SEN. FRASER: Come back? I'm sorry. I
8 didn't hear you. What did you say?
9 SEN. WEST: How does your bill detect
10 fraud?
11 SEN. FRASER: The -- the bill is designed
12 to deter and detect fraud and restore --
13 SEN. WEST: No. I asked you: How does
14 your bill detect fraud?
15 SEN. FRASER: The -- I think the easy
16 answer to that would be, is that when you walk into
17 the -- into your election booth and you show your
18 driver's license, they know for sure that you're Royce
19 West and that if you're on the precinct list,
20 registered, you're entitled to vote.
21 SEN. WEST: And so that's -- that's the
22 fraud detection provision in it? And so you'd rather
23 fund --
24 SEN. FRASER: That's the way the bill
25 works.
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<th>CONSIDERATION OF SENATE BILL 14</th>
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<td>1 Justice decides not to preclear this particular legislation, any litigation concerning it?</td>
<td>1 that in favor of that. Of that, 82 percent were black, 2 83 percent were Hispanic.</td>
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<td>2 legislation, any litigation concerning it?</td>
<td>3 So I would say the answer to your question is: If you ask someone that is either African American or Hispanic, do they believe that -- &quot;Do you favor/oppose requiring a valid photo ID before a person is allowed to vote?&quot; and you have 82 percent of the public that says that --</td>
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<td>3 SEN. FRASER: You're -- you're being subjective about me assuming what's going to happen. I believe the bill that we had -- that we're offering will be precleared.</td>
<td>4 SEN. WEST: Right.</td>
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<td>5 SEN. WEST: But I'm asking if it's not</td>
<td>5 SEN. FRASER: -- pretty -- pretty straightforward.</td>
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<td>6 precleared. Do you want to see us go into litigation with the federal government concerning your bill if it's</td>
<td>6 SEN. WEST: You keep referring to that poll. What poll is that, sir, and who was it conducted by?</td>
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<td>7 not precleared?</td>
<td>7 SEN. FRASER: It was conducted -- this is one of many we had. I've got a whole series of polls.</td>
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<td>8 SEN. WEST: Okay. So does your bill anticipate any litigation at all?</td>
<td>8 SEN. FRASER: This just happened to be the latest one that was conducted January the 10th, 2011. This one was by the Lighthouse opinion polling &amp; Research, LLC.</td>
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<td>9 SEN. FRASER: The bill in no way addresses or thinks about any litigation. It is clearly just a bill saying this is -- this is what we're asking you to do, to present a photo ID when you vote, and that's the extent of the bill.</td>
<td>9 SEN. WEST: Lighthouse Opinion.</td>
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<td>10 SEN. WEST: I know because -- and the reason I ask that question, you continue to make reference to the Department of Justice and the U.S. Supreme Court or --</td>
<td>10 SEN. FRASER: Lighthouse Opinion Polling, LLC.</td>
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<td>11 SEN. FRASER: I don't -- I don't think that's, you know, my choice. I think we -- we will present the bill forward and try to present our best case that it should.</td>
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<td>13 (Simultaneous discussion)</td>
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<td>17 SEN. WEST: Okay. So does your bill anticipate any litigation at all?</td>
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<td>18 SEN. WEST: Okay. In Georgia, not</td>
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<td>19 Indiana. Indiana's not a Section 5 state?</td>
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<td>20 SEN. FRASER: Only because they -- the bills that have been brought forward by other states, which Indiana was cleared by the -- you know, made it all the way to the U.S. Supreme Court; and then in Georgia, they were precleared from the Department of Justice because a bill -- you know, since we're a Section 5 state, they were precleared.</td>
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<td>21 SEN. WEST: Okay. Has the Legislature or</td>
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<td>22 have you conducted any research on how burdens of the photo ID requirements may fall disproportionately upon racial minorities?</td>
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<td>23 SEN. FRASER: Come back again. I'm sorry. My sound went off.</td>
<td>23</td>
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<td>24 SEN. WEST: Okay. In drafting your bill, was there any research conducted on how burdens of -- burdens of photo identification requirements may fall disproportionately upon racial minorities?</td>
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<td>25 SEN. FRASER: Probably the best evidence that I could bring forward, that the latest poll that was conducted of Texans, including the people in your area. Of the -- there were 86 percent of the public</td>
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SEN. WEST: Okay. So the answer to my question is, is that you did not conduct any type of research on it other than looked at opinion polls and referenced what went on in other states?

SEN. FRASER: No, we've done all --

SEN. WEST: -- to make that determination?

SEN. FRASER: -- to you what we did. We have looked at the experience of other states. And you're going to have witnesses come from some of the other affected states, and you're going to be able to ask that question: Who has came forward in your state and said it's a problem?

SEN. WEST: Okay. So you're saying, then, that as a result of experiences in other states and an opinion poll, that is the sum total of the research that's been done by you in preparation of this bill?

SEN. FRASER: Senator, think the people in your district understand very clearly. If you ask them a direct question, someone you represent, and said, "Do you favor or oppose requiring a valid photo ID before you're allowed to vote," this is -- that's not rocket science.

SEN. WEST: Well, the --

SEN. FRASER: "Should you be required to show your picture ID when you go into vote?" That's -- that's -- to me, that's -- that's, you know, pretty telling.

SEN. WEST: Well, the great thing about it is, we're going to have an opportunity to do just that. Because guess what? I've got a few people from my district down here to testify, so you'll have an opportunity to ask that them, too. Okay?

SEN. FRASER: Good.

SEN. WEST: Right, again, that's the sum total of your research, though. Right?

SEN. FRASER: I didn't say that was the sum total of my research.

SEN. WEST: No, would you agree that Texas has a larger proportion of minorities than 1 Indiana?

SEN. FRASER: Not advised.

SEN. WEST: So if -- if the demographic information that we have from the U.S. Department of Census indicated that, you would not disagree with that.

SEN. FRASER: Well, I mean, every state has a different demographic of the makeup of people within the state.

SEN. WEST: Sure. I know that, yeah.

SEN. FRASER: Georgia is a -- you know, they're -- they're a Section 5 voter rights state, but their makeup is not exactly like Texas.

SEN. WEST: That's the point. That's what I'm asking.

SEN. FRASER: I didn't say that was the sum total of my research.

SEN. WEST: Now, would you agree that Texas has a larger proportion of minorities than every state?

SEN. FRASER: Not advised.

SEN. WEST: So if the demographic information that we have from the U.S. Department of Census indicated that, you would not disagree with that.

SEN. FRASER: And I think what you're asking, which is going to be the easiest thing? And the -- the data, if you look back at 2006, the number of people that have registered to vote, about -- I think the number now is 91 percent actually use their driver's license when they registered to vote. So the assumption is at least 91 percent of the people that voted -- or that registered since 2006 had a driver's license. So I'd say that's the -- if it's the -- the easiest thing, I'd say a driver's license.

SEN. FRASER: So this -- the list of identifications that you use as the -- is the least restrictive options that you could come up with?

SEN. FRASER: Well, I don't -- I'm not sure.
CONSIDERATION OF SENATE BILL 14 1/25/2011

1. Sure. Your verbiage you're using, I don't know that 2. that's the intent.
3. SEN. WEST: Well --
4. SEN. FRASER: I'm saying that the thing 5. that -- the type of identification that is most 6. readily available appears to be a driver's license.
7. It -- we think, that is.
8. SEN. WEST: Okay. Now, since there are 9. studies that show that African Americans and Hispanics 10. are more affected by poverty and --
11. SEN. FRASER: Ask him, then.
12. SEN. WEST: We're trying to figure out if this is a 13. filibuster.
14. SEN. FRASER: Is it a what?
15. SEN. WEST: Oh, no, this is serious 16. business. This is serious business.
17. SEN. FRASER: I guess I would remind you 18. that the information that was put into the record this 19. morning by Senator Huffman, the questions you've gone 20. over, I believe we put these --
21. SEN. WEST: Well, at any -- at any point, 22. you can defer to whomever you want to answer the 23. question.
24. SEN. FRASER: Is it a what?
25. SEN. WEST: No, no, I'm saying --

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1. SEN. WEST: You've been referring to the 2. secretary of state.
3. SEN. FRASER: -- these -- the questions --
4. the questions you're asking, the question and the answer 5. are already in the record from two years ago; that 6. you're asking the exact same question, and I'm answering 7. the exact same answer. It's already in the --
8. SEN. WEST: And it may very well be. I 9. just don't remember. I haven't gone back and read that 10. entire record. It was like 26 hours. So if I'm being a 11. little bit redundant, please give me -- give me a little 12. space on that.
13. SEN. WEST: Let me go back to the questions I'm 14. asking. Studies have shown that African Americans and 15. Hispanics are more affected by poverty and, therefore, 16. are more likely to participate in government benefit 17. programs. Will the elimination of the government 18. documents as a form of ID disproportionately affect 19. African Americans and Hispanics?
20. SEN. FRASER: I'm not advised.
21. SEN. WEST: Okay. If in fact -- well, let 22. me back up and ask you this question.
23. Do you agree that African Americans and 24. Hispanics are disproportionately affected by poverty in 25. the state of Texas?
26. SEN. WEST: Ready.

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1. SEN. FRASER: -- people in my district 2. are -- are the working poor.
3. SEN. WEST: Okay. The -- the protected 4. classes, that would be an African American and 5. Hispanics, do you have a high concentration of African 6. Americans and Hispanics in your district?
7. SEN. FRASER: Well, I don't know what 8. you'll call a high percentage. I've got --
10. SEN. FRASER: There -- there are a lot of 11. my voters in my district that, you know. I'm -- I love 12. to say 'my constituents' -- that are African American or 13. Hispanic.
14. SEN. WEST: Are they in poverty or what?
15. SEN. FRASER: Well, senator, if --
16. SEN. WEST: Oh.
17. SEN. FRASER: If I have the third poorest 18. district in the state, that implies that we have some 19. people that are working poor.
20. SEN. WEST: Let me just ask you this 21. question.
22. Do you know whether or not the elimination 23. of the government documents that have hereto before been 24. utilised by voters for identification purposes at the
CONSIDERATION OF SENATE BILL 14 1/25/2011

SEN. FRASER: Issued before?
SEN. WEST: Yeah, I mean, under current law. Let me back up, then.

Based on current law and the various government identifications that can be used for purposes of voting, by eliminating those, whether they have an adverse impact on ethnic minorities in the state?

SEN. FRASER: Let me -- let me tell you that the people in my district voted -- or they're polling that they 92 percent of them say that they're in favor of this.

SEN. WEST: And that's your response to my question?
SEN. FRASER: My response is, is that I think the people of the state of Texas, which makes up -- I think it was 83 percent of -- of African Americans and 85 percent of Hispanics, said that they're in favor of it. I'm sorry. It's 82 percent Hispanic --

18 I'm sorry -- Hispanic, 80 -- 83 percent Hispanic, the African American, which is -- it's listed as a black vote, is 82 percent say they are in favor of asking for a photo ID.

So it's -- it's -- this is a pretty easy question for them, "Should you have to show your -- your photo ID, your driver's license, when you come in to vote?" And they said, "Sure. That's fair."
CONSIDERATION OF SENATE BILL 14 1/25/2011

1 SEN. LUCIO: Okay. Well --
2 CHAIRMAN DUNCAN: Wait, wait, wait, wait, wait. Y'all are really crossing over to where you're not making a good record, so one at a time. I think Senator Fraser was answering a question; and if he could answer it and, Senator Lucio, you could follow with another question.
3 SEN. FRASER: And, Senator. If -- if you really do want an answer to questions, I would love to do one at a time because I actually --
4 SEN. LUCIO: Okay.
5 SEN. FRASER: -- you've asked so many questions, I can't remember --
6 SEN. LUCIO: Okay.
7 SEN. FRASER: -- the first one.
8 CHAIRMAN DUNCAN: All right.
9 SEN. FRASER: But --
10 CHAIRMAN DUNCAN: Wait. You're doing it again. Senator. If we could -- I'm going to stay on this because we do want a good record.
11 SEN. FRASER: If you'll just allow me to just answer a couple of them, and then we'll get them out of the way.
12 SEN. LUCIO: I'll take one at a time.
13 What are you going to do when someone has conflicting last names on their ID on the voter rolls?
14 SEN. FRASER: Okay. I'm going to start even further back than that.
15 I -- the -- the first observation you made is that we're making it harder than getting a driver's license. That is totally incorrect. Driver's license is one of the things we're offering, so whatever difficulty it is to get a driver's license, once they get it, that is their identification. So this is not in any way harder than getting a driver's license.
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SEN. LUCID: Well, and I -- I appreciate, you know, what you're saying. However, I just want to make sure that it doesn't get out of hand. And I would 7 ask you, possibly, if you would vote, you would be prepared to work with me and others to -- in order to 8 draft a constitutional amendment that would make any 9 raise in fees associated with driver's license or state 10 ID only possible by a two-thirds vote of each chamber. 11 You think that we could work to that end? 12

SEN. FRASER: Senator, I'm -- I'm not 13 going to commit on anything. You're on finance. Y'all 14 are going to have to work through the issues of 15 balancing the budget.

SEN. LUCID: The bill that I'm laying out today, I 16 think, is a very fair way for people to identify 17 themselves, that they can prove they are who they say 18 they are when they go to vote. The -- the thing that I 19 would let you know that, you know, I want to make sure 20 that every -- we've -- we've talked to senator -- you 21 know, the -- Davis has asked about women. I want to 22 make sure that women, men, Hispanics, African Americans, 23 Anglos, everyone in the state has the same opportunity 24 to go in and make sure that their vote is counted. And 25 to do -- the things you're talking about really are 3 not part or subject to this bill.

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SEN. LUCID: When -- when -- when does a 9 driver's license expire? I was going to ask you that 10 question.

SEN. FRASER: When does it expire?

SEN. LUCID: Yes, sir.

SEN. FRASER: You know, interestingly, I 13 was in -- looking at mine just then, in my office. I 15 got a new one this year, and it's good for six years. 16 do every six years, evidently. I'm -- I'm going to ask 17 you that, but my assumption is that a driver's license 18 is renewed to last for six years.

SEN. LUCID: Well, we talked about senior 20 citizens. There are senior citizens, 60, 70 years old, 21 who use an expired driver's license as a form of ID. 22 That's where I'm going with my questions and my remarks. 23 Are they no longer -- they no longer drive, but they 24 still vote.

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

SEN. FRASER: Would author of the bill yield for some clarification?

SEN. FRASER: I would yield.

SEN. VAN de PUTTS: Thank you very much.

SEN. FRASER: Senator Fraser, I wanted to have a moment to clarify some of the conversation and the points that we had on our discussion earlier.

SEN. VAN de PUTTS: I thought that I had heard you say that the bill that we had in the 81st Legislature was actually modeled after Georgia. When after comparison, I think that it was actually modeled more closely after the Arizona bill, which is a Section 5 voting rights state as well. And so I wanted to clarify that, but I thought we had talked so much about the Georgia legislation. So the -- the bill, Senate Bill 362, was actually modeled more after Arizona's law.

SEN. FRASER: Senator --

SEN. VAN de PUTTS: And I --

SEN. FRASER: I'm --

SEN. VAN de PUTTS: -- the -- the bill that we modeled last year was a Texas model that we were moving forward, and whenever earlier you were addressing the Georgia bill -- you're a past president of NCSL, and I have the NCSL analysis here. And that's the reason I was confused because you were referencing Georgia, and I've got --

SEN. VAN de PUTTS: That's correct.

SEN. FRASER: The document that came from the organization that you chaired and that was the reason I was confused about what you were representing.

SEN. VAN de PUTTS: Well, Senator, you were confused, and I was confused. However, both -- I think we can both agree that your bill, Senate Bill 14, is more restrictive than current Georgia and Arizona law; that this is based after an Indiana model, but it is even more restrictive. I mean, you have a pretty tight vote --

SEN. FRASER: I --

SEN. VAN de PUTTS: -- of the bill. I disagree with you on that, that there are -- are small things that we're different on, which basically is the number of things that you can use for identification. But there are a list. I think they have six in Indiana. We have four in Texas. We're under discussion about that four, should it be expanded.

SEN. VAN de PUTTS: -- the bill.

SEN. FRASER: Senator --

SEN. VAN de PUTTS: -- and changed her name on the voter ID, but before that, when she registered to vote, she had used her maiden name. Maybe she registered to vote with her new married surname but had not had yet changed her voter ID to reflect a change of name. Maybe there is no time to address it because she gets married in October. SEN. FRASER: Senator, these --

SEN. VAN de PUTTS: Those are just scenarios that are coming up.

SEN. VAN de PUTTS: Others that I'm concerned with are the 16 year olds that are turning 18 thirty days inside of -- you know, between a primary and a general election. Many of them will not be able to register to vote. There are so many different scenarios, Senator, and I'm very concerned about whether or not they will be disenfranchised. That's all. Thank you very much for your time.

CHAIRMAN DORCZAK: Senator Van de Putts?

SEN. VAN de PUTTS: Thank you.
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SEN. FRASER: -- of the ballot, making sure that the person that is trying to vote is who they represent to be.

SEN. ELLIS: And if that's the case, why wouldn't you apply a voter -- photo voter identification requirement to mail-in ballots? Don't you think there's probably room for more fraud for the mail-in ballots?

SEN. FRASER: I will support you a hundred percent. You file that bill, you come forward with it, and we'll talk about it. But this bill does not in any way address mail-in ballots. This is only in-person voter --

SEN. ELLIS: But you -- but you will concede that there's probably room, just from a layperson's perspective? Neither you nor I are experts on it, and I'm just asking you to make the point. Will you concede that there's room -- there's potential for more fraud with a mail-in ballot than with somebody showing up?

SEN. FRASER: I'm going to concede that the bill that I'm laying out today will help a lot with the in-person, you know, potential of fraud, and it will make sure the person there is -- is who they say they are.

SEN. ELLIS: If you just had to guess, I would you think people who are more apt to do a mail-in ballot would be people in the red jersey or the blue jersey?

SEN. FRASER: I wouldn't be apt to guess. SEN. ELLIS: Do you care? SEN. FRASER: Oh, I care a lot, but I'm not going to guess.

SEN. ELLIS: Okay. You heard the discussion earlier about the concern -- I think even in your district, some of those DES offices, I think, on that map may be closing a few days a week. So you -- you did say that you have some concern about access for people to go and get --

SEN. FRASER: It -- it is a discussion going on, and it's -- you know, there -- I actually was grinning as they were talking about the -- the -- you know, the offices, is that I have the same challenge sometimes and you, you've got to work to make sure that they're open.

SEN. ELLIS: -- if that's a discussion we're having with -- with Senator Williams. He's having a discussion with DES, and we're -- we're trying to look at, through his committee, the Finance Committee and communique with DES, the -- the easiest way to make sure that everyone can -- can comply.
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SEN. ELLIS: But you'll agree, it's a problem? There's some concerns about it?
SEN. FRASER: I don't know that I'll agree that it's a problem. Problem implies that, you know, there's -- everyone works through it. I've got a driver's license. You've got a driver's license.

Chairman of the committee that is over it -- interestingly, I want you to think about what you just suggested, is that driver's license is going to be the easy form of identification. We -- we know that 90-plus percent of the people -- and I think the number is probably higher than that -- have a driver's license in Texas.

SEN. ELLIS: Okay. All right.
SEN. FRASER: I'm -- I'm sure everyone at some point were mailed one, but it has been years since I walked in with a voter registration card -- show my driver's license when I vote, and I would say probably 10 to 12 percent of people who vote have a voter registration card than a driver's license. They'd have to because you've got to -- you're supposed to go get a voter registration to be able to vote.

SEN. FRASER: I'm -- I'm not even sure what the question was.

SEN. ELLIS: The question is, would you agree that more people who vote have a voter registration card than a driver's license?

SEN. FRASER: Can I answer your question? I don't agree that more people who vote have a voter registration card than a driver's license. They'd have to because you've got to -- you're supposed to go get a voter registration to be able to vote.

SEN. ELLIS: I have both.

SEN. FRASER: I show my voter registration card.

SEN. ELLIS: I show my driver's license.

SEN. FRASER: Well, there's -- but you have -- you probably were mailed a voter registration card.
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SEN. FRASER: -- absolutely sure. I would

SEN. ELLIS: Are you confident?

SEN. FRASER: I am --

SEN. ELLIS: Are you sure?

SEN. FRASER: Well, first of all, if -- if

SEN. ELLIS: It's a felony, that -- of the crime that

SEN. FRASER: If you're 70 on January 1,

SEN. ELLIS: Continuous for people who are

SEN. ELLIS: Yes.

SEN. FRASER: Yes.

SEN. ELLIS: Yes.

SEN. ELLIS: Correct.

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SEN. FRASER: I'm very confident that it has no impact.

SEN. ELLIS: To implement your bill, you're going to have to use federal money to be able to do it.

SEN. FRASER: Well, obviously -- and, again, I don't want to speak for the Secretary of State's office. When they're here, they can give you an idea. But if there's a pretty good-sized pot of money that's sitting there that we haven't spent yet and we're -- you know, we're pretty good about spending money, then I would not want to put the burden on an agency to come to the legislature and say, you know, we spent it, and I think probably this is an application where it fits. So I guess to answer to your question, I don't know. You can ask them, but I think this is a good place to spend it.

SEN. ELLIS: Would a new change go into effect in the next cycle?

SEN. FRASER: Yes. It's a general requirement going into place for the next cycle.

SEN. ELLIS: With a new election change, a new district.

SEN. FRASER: With a new election change, a major requirement going into place for the next cycle.

SEN. ELLIS: So could you go in and register on that day with the photo ID you're requiring?

SEN. FRASER: No.

SEN. ELLIS: Which brings me to a question about whether this new requirement we're putting in place would be a problem for those who -- those who register on that day because some people are just maybe confused about this new requirement we're putting in place?
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SEN. FRASER: That -- you missed the conversation we just had with -- with Senator Van de Putte. That is not the case. It actually is -- is a very, very small change between --

SEN. ELLIS: They take student IDs in Indiana?

SEN. FRASER: Huh?

SEN. ELLIS: -- in Indiana?

SEN. FRASER: We -- we have four forms of IDs in this bill that we're accepting, but we're also listening to the debate. Indiana has six forms.

Georgia I think expands it to about eight. So it's the number -- the type of, but they're all photo --

government-issued photo IDs.

SEN. ELLIS: Okay. So I guess when I say it's more onerous, there are more people in Texas who would have a student ID than a passport.

SEN. FRASER: We -- we have four forms of IDs in this bill that we're accepting, but we're also listening to the debate. Indiana has six forms. America have passports. I think, in America have passports. I think about the lowest

percentage for most nations in the top 20, 6 percent of the people in America have passports. So I guess I'm saying, why would you choose that as one of your forms of ID as opposed to a student ID when you know we have problems getting young people sometimes to focus for more than a week? But folks who have a passport, you've got to be fairly worldly, shall we say, to go get a passport. And if the number is 6 percent in America, I'm just guessing less than 6 percent of the people in Texas have a passport.

SEN. FRASER: We know the people that are issuing the passports. We don't know where all the student IDs are coming from because not all student IDs are issued with, you know, our -- our input. So the easy answer to that is that we want to make sure that we have something that is easily recognizable to the poll worker, and we can verify that it is -- it is valid.

SEN. ELLIS: Well, I --

SEN. FRASER: Senator, if you want to offer amendments, as I told Senator Gallegos, I draw them up, get it to you where I can look at it and get plenty of time to look at it. There's -- you know, we're going to look at every amendment. If you -- you know, you can throw anything out. We'll discuss it.

But, I mean, the thing we're trying to do is we're trying to make it easy as possible on the secretary of State and the poll worker as we implement, making sure that it's easily identifiable but also, you know, is good public policy.

SEN. ELLIS: Well, I'm just asking -- now, I hate to take your time, but, I mean, you -- you put it on the fast track. I mean, I -- I'd like to be working on the budget or something else, but --

SEN. FRASER: I didn't put it --

SEN. ELLIS: -- since you put it on the fast track. I'm -- you know, I did not put it on the fast track. I think the -- the person in the center office put it on a -- as an emergency bill and --

SEN. ELLIS: So you really don't want to do this, do you?

SEN. FRASER: I'm standing here explaining it to you because I think it's good public policy.

SEN. ELLIS: I'll leave you alone after this one.

SEN. FRASER: I respectfully would say you ought to be a little careful with that notion of what polling data says. I'm willing to bet you, Troy, when our predecessors stood on this floor and sat in these places, explaining it to you because I think it's good public policy, I'm going to bet you, Troy, the result was different. The fact is, we had a much better turnout in the last election. I'm going to bet you, Troy, that any other election, if we went back and had a -- a similar bill, you'd have a much better turnout.

But based on the election results of the last cycle, what fraud will your side of the aisle be worried about? Senator Wiitmire raised that with me the other day. I'm saying this: As well as your side did, seems like my side ought to be a little bit more worried about if there was some fraud.

SEN. FRASER: think if you look at the polling in your district, your district is worried because they're telling you you need to vote for it; and I'm telling you, you're on the wrong side of this issue.

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1 seats and passed most of the restrictions, that at some
2 point were in state law, the polling data indicated they
3 were on the right side of history; but you and I know
4 they were on the wrong side of it.

5 SEN. FRASER: All I can tell you is the
6 question's pretty straightforward. It said -- they
7 asked the people in your area, "Should you have to show
8 a photo ID when you vote?" And the number across,
9 Republican, Democrat, Hispanic, African American,
10 others, were overwhelming.

11 SEN. ELLIS: Well, let me ask you this:
12 If I come up with some polling data that says they would
13 support same-day registration, recognizing student ID,
14 exempting people over 70 forever, not just for those who
15 hit 70 before the next election cycle, to what extent
16 would you be voting based on what the polling says?

17 SEN. FRASER: Well, come -- come forward
18 with your data. But I can tell you the things you've
19 mentioned, the only one that is applicable to this bill
20 is the -- the elderly because the same-day voting, those
21 other things, that's another issue for another day.
22 Doesn't fit on this bill.

23 SEN. ELLIS: Thank you.

24 CHAIRMAN DUNCAR: Chair recognizes Senator
25 Zaffirini.

SEN. ZAFFIRINI: Thank you.

2 MR. PRESIDENT -- or MR. CHAIRMAN.
3 Senator Fraser, my first questions will
4 focus on the criminal justice impact, if you have a copy
5 of that.

6 SEN. FRASER: Well, excuse me, before
7 you -- what your first question should be, do I still
8 have my thick book that you were impressed with last
9 time. My --

10 SEN. ZAFFIRINI: Yes. I was --
11 SEN. FRASER: I reread the data last night
12 that you were going to instruct your staff asking them
13 why you didn't have one.

14 SEN. ZAFFIRINI: Well, good. I wish you
15 had it again.

16 SEN. FRASER: I do have it.

17 SEN. ZAFFIRINI: Good.

18 SEN. FRASER: Right here.

19 SEN. ZAFFIRINI: Good.

20 SEN. FRASER: I was -- oh, go ahead,

21 please.

22 SEN. ZAFFIRINI: But do you have a copy of
23 your criminal justice impact statement?

24 SEN. FRASER: I do now.

25 SEN. ZAFFIRINI: My first questions will
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SEN. ZAFFIRINI: Well, okay, Senator. That's the problem we're trying to address. It's virtually impossible to catch one and fraud under current law, that our laws are so weak.

SEN. FRASER: Well, and I think the easy answer to this is that if we implement the photo ID, it's pretty straightforward, that someone is who they say they are. So I'm -- we're hoping that the deterrent will be that people will not try to vote fraudulently, that the ones that are voting will be valid voters, and hopefully, they won't try to vote illegally. I -- that's the hope.

SEN. ZAFFIRINI: Well, actually, Senator, that is why some of us are opposed to this bill because we don't understand the problem that has been defined. But I think the easy answer to this is that a lot of the initial cost would be covered by HAVA funds?

SEN. ZAFFIRINI: So the fiscal note shows $2 million but all in fiscal year 2012. Why aren't there recurring costs? Is that because the photo ID card is issued in perpetuity, or it doesn't have to be renewed?

SEN. FRASER: I have. That hearing is that a lot of the initial cost would be in the education of the -- the -- the affected parties, which are Secretary of State, DRS. And the driver's license is valid, that they are who they say they are. So I'm -- we're hoping that the deterrent will be that people will not try to vote fraudulently, and then more important, in fiscal year 2010, less than five offenders were arrested for illegal voting or attempting to vote illegally; and then more important, in fiscal year 2010, less than five offenders were released from community supervision for illegal voting or attempting to vote illegally; and then more important, in fiscal year 2010, less than five offenders were placed or community supervision, and five offenders were released from community supervision. In fiscal year 2010, less than five offenders were released from community supervision.

SEN. FRASER: -- and they will explain how they delivered that data. I think probably what you're asking is that a lot of the initial cost would be covered by HAVA funds? And did you say earlier, Senator, that we don't understand the problem that has been defined.

SEN. ZAFFIRINI: Well, actually, Senator. As the committee chair of the Senate Committee of the Whole, not to Senator Ogden, but to Senator Ogden, we are the ones who have this fiscal note. Do you have a copy of the fiscal note?

SEN. ZAFFIRINI: I'll wait till you get it.

SEN. ZAFFIRINI: You have it?

SEN. FRASER: Yes.

SEN. ZAFFIRINI: I'll wait till you get it.

SEN. ZAFFIRINI: You have it?

SEN. FRASER: Yes.

SEN. ZAFFIRINI: Well, but, again, the secret会不会e being arrested, then there's the problem.

SEN. FRASER: Well, and I guess I just disagree with your analysis of this, is that voter fraud; under current law, that our laws are so weak, it's virtually impossible to catch one and convict; and that's the problem we're trying to address.

SEN. ZAFFIRINI: Well, okay, Senator.
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SEN. ZAFFIRINI: Case 2:13-cv-00193   Document 660-3   Filed in TXSD on 11/11/14   Page 51 of 59

SEN. ZAFFIRINI: Do you know, Senator, that has not been spent; obviously, I'd much help America vote. It's to encourage voting.

SEN. FRASER: For educating -- it's the --

SEN. ZAFFIRINI: Senator, I don't think -- I

SEN. FRASER: Senator, that there will be recurring costs because one example would be the State's responsibility to provide free photo ID cards on a recurring basis to the significant portion of our population that moves regularly. They move from one part of the state to another, and they might need a different card in that area. And that would be a recurring cost, would it not?

SEN. FRASER: Senator, since 2006, there have only been 37,000 people that registered to vote that did not have a current driver's license. That -- that's in the last five years. So the assumption is, the number that is coming into the system that would not have a card, the number is very low. The cost of that card is not a huge number. So actually, the amount that it would cost to take care of them is a -- not a large number.

SEN. ZAFFIRINI: What I'm worried about, Senator, as a member of the Finance Committee, is unintended consequences and unexpected costs. Not unexpected because we don't foresee them and can't identify them, but because of the criminal justice impact statement and because of the fiscal note that we have that simply don't address those issues.

SEN. ZAFFIRINI: As the author of this bill, would you prefer that the state pay this $2 million in costs, or would you prefer that we use federal funds?

SEN. FRASER: I would prefer the money that's sitting over here in a pot at the Secretary of State or DRS.

SEN. ZAFFIRINI: -- beyond that.

SEN. FRASER: I would ask the Secretary of State to do that, to administer that, recommend the training, and I believe

SEN. ZAFFIRINI: Uh-huh.

SEN. FRASER: Could you give me an example? I don't -- I don't think I --

SEN. ZAFFIRINI: Well, the fiscal note shows all the expense in fiscal year 2012, and then it doesn't show any other expenses --

SEN. FRASER: I --

SEN. ZAFFIRINI: -- for educating, that's the person to address this.

SEN. ZAFFIRINI: -- for voter education, and this would fall in the area of voter education, I would assume.

SEN. ZAFFIRINI: Well, it's my understanding, Senator, that it is for the state to submit a plan. The federal government doesn't tell us what to do in that area, not that it doesn't tell us in other areas.

SEN. FRASER: And, Senator, I hate -- it's the same answer I've given multiple people before, is that the Secretary of State will be coming up. I think that's the person to address this.

SEN. ZAFFIRINI: Do you have any suggestions regarding the training that is referred to on page 2 of the fiscal note, local government impact?

SEN. FRASER: I do not. That, again, will -- it is the job of the Secretary of State to administer that, recommend the training, and I believe

1 between this year and two years ago, I think the assumption last year -- two years ago is that they would just be able to use the HAVA funds. And, again, I think you probably should ask the Secretary of State.

I believe since then, they have made a request of HAVA requesting that, and HAVA's response, I believe, is that they will wait until the bill is passed. And when the bill is passed, then they will make a determination on whether you could use the -- the money. But we're also looking at history of other states. They have been allowed to use HAVA money.

But, again, I think I'd ask the Secretary of State that question.

SEN. ZAFFIRINI: Well, as the author of this bill, would you prefer that the state pay this $2 million in costs, or would you prefer that we use federal funds?

SEN. FRASER: Senator, I don't think -- I

SEN. ZAFFIRINI: That, again, raises the question of the training that is referred to on Page 2 of the fiscal note, local government impact?

SEN. FRASER: I do not. That, again, will -- it is the job of the Secretary of State to administer that, recommend the training, and I believe

1 they have the authority under current law.

SEN. ZAFFIRINI: And you have no information, then, about any recurring costs that we should worry about?

SEN. FRASER: I have none.

SEN. ZAFFIRINI: And to whom would you refer us on that issue?

SEN. FRASER: On recurring costs?

SEN. ZAFFIRINI: Uh-huh.

SEN. FRASER: Could you give me an example? I don't -- I don't think I --

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For example, Line 12, Page 12 of the bill, you refer to the cost of the get-out-the-vote efforts; and basically, the fiscal note states: The analysis is incomplete because, quote, it is not known how many voter registration drives or other activities designed to expand voter registration would occur. So we don't even have an estimated cost of one voter registration drive. And if it is our intent to ensure that we have

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1 more, we're not considering the cost, it seems to me
2 that we are being irresponsible in terms of identifying
3 the exact cost or the best estimated cost of this bill.
4
5 SEN. FRASER: And we are -- have the
6 benefit of not being the first one to implement this.
7 We don't have to reinvent the wheel. We can look at the
8 history of states that have implemented, like Indiana,
9 Georgia, and others, look at common things that have
10 happened there. We're going to have a person from
11 Indiana here. I think it -- that would probably be a
12 question you might ask, is the reoccurring cost, because
13 they've had this in effect, I believe they passed it in
14 2006.
15
16 SEN. ZAFFIRINI: But, of course, when we
17 talk about other states, including Indiana, we -- Texas
18 is much bigger and much more diverse; and so our
19 problems will be very different, our challenges will be
20 very different, and I believe our costs will be
21 significantly higher. But, again, I'm concerned as a
22 member of the Finance Committee.
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47 very different, and I believe our costs will be
48 significantly higher. But, again, I'm concerned as a
49 member of the Finance Committee.
50
51 But speaking of costs related to other
52 states, are you aware, Senator, that in many, if not
53 all, of the states that have implemented photo ID bills,
54 including those with less restrictive laws than the one
55 that you propose, they have been challenged in court.
56
57 SEN. FRASER: I'm -- I'm not advised, that
58 you're making an assumption we'll be challenged, and
59 I'm -- I do not -- I'm not advised.
60
61 SEN. ZAFFIRINI: All right. Well, we
62 disagree on those. I think those assumptions are fairly
63 safe.
64
65 Senator Fraser, Senator Van de Putte
66 distributed this map earlier. Have you seen this map?
67
68 SEN. FRASER: I have not.
69
70 SEN. ZAFFIRINI: Basically, it shows
71 her -- if my -- Mr. Chairman?
72
73 CHAIRMAN DUNCAN: Senator Zaffirini?
74
75 SEN. ZAFFIRINI: If Tay direct a
76 question to Senator Van de Putte?
77
78 CHAIRMAN DUNCAN: Pardon?
79
80 SEN. ZAFFIRINI: If I may direct a
81 question to Senator Van de Putte?
82
83 CHAIRMAN DUNCAN: Senator Van de Suite
84 doesn't have the floor.
85
86 SEN. ZAFFIRINI: That's why I'm asking.
87 SEN. FRASER: And -- and I won't yield.
88 SEN. ZAFFIRINI: You won't yield?
89 SEN. FRASER: No, I will not yield.
90 SEN. ZAFFIRINI: All right.
91 SEN. FRASER: You -- I'll be glad to
92 answer the question.
93
94 SEN. ZAFFIRINI: All right. I simply
95 wanted to ask if she planned to distribute this, and if
96 so, I wasn't going to address it.
97
98 CHAIRMAN DUNCAN: If you want to introduce
99 the exhibit, you're welcome to do so. We've marked it,
100 I think.
101
102 SEN. ZAFFIRINI: I believe Senator Van de Putte
103 has a clean copy. And this is a map that senator
104 Van de Putte has a clean copy. And this is a map that senator
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Van de Putte had developed, and it's titled, "Counties With Department of Public Safety Driver's License Office Closures."

My question, Senator Fraser, would focus on my district. For example, in my district, which comprises 16 counties and part of Bexar, Northeast Bexar, there is one county that has wheelchair accessibility barriers; there are two counties that have absolutely no driver's license offices; there are four that have offices that are temporarily closed; and there is one that has an office that is open three days or fewer each week. And so you can see the accessibility issues that we're dealing with, and you can -- when you get the map -- oh, you do have a copy of the map. You can see the difference throughout the state. There are some states that you can see have a lot of pink, a lot of blue, a lot of green, and then -- counties, rather -- and there are others that are just white, that have absolutely no barriers.

So, Senator Fraser, looking at this map, are you concerned that this bill would impact certain counties that have a problem related to the accessibility to driver's license offices?

CHAIRMAN DUNCAN: All right. I guess it's 4 --

SEN. ZAFFIRINI: -- and Exhibit No. 5 that I'd like to enter into the record --

CHAIRMAN DUNCAN: Okay. We do have --

SEN. ZAFFIRINI: Certainly. Exhibit 4 is a copy of a driver's license with personal information obliterated.

CHAIRMAN DUNCAN: Thank you. And Exhibit 5?

SEN. ZAFFIRINI: Exhibit 5 is a letter directed to me, which I received today, from Spencer Overton, professor of law at the George Washington University Law School and a member of the Carter-Baker Commission on federal election reform.
CHAIRMAN DUNCAN: Senator, you're -- you can --
SEN. ZAFFIRINI: Thank you.
CHAIRMAN DUNCAN: -- continue on those exhibits.
SEN. ZAFFIRINI: Senator Fraser, thank you for your courtesy and for your patience and your stamina. I'm impressed, as always.

Line 8, it states that "and the voter's identity can be verified from the documentation presented under Subsection (b), the voter shall be accepted for voting." Can you describe what training the poll workers would receive to ensure that they are trained in identification verification?

SEN. FRASER: Senator, you're moving faster than I can. I'm on Page 4. Where are you referring?
SEN. ZAFFIRINI: Line 8 of the bill. Well, basically, that's all it says, that if the voter's identity can be verified from the documentation presented, the voter shall be accepted for voting. That's the only part that I'm quoting, and then I'm asking what kind of training the poll workers would undergo in identification verification?

SEN. FRASER: Great question to the Secretary of State.

Do you worry at all, Senator, and I know -- I believe it was Senator Davis who asked this question earlier: Do you worry at all about people who don't look like their driver's licenses at all?

SEN. FRASER: I'm sorry. I there's so many things to worry about in life, that's you know, the -- the question you're asking, I think, is covered by the Secretary of State; and I believe they would make a determination.

SEN. ZAFFIRINI: Well, Senator Fraser, I have distributed Exhibit 4. Would you take a good look at that picture. Look at him. That's right. That --

And, Members, I ask you to please look at my Exhibit 4 and look at the photograph of this driver's license. Has anyone of you ever seen this person before? He looks familiar?

SEN. FRASER: Yes.
SEN. ZAFFIRINI: Can you identify this person? I'd like to ask this person to stand.

(Identified person stands)

SEN. ZAFFIRINI: Take a good look. Look at that picture. Look at him. That's right. That -- and this picture was taken in 2006. Now, if I didn't know Ray, who is my chief of staff, and I were to look at this picture, I would say, "You're not verified. You can't vote. You're an imposter." Look at the difference. Total difference, and yet this photograph was taken in 2006, and so it's current, it's valid. And you can see if we who know him and have seen him, see him every day, don't recognize his picture, imagine what a poll worker would do with a driver's license like this.

UNIDENTIFIED SPEAKER: (Mic off)
SEN. ZAFFIRINI: He's not a Laredoan, so don't worry about it.

(Laughter)
SEN. ZAFFIRINI: Senator Fraser, do you understand why we worry?

(Senator Shapiro speaking without mic)
SEN. ZAFFIRINI: Well, it's a very good point to make, Senator Shapiro, that we should look at our composite photos; and most of us don't look like them, and yet they have tie dates like 2008.

SEN. WEST: We keep using those pictures.
SEN. ZAFFIRINI: 2009. We sure keep using those pictures, so what would happen?

And, Members, you have a copy on Exhibit 5.

And it is a letter directed to me from Spencer Overton, professor of law from George Washington University. And basically, I received this letter from Professor Overton today, and it directly addresses Senate Bill 14's inconsistency with the Carter-Baker Commission.

Specifically, the letter states that Professor Overton wrote this letter to, quote, Refute claims that Senate Bill 14 is consistent with the recommendations of the Carter-Baker Commission. And according to Professor Overton, quote, The Commissioners recommended requiring photo ID of voters only if state's assumed the responsibility to seek out citizens and provide them with an ID free of charge, if states assume the responsibility to seek out unregistered citizens and register them and automatically update the registration of citizens when they move, and if states allow citizens without a photo ID to vote by signing an affidavit under penalty of perjury for the first two federal elections following adoption of the photo ID.
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<td>1. Now, Senator Fraser, this bill does not meet any of these criteria. Is that correct? Under your bill, the state would not assume any of these responsibilities? Senator Fraser: I'm not advised. Senator Zaffirini: Well, I assure you, Senator, that it does not. But Professor -- Senator Fraser: I disagree. Senator Zaffirini: Could you show me it does, where in your bill it would allow this? Senator Fraser: I'm not advised. This -- there's been no representation made that we are modeling this bill after the -- the Carter-Baker recommendations. This bill is moving forward as a bill that when someone votes, they will present an ID to show they are who they say they are. The bill that I'm passing, the state that would not assume any of these responsibilities? Department of Justice. Senator Fraser: Would think it would be your responsibility to show in the bill, you know, your -- the bill speaks for itself. Senator Zaffirini: The bill speaks for itself. Your bill speaks for itself. It speaks for itself. The language of the bill is very clear as to what the -- the issues we're addressing. Okay. Do you know, Senator Fraser, if this -- under your bill, the state would assume the responsibility to seek out unregistered citizens and to register them and automatically update registration? Senator Fraser: I would think it would be your responsibility to show in the bill, you know, your bill speaks for itself. Senator Zaffirini: So you can't tell me if your bill does that? Senator Fraser: The bill speaks for itself. The language of the bill is very clear as to what the -- the issues we're addressing. Senator Zaffirini: Okay. Do you know, Senator Fraser, if this -- under your bill, the state would assume the responsibility to seek out unregistered citizens and to register them and automatically update registration? Senator Fraser: I don't believe that is covered in my bill. Senator Zaffirini: It is not. And you know, Senator Fraser, if your bill -- under your bill, the state would allow citizens to vote by signing an affidavit under penalty of perjury for the first two federal elections following adoption of the photo ID bill? Senator Fraser: Every person that votes will be required to have a photo ID. Senator Zaffirini: Well, basically, it seems to me. My analysis is that Senate Bill 14, as introduced, does not meet these specifications of the Carter-Baker Commission. And that's what's more, in this letter that you have, Members, Professor Overton states that, quote, 2. Early President Carter and Secretary Baker rejected the strict photo ID requirement initially adopted in Georgia after concluding it was discriminatory because it was costly or difficult for poor Georgians to obtain the identification for voting, unquote. But according to Professor Overton, quote, It devotes insufficient resources to address the burdens it would impose on Texas voters who lack photo ID. Senator Fraser: That is absolutely incorrect. The original observation -- the bill that was filed in Georgia was changed, and the bill that finally -- that is in law now, was not their observation. And that was written in 2005. The bill was replaced 2008. That was not their observation. Senator Zaffirini: Well -- Senator Fraser: That it was -- I saw that comment made in a 2005 consent, but you're also making sure you don't take it out of context. And the -- the law that has been passed by Georgia was revisited. They passed a different law, and then that law was -- that bill was precleared by Department of Justice. Senator Zaffirini: But it still required -- Senator Fraser: So the bill he's -- Senator Zaffirini: -- photo ID. Senator Fraser: -- addressing is not law -- current law, Senator Zaffirini: But the Georgia law still requires a photo ID. Senator Fraser: Yes, it does. Senator Zaffirini: It does. And finally, Professor Overton closes with his statement that the current proposal for a photo ID law in Texas is inconsistent with the recommendations of the Carter-Baker Commission. Senator Fraser: I disagree with that. Senator Zaffirini: Why, Senator? Senator Fraser: I just disagree with that. Senator Zaffirini: Are there any specific points that you disagree with that he made or that I quoted in his letter? Senator Fraser: I'm -- you know, the letter that you're laying out is -- the first time I've seen it is just then. We're -- our bill is not -- we're not trying to model it after that, but the Carter-Baker Commission very clearly recommended a photo ID. Senator Zaffirini: Well, Senator, the reason that we asked for this letter, we followed up on your early statement when you laid out the bill. And you referred to the Carter-Baker Commission, and it was...</td>
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SEN. FRASER: But you -- you said that you responded -- that you requested it after I made the statement in cy --

SEN. ZAFFIRINI: I requested --

SEN. FRASER: -- opening comments.

SEN. ZAFFIRINI: I requested this

7 information based on your opening statement, and I received this letter today. That's correct. Okay?

Thank you very much, Senator. I appreciate, as I said, your courtesy and your patience.

SEN. FRASER: Thank you.

CHAIRMAN DUNCAN: Members, we've been going for a while, and I think it would be -- we're kind of at a -- maybe getting close to a breaking point. Why don't we go ahead and take a ten-minute break and then reconvene, give the court reporter and staff a minute or two to rest. So a time certain, we'll stand at ease until 2:30.

(Recess: 2:21 p.m. to 2:34 p.m.)

CHAIRMAN DUNCAN: Senate Committee of the Whole will come back to order. Senator Hinojosa.

SEN. HINOJOSA: Thank you, Mr. Chairman.

SEN. FRASER: Senator Fraser?

SEN. ZAFFIRINI: Well, sir.

SEN. HINOJOSA: Can you hear me?

SEN. FRASER: Yes, this is -- these are much better. Yes, I do. I can hear you.

SEN. HINOJOSA: I just have a few questions that I'd like to follow up on.

Do you know how many people are registered to vote here in the state of Texas?

SEN. FRASER: Oh, I do -- I'm sorry, I do not have that number.

SEN. HINOJOSA: None?

SEN. FRASER: I don't -- I don't have the number, I'm sorry. I'm not advised.

SEN. HINOJOSA: Well, do you have any...
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1 evidence?
2 SEN. FRASER: I'm sorry?
3 SEN. HINOJOSA: Do you have any evidence?
5 SEN. FRASER: Evidence?
6 SEN. HINOJOSA: Yeah, evidence to support
your bill about voter fraud when they go to vote?
7 SEN. FRASER: Senator, you know the thing
that we're trying to address here is that, as you know,
it's virtually impossible to detect voter fraud because
our current law makes it impossible not only to -- to
verify that they're voting illegally, but even if you
catch them, we don't have the ability to stop them from
taking advantage of our system today.
14 voting illegally is almost impossible in Texas. That's
the thing that I'm trying to address with my bill, is
that we believe if we make them show a voter ID, then we
will know that they are who they represent themselves to
be.
19 SEN. HINOJOSA: Actually, Senator Fraser,
back home, most of the election judges know who the
voters are in their precincts.
20 SEN. FRASER: Well, that's interesting.
21 Back home, in the area you're from, most of the -- or a
lot of the stories that I've seen reported to the
media -- and actually, you've got two voter registrars
through your area that have endorsed this concept
because they see it as a way to make good public
policy.
11 Are you familiar with the Carter-Baker
Commission on federal election reform?
13 SEN. FRASER: Yes, I am.
19 SEN. HINOJOSA: Okay. Are you aware that
by putting a requirement of having a photo ID to be able
to vote, that there are approximately 3 million
registered voters in the state of Texas that do not have
a voter ID?
24 SEN. FRASER: I don't know where you get
that number.

1 gentleman. He has nothing to base that on, and that is
not in reference to the Carter-Baker report. That is a
3 estimation by some, you know, political hack that --
4 that y'all have asked to write a letter.
5 SEN. HINOJOSA: Well, actually, I thought
it was the opposite. I thought your side was pure
speculation. Thank you.
8 CHAIRMAN DUNCAN: The chair recognizes
Senator Williams.
10 SEN. WILLIAMS: Thank you, Mr. Chairman.
11 Would Senator Fraser yield for some
12 questions?
13 SEN. FRASER: I will yield.
14 SEN. WILLIAMS: Senator Fraser, there's
15 several things that I wanted to clear up for the record.
16 The first, I'd like to make a reference
back to the secretary of state has recently sent this
letter -- she sent it over today -- that indicated that
there would be probably $2 million of the HAVA funds
that would be available for voter education, to help
fund the voter education efforts that we would have in
connection with this bill. And it would be -- normally,
we would be the secretary of state's office who would
develop what those problem programs are with taking into
account our legislative intent about what we're trying

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SEN. WILLIAMS: Okay. Senator, having heard what I heard and what I’ve read here, is Senate Bill 14 designed to inspire that public confidence in the electoral system, especially those in close elections like we’ve just talked about?

SEN. FRASER: Yes, it is. Bill 14 is designed to inspire that public confidence in close elections like that.

SEN. WILLIAMS: And having said that, do you think it’s one of the reasons we -- we talk about?

SEN. FRASER: Yes, it is very difficult.

SEN. WILLIAMS: And having said that, aware of how difficult it is to not only to discover but to prosecute voter fraud?

SEN. FRASER: Yes, it is.

SEN. WILLIAMS: -- we talked about?

SEN. FRASER: Yes, it is very familiar with it.

SEN. WILLIAMS: Okay. Senator, having listened to what I heard and just read a minute ago from the Carter-Baker report that has been referenced here. In that report, their quote was, "There’s no evidence of extensive fraud in the U.S. elections or of multiple voting, but both occur, and it could affect the outcome of a close election. The electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters. Photo identification cards currently are needed to board a plane, enter federal buildings, and cash a check. Voting is equally important." Is that your understanding? Is Senate Bill 14 designed to inspire that public confidence in close elections like that, could have changed history?

SEN. FRASER: So if -- fraud, in an election like that, could have changed history.

SEN. WILLIAMS: Senator Fraser, Senate Bill 14 provides safeguards to protect the reliability and integrity of our voting system, especially those in close elections like we’ve just talked about?

SEN. FRASER: Yes.

SEN. WILLIAMS: Okay. I believe in this...
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SEN. WILLIAMS: Okay. And so, you know, I just think that it was important to get back into the record again about what the Supreme Court actually said in Crawford v. Marion and all of this, of course, was included in the record last time.

I thought it was interesting that Justice Stevens comments about this. He said first, the state has an interest in deterring and detecting voter fraud.

But I would say that, you know, wouldn't you think that especially for the elderly, which we have a big focus on here today, that the inconvenience on elderly voters, people who are age 65, don't they have an opportunity to use a mail-in ballot and they completely bypass any restrictions that your bill or inconveniences that it might cause them?

SEN. FRASER: I'm actually surprised at the percentage now of people that do mail in ballots.

That percentage continues to increase, and so someone that did have a problem getting to the polls -- and, you know, I gave the example last year of my -- my mother in the retirement center, that she couldn't get to the -- it was too much -- it's too hard for her to get to the polls, but she voted by mail. And there's -- there are 14 people in that category, and we have that safeguard in Texas.

SEN. WILLIAMS: Well, and -- and I think we all care about everyone being able to exercise their constitutional right to vote, and along with the provisions that you have for people that are 70 and over plus the mail-in ballots and the fact that provisional ballots can be cast and allow people with expired licenses and that sort of thing the opportunity to prove up who they are, don't you think that addresses many of the concerns that have been raised here today?

SEN. FRASER: Absolutely. They -- and procedures that have been criticized as antiquated and inefficient, and the state, in that case, also argues that it has a particular interest in preventing voter fraud in response to a problem that is, in part, the product of its own maladministration; namely, that in the case -- in this case, Indiana's voter registration roles included a large number of people who were either deceased or no longer live in Indiana.

Now, Senator Fraser, when I look back at the record that we had introduced as Exhibit 1 today, I didn't think that that record include many, many instances where we had people who were registered at fictitious addresses who had been voting or people who were deceased? I think my own brother case and testified that our 15 grandfather had voted for 62 years after his death, and my grandmother had a very difficult time trying to get him taken off the voter roles and, in fact, had not been able to do so.

SEN. FRASER: Yes, I'm -- I'm -- remember that very well.

SEN. WILLIAMS: Okay. And so, you know, there's been a lot of talk about the burden on people, and Senator Davis made some very compelling and interesting remarks in her comments. But I would say that, you know, wouldn't you think that especially for the elderly, which we have a big focus on here today, 2 of the inconvenience on elderly voters, people who are age 65, don't they have an opportunity to use a mail-in ballot and they completely bypass any restrictions that your bill or inconveniences that it might cause them?

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