30 prosecutions of offenses under the election code by prosecutors from the Office of Attorney General, again, often working in conjunction with local prosecuting attorneys in Texas counties. And in terms of the cases that have been prosecuted, three of those cases involved General Elections, the other 27 involve Party Primary or Special or Local Elections.

The 30 cases involved in general, fact scenarios such as these, unlawful abuse of the mail-in ballot process, campaign finance violations, unlawful conduct at the polling place and other obstruction of the elections process.

Finally to give you a general idea of the kinds of cases that go behind these numbers, I just want to briefly lay out a couple of fact patterns for you. The first fact pattern that I've talked about in the House Elections Committee before resulted in a five-year sentence by a jury for a defendant who was involved in a scheme that resulted in two resident aliens voting improperly in a Local Party Primary Election. This case arose out of Calhoun County. It was tried in Jackson County.

The second fact pattern concerns persons who fill out voter registration applications using names and/or addresses of nonexistent persons. We've
had several cases that have involved that fact scenario.

The third fact pattern involves situations in which a person attempts to impersonate or does impersonate others in casting a ballot. There's one case that's been prosecuted that I think you-all have heard about involving an attempt to vote a mail-in ballot of a deceased mother.

SEN. DUNCAN: I'm sorry. Your time has expired.

Senator Huffman, you're recognized.

QUESTIONS FROM SENATE FLOOR

SEN. HUFFMAN: Thank you, Mr. Chair. Mr. Nichols, did you want to just finish quickly?

MR. NICHOLS: Just real quick.

SEN. HUFFMAN: Okay.

MR. NICHOLS: I just wanted to finish that. On the fact pattern is also evident in cases that are under investigation by our office where there are allegations that votes were cast at the polling place by persons other than the registered voter.

And with that, there were some additional items that I want to speak about, but I'll be happy to answer questions.
SEN. HUFFMAN: All right. Basically I just want to summarize that it is -- the way that the Attorney General starts investigating the case is always through a referral from the local officials. Is that correct?

MR. NICHOLS: Yes, Senator. It can come from the Secretary of State, from voters through the election code or from local Election Officials or other local law enforcement.

SEN. HUFFMAN: Has the AG taken on the responsibility of going out into the communities and sitting up at polling places or going to the registrar's office in any way, shape or form?

MR. NICHOLS: No, Senator. That's not our charge.

SEN. HUFFMAN: All right. In looking at the numbers that you've given us and that you've summarized, it's clear that, in fact, there are a lot of difficulties in prosecuting these cases. Is that correct?

MR. NICHOLS: It is. It depends on the kind of violation involved, but all cases of this type are difficult to both investigate and prosecute.

SEN. HUFFMAN: And is that just the nature of the cases and the fact that, of course, they
have to be proved like any other criminal case, and
that is, you have to -- the level of proof is proof
beyond a reasonable doubt. Is that correct?

MR. NICHOLS: Absolutely. As you know,
there are certain screenings that go on through the
investigation of a case, both internally and of the
law enforcement agency. All the cases that we
prosecute are eventually -- if there is a decision
made to proceed to a grand jury, to present it to a
grand jury which makes the decision as to whether
charges will issue. And then, of course, you've got
ultimately a jury trial where those allegations don't
mean anything unless a jury of that person's peers
enters a conviction.

SEN. HUFFMAN: Would the bill that's
being proposed that would establish or attempt to
establish voter identity assist in the prosecution of
at least some of these cases to help to establish the
identity element that is often missing or just
impossible to prove under current law?

MR. NICHOLS: Well, Senator, I don't
understand that I'm here to testify about the bill one
way or the other.

What I would say just generally speaking
any effort that would assist in detecting persons who
attempt to vote illegally could conceivably give rise
to evidence that would be useful in a criminal case.

SEN. HUFFMAN: All right. I want to ask
you about a document that we have and ask you if it is
a work product of the AG's Office that we can enter
into the record.

Mr. Chair, may I have permission to

approach the witness? Mr. Chair, may I approach the

witness briefly to show him --

SEN. WHITMIRE: Sen. Duncan, she wants
to approach the witness.

SEN. HUFFMAN: I can? Okay. May I

approach the witness briefly to show him a document?

SEN. DUNCAN: Yes.

SEN. HUFFMAN: Thank you, sir.

(Discussion off the record)

SEN. HUFFMAN: All right. If I may

proceed? What I'd like you to clarify, there's been a

lot of testimony, I guess, in the last 20 hours or so

about money that was spent by the AG's Office in

investigation of voter fraud cases. I want to make

sure that the record is clear what the actual facts

are. So if we could go through those, or if you have

a summary of that and you want to give that to me for

the record, we could do that and go through that
quickly.

MR. NICHOLS: I can.

SEN. HUFFMAN: Please do that.

MR. NICHOLS: It has -- it has been reported initially in the media and has been repeated by certain folks that the AG's Office spent 1.4 million on cases that the AG's Office has prosecuted under the election code. This information that apparently has been provided to members of this body is inaccurate. The confusion stems, I think, from the fact that there were references to the grant funding when the Special Investigations Unit of the Criminal Investigations Division was created. And people reached the conclusion that because it was funded through grant funding that all that money was used to prosecute and investigate election code cases, which is inaccurate.

As a matter of fact, if you go to the grant package that sought that funding, the grant package made it clear that that funding would be used to prosecute not just election code cases, but cases of public corruption, fugitive apprehension, child protection such as on-line solicitation and child pornography cases, as well as a host of other matters.

And so, in fact, if you crunch the
numbers and trace those grant funds, you'll find at the end of the day that with respect to the OAG's election code prosecutions, $93,579 of that grant funding can be traced to those prosecutions. And so it's just an example, in my mind, of how everyone, including members of this body through no fault of their own, need to be careful about information that's being provided to them about the OAG's enforcement efforts because sometimes that information can be less than accurate.

SEN. HUFFMAN: All right. Thank you, sir. One last question. There's also been some testimony about a depiction of a sickle cell anemia stamp that was shown I believe on a PowerPoint presentation that was presented perhaps from someone from the AG's Office at some point somewhere. Are you familiar with why a sickle cell anemia stamp was used in a presentation from the AG's Office? And explain that, please.

MR. NICHOLS: Yes, I am. That slide actually took evidence from an actual case. It was the Willie Ray case that you-all heard a little bit about today. And that stamp that was actual evidence from a criminal case was included on a slide that had as one of the bullet points the words "unique stamp."
The point of that PowerPoint that was produced was to try to educate law enforcement officers about ways they could investigate potential cases of election code violations. The point of including that evidence was to show that in a particular case, in the Willie Ray case, a key facet of that case was the use of the unique stamp. It didn't matter if it was a sickle cell stamp, a Lou Gehrig stamp, an Abraham Lincoln stamp, it wouldn't matter.

The point is that the fact that that stamp was used on a number of mail-in ballots allowed the investigators to go trace those ballots back to a single source, which of course is the charge that Willie Ray was ultimately charged with.

So first of all, I wasn't at the office at the time. In hindsight I can see how somebody would look at a PowerPoint like that, and frankly given the sensitivities involved, somebody might be offended by that, but it is important to understand exactly why that PowerPoint was put together.

SEN. HUFFMAN: All right. Thank you.
Thank you very much, Mr. Nichols.

SEN. DUNCAN: Thank you, Senator.
Sen. Hegar?
SEN. HEGAR: Thank you, Mr. Chairman.

Mr. Nichols, I was curious, you were talking about Port Lavaca -- the Port Lavaca case, and that's in Senate District 18, which I represent, and you were finishing your comments on that or part way through, and I just wanted to make sure that you were able to finish your comments on that particular case. And I was also curious when you were finishing those comments, because that was a really unique set of circumstances in a three-way race, if I remember, did the voter fraud change the outcome of that election? If you could finish that up for me, please?

MR. NICHOLS: Yes, sir. Just very briefly that case involved a situation where the defendant in the case presented voter registration applications to seven persons who were not qualified to vote because they were noncitizens. The facts of the case as presented at trial showed that the defendant filled out the application on behalf of these persons who were resident aliens, but were not qualified to vote or eligible. The defendant basically misrepresented facts to these resident aliens and took those completed applications to the local elections office to be processed.

And the evidence further revealed that
of the folks that were registered, two of the noncitizens, in fact, voted early in person at a Party Primary Election. And because the defendant had misrepresented things to these resident aliens, it was a situation where not only the election system was put in jeopardy, but these victims -- we considered the resident aliens to be victims because, in fact, she had subjected them to a situation where, if they were prosecuted, there could be ramifications for them as well.

In terms of the outcome of the election which you asked about, the testimony at trial showed that the noncitizen votes did affect the outcome of the election. In that case, it was a three-way race. The defendant received 229 votes. Her runners up received 211 and 210 respectively. And after the count was had, the two lower tallied candidates had to do a coin flip in order to determine who was going to be in the runoff. And then as the D.A -- local D.A. who helped prosecute the case said the defendant's conduct "would have swayed the entire election."

SEN. HEGAR: Thank you. I really appreciate that. And one thing that you said I wanted to make sure I heard that correctly, did you say that your office prosecuted the case or it was the locals,
or did you say that was joint? I was just curious on that.

MR. NICHOLS: We did it together as we often do. In many of these cases, we prosecute in conjunction with -- actually in that case it was two local D.A.s.

SEN. HEGAR: Okay.

MR. NICHOLS: The case originated in Calhoun County. That was where the city councilwoman was from where the election was had. The case was moved under change of venue to Jackson County, and so we actually had two local elected D.A.s that were involved in that case.

SEN. HEGAR: Okay. Great. Thank you very much for your testimony. I appreciate it. Thank you.

SEN. DUNCAN: Sen. Davis?

SEN. DAVIS: Hello, Mr. Nichols. Thank you for waiting so long to come before us today and present your testimony. I just have a couple of questions for you. A moment ago -- I want to make sure I heard you correctly. You said that from August of 2002 to the present 192 referrals of voter fraud -- alleged voter fraud had been made to the Office of the Attorney General?
MR. NICHOLS: That's correct, alleged election code violations.

SEN. DAVIS: Okay. And that you act only on referrals because you don't have the manpower and the ability to go out policing polling places through the Attorney General's Office?

MR. NICHOLS: And, Senator, it's not really just a manpower issue, but it's just a mandate issue. We're not intended to be the -- a front-line monitor of the elections.

SEN. DAVIS: Understood. Of those 192 referrals, you broke them down in terms of where the referrals came from. You also broke them down with regard to the type of elections in which those referrals occurred. Can you tell me -- and I'm sure you said this a moment ago, but I didn't catch it -- how many prosecutions resulted from those 192 referrals?

MR. NICHOLS: It was 30.

SEN. DAVIS: Thirty, okay. And I think you did this a moment ago, too, but I didn't catch all of it. Can you break down of the 30 prosecutions the categories in which each of those were prosecuted?

MR. NICHOLS: Categories as with respect to the type of election or --
SEN. DAVIS: Exactly -- no, not the type of election, but the type of fraud that occurred that you were prosecuting.

MR. NICHOLS: I don't have those figures for you. I can tell you generally that some involved the abuse of the mail-in ballot process, some involved campaign finance violations, unlawful conduct of polling places and other obstruction, but I could break those down for you further if you want me to get you that information.

SEN. DAVIS: Okay. I would appreciate it if you would do that breakdown for us and supply it to the Members.

You did say I think a moment ago that one of those cases involved a voter impersonation, and that was the situation where a woman sent in a mail-in ballot of her deceased mother. Correct?

MR. NICHOLS: That's one of the cases, yes.

SEN. DAVIS: Okay. I am reading a communication from our Attorney General Greg Abbott. It was an Internet communication titled Let's Stamp Out Voter Fraud in Texas. And in that communication the Attorney General states that "Voter fraud is occurring on a large scale when viewed statewide, and
consequently our state elections are significantly impacted. We must redouble our efforts to stem this epidemic." And again, that's dated March 1, 2006.

But I want to make sure I understood you a moment ago. This epidemic involved 192 referrals made from your -- made to your office from August 2002 to the present?

MR. NICHOLS: If your question is did we receive -- did our office receive 192 referrals during that period you mentioned, that's correct.

SEN. DAVIS: Okay. And then further in that communication -- and this goes to support the answers that you gave to Senator Huffman a moment ago. Attorney General Abbott talks about the $1.5 million grant and the way in which he's going to use that grant through the powers of his office. And he states that "Officers from the Special Investigation Unit have been visiting key counties across the state to conduct voter fraud training for law enforcement. Included among these counties are the 14 where my office has previously investigated or prosecuted alleged election code violations. In addition to the ones mentioned above, the list includes comal, Floyd, Harris, Hidalgo, Jim Wells, Parker, Robertson, Tarrant and Waller Counties. Criminal investigators from SIU are also visiting 30 other Texas counties with
populations of at least 100,000. Together these 44
counties contain more than three quarters of eligible
registered voters in the state. As of mid February, a
total of 519 officers had attended 76 sessions
offered." And again, this was a communication on
March 1, 2006.

With the expenditure of that
$1.5 million grant which went to aggressively train
law enforcement throughout our state and which, of
course, was used in part, I think you said, for
purposes of rooting out and prosecuting voter fraud to
quote the statement by the Attorney General in this
communication, with all of that money and all of that
training and all of this focus on what is an effort
"to stem an epidemic," from August 2002 to the
present, there were only 192 referrals made and
investigations pursued by the Attorney General's
Office of election fraud allegations in the State of
Texas?

MR. NICHOLS: Senator, it was a lot in
that question, but I think I tried to clarify in
response to an earlier question about the 1.5. So to
the extent that anyone is operating under a
misapprehension that that 1.5 million was spent on
election code cases alone, that's what I was trying to

clear up for the record.

But again, if your question to me is not taking into account local prosecutors, what referrals our agency has seen to the three sources I talked about, you're correct, it's 192 over the time period August 2002 to the present.

SEN. DAVIS: Thank you very much, Mr. Nichols. I don't have any further questions.

SEN. DUNCAN: The Chair recognizes Sen. Wentworth.

SEN. WENTWORTH: Mr. Nichols, it's pretty late, and I didn't hear everything that was said, but I want to make sure I did understand because I had heard it repeated several times that your office hadn't spent $1.4 million on this. I think in response to Senator Huffman you reported that, in fact, it's not $1.4 million. It's not even $100,000. It's less than $100,000. So $1,300,000 plus went to other things from that grant rather than election fraud cases. Did I -- did I hear that correctly?

MR. NICHOLS: Yes, sir. And in fact --

SEN. WENTWORTH: What was -- what was the exact figure?

MR. NICHOLS: Yes, sir. There were two figures. The initial grant was funded at 1.4. It was
renewed for another year through the Governor's Office for 1.9. So actually ultimately there was a total of 3.3 in grant funding for the Special Investigations Unit, which $3.1 million was ultimately spent by the SIU. And of that $3.1 million, $93,579 was spent on election code cases. Now, of course, we've spent more money than that on election code cases and prosecutions, but the suggestion that $1.4 million in grant funding was spent to prosecute 30 cases is -- is completely inaccurate.

SEN. WENTWORTH: Thank you, sir.

SEN. DUNCAN: The Chair recognizes Sen. Shapleigh.

SEN. SHAPLEIGH: Thank you, Mr. Chair.

Mr. Nichols, I believe Sen. Huffman is going to offer this exhibit. You and I looked at it. This was prepared by you and your office. I think it's going to be hopefully Exhibit No. 38. I'm looking here at SIU funding. Here is what this says.

"The initial $1.9 million DOJ grant was renewed for approximately $2.0 million. To date the OAG has resolved 22 election fraud prosecutions at a cost of $600,000. Of those 22, eight election fraud indictments are now pending."

So can you tell us of the 22 election
fraud prosecutions, which are the sum of the activity from the 192 referrals, how many involved minorities?

MR. NICHOLS: How many involved what, sir?

SEN. SHAPLEIGH: Minorities.

MR. NICHOLS: I can't tell you. I don't track cases by that. I would never do that.

SEN. SHAPLEIGH: Okay. Thank you.

SEN. DUNCAN: There are no other members in queue for this witness. You are excused, Mr. Nichols.

MR. NICHOLS: Thank you.

SEN. DUNCAN: Thank you for your testimony.

The Chair recognizes Sen. Watson to introduce an exhibit.

SEN. WATSON: Thank you, Mr. Chairman.

When the Deputy Secretary of State was here, I identified with him an exhibit that was a page from the House, a report that they had made from the Secretary of State's Office to the House Elections Committee that had two categories. It was voter-registered voters since January 1, 2006 was in the upper category, and then there was a breakdown, and then all statewide voters. That has been marked as
Exhibit No. 38, and I would offer that as part of the record.

SEN. DUNCAN: All right. Senator, it will be made a part of the record, Exhibit 38.

(Exhibit No. 38 marked and admitted)

SEN. DUNCAN: Sen. Huffman, for what purpose?

SEN. HUFFMAN: Yes, Mr. -- I just need to offer the exhibit that Mr. Nichols testified from. It will be Exhibit No. 39 for the record.

SEN. DUNCAN: Would you describe it?

SEN. HUFFMAN: It is the facts of the Special Investigations Unit that gave the numbers of the amounts spent on the prosecutions that Mr. Nichols testified to, and he was questioned by Sen. Davis and Sen. Shapleigh.

SEN. DUNCAN: That will be Exhibit 39. Correct?

SEN. HUFFMAN: Yes, yes.

SEN. DUNCAN: All right. It will be placed into the record.

(Exhibit No. 39 marked and admitted)

SEN. HUFFMAN: Thank you, sir.

SEN. DUNCAN: Sen. Williams, for what purpose?
SEN. WILLIAMS: Mr. Chairman, I have two documents that I'd like to enter into the record. One is the Supreme Court Case William Crawford vs. Marion County Election Board, and the other document is the amicus brief that the State of Texas filed with the Supreme Court of the United States in the same case.

SEN. DUNCAN: Okay. I believe the case would be Exhibit No. 40, and the amicus brief that you referred to would be Exhibit 41.

SEN. WILLIAMS: Thank you, Mr. Chairman.

SEN. DUNCAN: And they will be admitted in the record.

(Exhibit Nos. 40 and 41 marked and admitted)

SEN. DUNCAN: All right. Members, that concludes the invited testimony. I will now at this point in time -- here is the intent of the Chair, is to move into our public testimony. We have been going about two hours, so it's time for our court reporter to take a break.

But before we do that, I'm going to read the names of those ten witnesses that we will ask for you to come to the registration desk, and you'll be admitted and made ready to enter the chamber and give your testimony. And then as that process goes on,
we'll sooner -- we will call at some time later ten
more witnesses and ask you to report.

Again, at this point in time, we will
invoke the 30-minute rule again.

(Inaudible)

SEN. DUNCAN: No, the 30-minute rule
will mean that if you -- if your name is called and
you haven't arrived in 30 minutes, then you would lose
your opportunity to testify. So please -- please try
to adhere to that. Each witness will have three
minutes, and that limit will be strictly enforced.

The first witness I'll call is Claire
Oxley Gluck; the second witness, Hazel Cotton; the
third witness, Cathy Hicks; the next witness
James E. Carter; the next is Rusty Hicks; the next
is Tina Benkiser; the next is B.R. Skipper Wallace;
the next witness is Anita Pruett -- or Privett, I'm
sorry, P-R-I-V-E-T-T, 1212 Guadalupe, No. 107, Austin,
Texas, League of Women Voters; Mary Ann Collins of
Dumas Texas; Rosa Rosales, and those will be the
first -- that will be the first panel of witnesses to
bring into the chamber one at a time.

SEN. FRASER: Mr. Chairman?

SEN. DUNCAN: Who is this,
Sen. Williams? Sen. Fraser?
SEN. FRASER: A question of the Chair, please.

SEN. DUNCAN: State your question.

SEN. FRASER: Could we get a clarification on the intent of the Chair, is that obviously those people that have been here all night and have registered, obviously we want to hear from all of them, but the question would be that the people that have registered, are those the people that will be testifying on the bill? And the question would be if someone came in two hours from now and attempted to register, are we -- the testimony that we're hearing, is it going to be for the people that have registered for the bill right now?

SEN. DUNCAN: It is for people that have registered for the bill.

SEN. FRASER: If someone attempted to register an hour from now --

SEN. DUNCAN: Senator, we're still open for public testimony.

SEN. FRASER: Thank you.

SEN. DUNCAN: The committee will stand at ease until 7 a.m.

(Recess: 6:50 a.m. to 7:03 a.m.)
SEN. DUNCAN: Okay. Members, we are now ready to begin our public testimony. I'll give you just a second to take your seats.

(Brief pause)

All right. The Chair will call the first public witness, Claire Oxley Gluck. Ms. Gluck, please approach, state your name, who you represent. You have three minutes.

TESTIMONY BY CLAIRE OXLEY GLUCK

MS. GLUCK: Mr. President, Distinguished Senators, I'm Claire Oxley Gluck from Boerne in Kendall County, Sen. Wentworth's district. Thank you -- I'm representing myself. Thank you for this opportunity to testify on an issue of fundamental importance to our democracy, the right to vote.

My husband, who is Jewish, has often quoted a poem from Martin Niemoller which I would like to paraphrase to illustrate what is at stake. "In Texas they first disenfranchised the homeless, and I did not speak up because I was not homeless. Then they disenfranchised the poor and elderly, and I didn't speak up because I wasn't poor or elderly. Then they disenfranchised the students, and I didn't speak up because I wasn't a student. And then they
I must now speak up clearly. We in this chamber are, for the most part, people of privilege. We are educated and so we know how to fight for our rights. We have homes and so we have addresses. We have cars so we have driver's licenses. We would not be affected personally by Senate Bill 362, but we have a duty to ensure that no Texan is prevented from voting for lack of a government-issued photo ID.

It's important to reiterate that we all want fair elections. They are the cornerstone of our democracy. One element of fairness is the prevention of fraud. An equally important element is universal suffrage. The problem with Senate Bill 362 is that it would reduce fairness rather than promote it. This bill would hinder universal suffrage without addressing the main sources of voter fraud.

According to the witnesses we've heard over the last 24 hours and academic studies, nonpartisan studies, voter fraud is most likely to occur in absentee ballots, which this bill would not affect. Those studies also indicate that it is extremely rare for a person to go to a polling place and vote using someone else's voter registration card.
I urge you not to pass Senate Bill 362. It poses a sure threat of disenfranchising legitimate voters in order to prevent a hypothetical risk of fraud that has not been shown to occur. Thank you very much.

SEN. DUNCAN: Thank you, Ms. Gluck. Any questions, Members?

(No response)

SEN. DUNCAN: The Chair the hears none. I appreciate your testimony today.

The next witness is -- I think she has a handout, and that will be exhibit -- Ms. Oxley's handout is Exhibit No. 42, and it will be admitted into the record.

(Exhibit No. 42 marked and admitted)

TESTIMONY BY HAZEL COTTON

SEN. DUNCAN: The Chair calls Hazel Cotton. Ms. Cotton, you have three minutes. State your name and who you represent.

MS. COTTON: I'm Hazel Cotton. I'm from Texarkana, Texas. I am an election judge now. I have worked elections since the year 2000 in every capacity imaginable, clerk, poll worker, alternate judge, presiding judge. I have been presiding judge over eight elections starting in May 2006, which was a
local election.

Sen. Fraser talked about a lady in a funny hat that came to the poll twice with two different voter registration cards and attempted to vote both. I have a similar situation that happened to me in the 2000 General Election. It was my first, and the day was barely two hours old when a man came in in an unusual western shirt. He presented me with his voter card. I looked him up on the roll, found him and he voted.

You can imagine my surprise when an hour later he came in again and got in the other line as we were working two lines at the same time. He was going to vote. I saw him, and the election judge also saw him. She stared him down, and he left in a hurry. He was going to vote twice if he had not had on that unusual shirt. This could have been prevented had we had a decent voter ID law in place.

A lot of issues have been raised in the past 24 hours regarding ID cards. This is the 21st century. In theory everyone should have a picture ID. We use them for everything, as we mentioned earlier, from cashing a check to going through an airport. There are people who don't drive or can't drive. They can go to the Department of Public Safety and get an
ID card at a reasonable cost.

There is a blind woman who votes at my poll nearly every election. She uses such an ID card. I also am legally blind, and I have an ID, a picture ID that I wouldn't leave home without. I do use it, and I would encourage you-all to -- for the reasons I have stated to pass the voter ID bill. Thank you very much.

SEN. DUNCAN: Thank you, Ms. Cotton. Ms. Cotton has written testimony. It's marked as Exhibit No. 43. It will be admitted into the record.

(Exhibit No. 43 marked and admitted)

SEN. DUNCAN: Are there any questions of the witness? The Chair hears none.

SEN. SHAPLEIGH: Mr. Chair? Mr. Chair, may I ask one question?

QUESTIONS FROM SENATE FLOOR

SEN. DUNCAN: Sen. Shapleigh, you're recognized.

Ms. Cotton, your -- we have a question.

SEN. SHAPLEIGH: I'm sorry. I just need to know the final end of the story here.

MS. COTTON: Oh.

SEN. SHAPLEIGH: Did you let him vote the second one -- the second time?
MS. COTTON: Okay. The second time the
presiding judge saw the man, and they got into a
staring contest at which time he left the poll.

SEN. SHAPLEIGH: So he did not vote the
second time?

MS. COTTON: He did not vote. He
actually left in a hurry. He left in a dead trot.

SEN. SHAPLEIGH: Thank you.

MS. COTTON: Uh-huh.

SEN. DUNCAN: Thank you, Ms. Cotton.

MS. COTTON: Anything else?

SEN. DUNCAN: Members, any other
questions?

(No response)

SEN. DUNCAN: All right. The Chair
hears none.

The next witness is Kathy Hicks.

TESTIMONY BY KATHY HICKS

MS. HICKS: I would like to thank
everyone.

SEN. DUNCAN: Ms. Hicks, state your name
and who you represent. You have three minutes.

MS. HICKS: My name is Kathy Hicks. I'm
from Bowie County. I would like to thank all the
Texas Senators here for the opportunity to speak in
front of you.

I have been studying election irregularities since 1992 and a poll watcher since 1996. I have a sworn affidavit from a Mr. Ira Stewart of Bowie County that was made available to me through American International Investigators out of De Leon, Texas.

On Mr. Ira Stewart's absentee by mail application that he did not request nor did he sign, the name "Ora Stewart" is filled in and the signature is signed. There was no registration number or application on the application by mail nor one filled in when stamped by the clerk.

I would like to read you his statement.

"My name is Ira Stewart. I'm above the age of 18 years and am of sound mind. I have a personal knowledge of the facts stated herein under oath as follows: I live at 104 Brown in Texarkana, Bowie County, Texas. I received an absentee ballot in the mail. I don't remember how a ballot was mailed to me or why. Willie Ray came by my house and asked me to sign the blank ballot. I did not fill it in. The ballot -- I did not fill the ballot in. The ballot -- but I did sign it. Ms. Ray then took my ballot and told me that she would take care of it. Mr. Don
Praiznor wrote this statement for me at my request.
This completes my statement."

As you-all will see, I made 40 copies.
Everybody has one. He cannot barely even sign his
name. On his applications, they are signed as it was
on his voter registration card back in 1988.

Back in 1996 we had a County Clerk named
Marylene Megason. She was indicted. She was removed.
I don't have a fact -- you will see as his voter
registration card will show, there is an "i" inside of
that "o." We believe that the County Clerk was in on
helping change his application.

I also have here a Ms. Doris Harene
Miles where she states she did not request or fill out
an application for ballot by mail, and she doesn't
know why she received an absentee ballot by mail. She
stated that Willie Ray got her to fill out the
absentee ballot, and Ms. Ray put the postage stamp on
it, a sickle cell postage stamp, and took it. She
later on went to the polls, and they said "oh, no, you
have voted." So she did not get to vote, but actually
she did vote, but she was confused because she didn't
request the ballot, but the ballot came to her.

Also here I have a statement -- I'm
going to leave it with you because I didn't make 40
copies -- which shows that Willie Ray came by another lady's house by the name of the Jolene -- did the same set up, she came by, she got the application, she came back when the ballot got there, but she told her how to vote because Murphy could care less how she voted. I'd like to leave this with you.

SEN. DUNCAN: All right. Thank you for your testimony. Ms. Hicks has presented written testimony, which will be Exhibit No. 44. It will be admitted into the record.

(Exhibit No. 44 marked and admitted)

SEN. DUNCAN: Are there any questions of Ms. Hicks?

(No response)

SEN. DUNCAN: Thank you, Ms. Hicks, for your testimony in the Texas Senate.

TESTIMONY BY JAMES E. CARTER

SEN. DUNCAN: The next witness is James E. Carter. Mr. Carter, would you please approach, state your name, who you represent? And you have three minutes.

MR. CARTER: James Carter. I'm going to be speaking to you from two positions. One I have -- I am serving as the training officer for the Bell County Republican Executive Committee under the
provisions of 32.113 of the election code, which mandates that training be provided; secondly as an election judge, and I have been an election clerk and judge since about 1990 on my own in the precinct.

The training that I mentioned is given to the election judges and clerks. It is based on material provided by the Secretary of State and a handbook that's called the -- Training for the Judges and Clerks put out every two years. The current version is 2008-2009. A copy of that is provided to each election worker. It is of such a nature that it can be taken to the polls for reference purposes.

However, here is the key thing: The majority of these election workers may have worked only one, two, possibly three elections in a two-year period. Some are working for the first time, and yet they are expected to perform and serve anywhere from 30 to 50 percent of their precinct's eligible voters on election day. That is a tremendous amount of people to process in a short period of time, and yet they're expected to do it perfectly.

They take an oath to protect the integrity and purity of the election before the polls open. They take that oath very seriously and become very concerned when they lack a key tool to prove that
the individual appearing before them is who they represent themselves to be. That is a photo ID that verifies that person is exactly whom they represent.

After the polls have closed a couple weeks later, we have become aware that judges and clerks come in and say "I saw a person vote twice." In the Primary, we're told that one person voted in the Republican Primary. Subsequently later that person was seen to exit the Democrat side on the other side.

We need to pass this bill to prevent consternation and protect the integrity of our election process. Thank you.

SEN. DUNCAN: Thank you, Mr. Carter. Members, are there any questions of Mr. Carter?

(No response)

SEN. DUNCAN: All right. The Chair hears none. Thank you for your testimony.

TESTIMONY BY RUSTY HICKS

SEN. DUNCAN: Rusty Hicks? Mr. Hicks, you have three minutes. Please state your name and who you represent.

MR. HICKS: My name is Rusty Hicks. I'm a resident of Texarkana, Texas, in Bowie County. I've been active and concerned about the integrity of the
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1 election process for many years. Over this time, I
2 have discovered many irregularities in the voting
3 process of Bowie County and the City of Texarkana,
4 Texas. After inspecting the sign-in sheets of early
5 voting in person, including the '08 Primary, it was
6 discovered that three voters voted early in person
7 claiming residency at an address no one seems to live.
8
9 After further inquiry into this matter,
10 it was determined that this location was vacant and
11 currently vacant to this day. This location is 1617
12 Gatling Street in Texarkana, Texas, which is owned by
13 a standing city council member, Willie Ray, who voted
14 using this address. It has been discovered that
15 Ms. Ray actually resides at 574 County Road 1224
16 outside of Texarkana, Texas, outside the city limits
17 since the year 2000.
18
19 If a proper and accurate and current
20 photo ID was given at the polling place, the election
21 judge would have discovered that these voters were
22 ineligible to vote from this location. It is also a
23 major concern that Ms. Ray is not eligible to obtain
24 the city's council status. What is most alarming
25 about this matter is that Ms. Ray had a lawsuit, state
26 versus -- Ray vs. the State of Texas and claims
27 residency owned -- under oath at 1617 Gatling Street

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in this federal lawsuit.

I appreciate the opportunity to testify in front of the Texas Senate. As you hear testimony for and against this voter ID bill, it is my experience that voter identification can only improve the integrity of the election process. My recommendation would be to vote yes for SB 362. And I do have an exhibit -- two exhibits of current next door neighbors to this Ms. Ray. They are sworn and notarized testimony that they have been living next to her for nine years.

SEN. DUNCAN: All right. Thank you, Mr. Hicks. That will be Exhibit 45, and it will be admitted into the record.

(Exhibit No. 45 marked and admitted)

SEN. DUNCAN: Do you have anything -- anything further?

MR. HICKS: No, sir.

SEN. DUNCAN: Okay. Members, are there any questions for Mr. Hicks?

(No response)

SEN. DUNCAN: All right. The Chair hears none. Thank you for your testimony.

Members and also guests, we have -- I'll read the next ten witnesses. And if you'll report to
the registration desk in the front, then you'll be
admitted to the chamber: Dustin Rynders; Marcia
Correira of Elgin, Texas; Rene Lara of Austin, Texas;
Lee Medley of Santa Fe, Texas; John Watkins of Wells
Point; Kenneth Flippin of Austin; Annie M. Banks of
Houston; Rachel Hernandez, San Antonio; Renato de los
Santos from Dallas; and Judy Holloway of Lakeway.
Please report to the registration desk and you'll be
admitted.

TESTIMONY BY TINA BENKISER

SEN. DUNCAN: The next witness is
Tina Benkiser. Ms. Benkiser, please state your name,
who you represent, and you have three minutes.

MS. BENKISER: Thank you, Mr. Chairman,
Senators. My name is Tina Benkiser, and I'm Chairman
of the Republican Party of Texas. I'm here to talk
about election integrity, specifically safeguarding
one of our most precious rights, the right to govern
ourselves.

In choosing leaders, nothing is more
important than voter confidence that our elections are
fair and just. Vote fraud erodes that confidence, and
in close races can result in unjust results.
Moreover, every single fraudulent vote cancels out a
valid vote by a hard-working Texan and undermines the
election process. Requiring a photo ID is a simple
common-sense tool to help ensure fair elections and
just outcomes.

The majority of votes in an election are
still cast on election day or at the polling place,
and the process is vulnerable to fraud. In person,
voter fraud is nearly impossible to detect at the time
if no photo ID is required, and it's rarely detected
afterwards unless an election contest occurs, and
those are rare, they are time consuming, and they are
expensive. And only in such cases can the immediate
effects of the fraud be reversed.

Requiring photo ID simply helps election
workers make sure that the person casting the vote at
the ballot box is the same qualified registered voter
that's listed in the poll book. In this age with more
than 40 million Americans moving every year and about
13 million voters in Texas, election judges just
cannot know everyone that comes to the polls,
especially in urban areas. So it's just common sense
that presenting a photo ID that matches the poll book
will better protect voters' rights.

Where photo ID has been instituted,
the process has been fairly easy. Contrary to
critic-style warnings, experience has shown no real
problems in requiring photo ID to vote. In Indiana and Michigan, it went into effect, 99 percent of the voting age population already had the required ID. Those who didn't voted a provisional ballot, and if they were eligible, the vote counted.

In looking at the impact of photo ID on voting behavior, one scholar has noted that critics' claims of coming to disenfranchisement are nothing more than irresponsible and ignorant exaggeration. You've heard testimony today that voter turnout increases, and the effect of photo ID was positive for counties with greater percentage of minorities and families in poverty.

In last year's election, states with the most stringent requirements had significantly higher turnout than did neighboring states with similar demographics that did not require the same. The real problem is that identity theft and voter impersonation are still alive and well. We've seen that in New York, we've seen huge scandals in Washington, Michigan, Missouri, Wisconsin and even next door in Louisiana.

The widespread popularity of voter ID suggests the general public is concerned about voter dilution for ineligible voters. Photo ID is common
sense. To ensure public confidence, I ask that you support Senate Bill 362. Thank you.

SEN. DUNCAN: Thank you, Ms. Benkiser.

Are there any questions of the witness?

(No response)

SEN. DUNCAN: All right. The Chair hears none. Thank you for your testimony.

TESTIMONY BY B.R. SKIPPER WALLACE

SEN. DUNCAN: The Chair calls B.R. Skipper Wallace of Lampasas. Mr. Wallace, state your name and who you represent, and you have three minutes.

MR. WALLACE: My name is Skipper Wallace. I represent the Texas Republican County Chairmen's Association. I've been a county chairman for 17 years.

Since the days of LBJ in Duval County in 1948, we've known we've had a problem with voter identification at the polls. We've had a recent Rasmussen Poll on January 22, 2008 that showed 67 percent overall favored voter ID, 75 percent Republicans, 63 percent Democrats and Independents, and they all support voter ID.

Indiana -- we have an Indiana Supreme Court decision that says it's not a substantial burden
to have to get a voter ID. We have 12.7 million
registered voters at the last Primary. We have
14 million DPS driver's licenses that are issued. We
have 4 million Texas ID cards that have been issued,
and we have another 5.3 million governmental IDs
issued. The voting age population is 17.7 million.
You guys can do the math. I don't have to add it
up for you.

I have a brother Sam. He has cerebral
palsy. I've heard lots of testimony about the
handicap and elderly. I have a mother that's 87 years
old. Both of them have photo IDs. I asked them how
much trouble it was to get them. They said "Well, all
you had to do was go down to the DPS office. That was
the biggest problem." I asked my brother -- the only
thing he can do for himself is breathe and work the TV
controller. And he said it was some trouble getting
down to the -- to the DPS office. However, he said
his right to vote and maintaining that right to vote
was much more important than any inconvenience that he
would have to go through to get his photo ID.

I've been an Election Official for 17
years. It is a simple fact that unless you know the
person coming in to the polling place personally that
you cannot refute who they are. It's impossible to
prove voter impersonation at the polls unless you
personally know the person or the ID card. It just --
and that's the reason we don't have any cases.
I have confidence in the voting system.
I think we need to take an ounce of prevention instead
of a pound of cure and pass this Senate Bill 362.
Thank you.

SEN. DUNCAN: Thank you, Mr. Wallace.
Members, are there any questions of Mr. Wallace?
(No response)
SEN. DUNCAN: The Chair hears none.
Thank you for your appearance at the Texas Senate.
MR. WALLACE: Thank you.

TESTIMONY BY ANITA PRIVETT

SEN. DUNCAN: The Chair calls Anita
Privett. Ms. Privett, please state your name and who
you present. Before you begin, we have your written
testimony as Exhibit 46. It will be admitted into the
record.

(Exhibit No. 46 marked and admitted)
SEN. DUNCAN: Thank you. You have three
minutes.

MS. PRIVETT: I'm Anita Privett. I
represent the League of Women Voters of Texas. The
League of Women Voters of Texas supports full voter
participation and opposes efforts that may create barriers blocking this participation.

We have real concerns that Senate Bill 362 creates needless barriers to citizen voter participation and does not address the issue of election fraud. It's been suggested that with the requirement of a photo ID at the polling place election fraud will be eliminated.

However, researchers have not found widespread fraud that would be caught by photo -- photo ID. If we are to rely on a driver's license for a photo ID, we find that those who do not have a driver's license are more likely to be elderly, disabled, poor, a member of a minority community or have an illness that makes it unsafe to drive.

Also there are many Texas woman who have both a valid voter registration card and a Texas driver's license, but the names do not match because of a recent divorce or marriage. These woman will be inconvenienced when they attempt to vote, and it is entirely possible that it could keep some of them away from the polls.

Currently the Texas on-line poll workers training can be completed in 60 minutes or less.
indicates that there are ten possibilities with
instructions on how to handle each one. What would it
take to get this training expanded to include the many
possibilities to look for while determining whether
the photo and accompanying documents meets the photo
ID requirements? The goal must be to provide training
so that reasonable people will come to the same
conclusion when qualifying voters.

Obviously there are costs to Texas in
this bill that are not addressed. Some costs include
issuing photo IDs for those who don't have them,
writing and providing training and making sure that
each citizen knows about these changes. Only
one-third of the counties in Texas have Websites that
can get information to their citizens in this
country -- in their county. I'm sorry.

Voting is the most fundamental
expression of citizenship. Breaking down barriers to
citizen voter participation, from literacy tests to
poll taxes, has been a constant battle for those of
who believe that all citizens should be able to
exercise their right to vote. We support full voter
participation by all eligible Americans, not
restrictions. Thank you for this opportunity to share
our views.
SEN. DUNCAN: Thank you, Ms. Privett. We appreciate your appearance today. Are there any questions for Ms. Privett?

(No response)

SEN. DUNCAN: All right. The Chair hears none.

TESTIMONY BY MARY ANN COLLINS

SEN. DUNCAN: The Chair calls Mary Ann Collins. Ms. Collins, you have three minutes. State your name and who you represent.

MS. COLLINS: I'm Mary Ann Collins. I represent myself. I have been an election judge for 27 years and a poll watcher at early voting and the ballot board off and on for years.

In '06 I was a poll watcher at a location in Dallas and just standing there watching, and all of a sudden here comes this lady with purple hair. Needless to say that got my attention, just went on. That afternoon I look around and here comes the purple hair again. I thought "No, that can't be because she's already been through the qualifying table," and that's what I naively thought. It dawned on me later she was voting on somebody else's certificate.

So several days after the whole election
was over, a clerk at that polling place who was there the day that I was called me about a completely unrelated matter, and I said to her "I think there was a lady there who voted twice." She said, "Oh, yes, I know exactly who you mean. I asked her if she hadn't been here before, and she said no."

Now, I will say that after -- I figured out what happened on the day I saw all this. I did call the District Attorney's Office. Of course, it's what we've already said today, it's very hard to prosecute these things because I had no information. I didn't know the lady's name. It didn't dawn on me until too late about what happened.

But my point about all of this is anybody that has got more than one voter registration card, no matter where they got it, could make the rounds of at least six early voting locations in one day in Dallas. So that is where we have a huge problem.

Just one other little sideline that I would like to mention is that I was a poll watcher for the ballot board in Dallas County. This ballot board is chaired by a Democrat. And in order to be a poll watcher on that board, I had to submit a voter registration card and a picture ID. Thank you.
SEN. DUNCAN: Thank you, Ms. Collins. Are there any questions of the witness?
(No response)
SEN. DUNCAN: All right. The Chair hears none. We appreciate your testimony today.

TESTIMONY BY ROSA ROSALES

SEN. DUNCAN: The Chair calls Rosa Rosales of Washington, D.C., the League of United Latin American Citizens. Would you please -- before you begin, you have written testimony. That will be admitted as Exhibit 47.

(Exhibit No. 47 marked and admitted)
MS. ROSALES: Thank you.
SEN. DUNCAN: Hold on just a second.
MS. ROSALES: And I'm from San Antonio, Texas. The main office is in Washington, D.C.
SEN. DUNCAN: And if you could just for the record, state your name and --
MS. ROSALES: My name is Rosa Rosales. I'm the National President of the League of United Latin American Citizens. On behalf of the League of United Latin American Citizens, I thank the Texas State Committee of the Whole for providing me this opportunity to discuss our concerns in opposition to the Texas Senate Bill 362.
We firmly believe that this legislation will disenfranchise thousands of Texas voters, many of them minority and elderly, disabled and women. We also believe that this legislation will have little impact in reducing the alleged in-person voting fraud which the bill is supposed to be designed to prevent.

As made clear by your two-year one point million investigation by the Attorney General Greg Abbott, in-person voting fraud is virtually nonexistent in Texas under existing voter regulation.

My organization advances the economic condition, educational attainment, political influence, health and civil rights of Hispanic Americans to community-based programs operating in more than 700 LULAC councils nationwide, including over 200 here in Texas. Among many other activities, LULAC has sought to help Latinos become citizens and registered to vote. Since our founding in 1929 -- we are 80 years old this year we celebrate -- we have also had to bring the State of Texas to court repeatedly for violating voting rights of Latino citizens within the state. In the vast majority of the states, these cases we have prevailed, costing the state millions of dollars in legal fees that could have been spent on education and other beneficial
Let me state for the record that if the Texas Legislature passes and the Governor signs legislation that is similar in nature to how -- Senate Bill 362, LULAC will take the State of Texas to court yet again. We will prevail, and it will cost the state several million more dollars in legal fees at a time when Texas taxpayers can least afford it.

The Texas Election Code already requires the voters -- well, if my time is up, let me just say that we really feel that this Senate Bill 362 does discriminate against minorities, particularly Latinos and blacks and women, disabled, and we strongly urge to reconsider.

One of the things -- and they said it before and I'll say it again -- we've come a long ways from the times they used to say that --

SEN. DUNCAN: Ms. Rosales --

MS. ROSALES: -- no dogs, no Mexicans and no blacks allowed in restaurants, drinking fountains and swimming pools. And we just feel this is another barrier that we do not need. Thank you so much.

SEN. DUNCAN: Members, are there any questions of the witness?
SEN. DUNCAN: Okay. The Chair hears none.

SEN. URESTI: Mr. Chairman?

QUESTIONS FROM SENATE FLOOR

SEN. DUNCAN: Oh, I'm sorry. We do --

Ms. Rosales, we do have a question.

Senator Uresti, you're recognized.

SEN. URESTI: Thank you, Mr. Chairman.

Thank you, Ms. Rosales. I want to thank you for spending the evening with us, and I also want to thank all of the guests that are here that are either for or against this bill for staying with us and watching the process. And I say that because all of us appreciate this process. And so again, for those that spent the evening with us and that are in the gallery, thank you very much.

Ms. Rosales, I know time is short. I just want to ask a few questions, if I may, to follow up on some of the comments you made earlier. In particular on Page 3 of your brilliant testimony, you mention that as many as 11 percent of the United States citizens, more than 30 million individuals do not have a government-issued photo identification.

And you also mention that 18 percent of seniors,
25 percent of African-Americans and 16 percent of Latinos lack a current government-issued photo ID. If you could, could you just expand on that a little bit and why LULAC is taking the position that they are with regard to opposing this bill?

MS. ROSALES: One of the reasons that LULAC is opposing this bill is the fact that we want everyone to have that opportunity to vote. And studies have shown, that our attorneys have looked over, where those figures -- those statistics that you just mentioned aren't true. And if you don't have any kind of an ID, whether it's a driver's license or other identification, you will have problems.

As it is right now, when a lot of Latinos go to vote and even if they have the voter registration, sometimes there's problems with that, and they've been asked "Do you have still live at this address?" The question -- there is some kind of intimidation there, but we strongly feel that it is important that every voter votes, and it's important not to have barriers, you know. We feel that this is just another barrier. Somebody has said it before, it's like bringing back the poll tax. You know, a lot of our elderly don't have that money to go get and pay for that ID.
And also, you know, we talk about this epidemic of voter fraud, and that's one of the reasons for this bill when I've been hearing testimony that it was 192 cases that they found some kind of fraud, and out of the 192 cases only 30 cases were convicted or something like that. To me when millions of Texans have voted, that is not an epidemic.

SEN. URESTI: Very well. Thank you, Ms. Rosales.

SEN. DUNCAN: Members, before we go to the next witness, let me call out another round of cards. And if you'll report to the registration desk then you'll be admitted to the chamber: Lydia Camarillo; Edward B. Williams, Kilgore; Madeline Dewar of San Antonio; Helen Villarreal of San Antonio; Roxann Lewis, Galveston County; Mark Williamson of Katy; Vanessa Edwards Foster of Houston; Luis Figuero of San Antonio; Patti Edelman of Austin; Kenneth Koym of Austin; and Joni Ashbrook of Bastrop; and finally Karen Renick of Austin. Will you please report to the registration desk?

Again, I'm going to make one last call for any persons who would wish to testify. If you're here and you want to testify, please report to the registration desk.
TESTIMONY BY DUSTIN RYNDERS

SEN. DUNCAN: The next -- okay. The next witness is Dustin Rynders of Austin. Please state your name, who you represent. Before you begin, Mr. Rynders has an exhibit, which is his testimony. It will be admitted as Exhibit 48.

(Exhibit No. 48 marked and admitted)

SEN. DUNCAN: You have three minutes.

State your name and who you represent.

MR. RYNDERS: Yes, my name is Dustin Rynders, and I'm an attorney with Advocacy, Incorporated, which is the protection and advocacy system for the State of Texas. We protect the legal rights of people within disabilities within the state. I'm here today testifying not only on behalf of Advocacy, Incorporated, but also on behalf of the Disability Policy Consortium, which is a consortium of over 24 disability rights organizations in the State of Texas.

AI is charged with ensuring individuals with disabilities full participation in the electoral process as a part of the Help America Vote Act. Both AI and the Disability Policy Consortium oppose Senate Bill 362 which burdens Texas voters in our sense because of unnecessary and erroneous voter ID
restrictions and requirements, risks disenfranchising hundreds of thousands of voters with disabilities and waste resources that could be redirected at other problems facing the state.

We've heard a lot today about differing opinions on what the evidence is of fraud, and my guess is that most of you have made your determinations of what you think that evidence is. I will tell you that in running a voter hotline across the State of Texas, the majority of calls and complaints we receive and the complaints that we've reviewed from the Secretary of State's Office showed that the real problems in elections in Texas still involve poor handling of voter registration, lack of access to absentee ballot applications, voter intimidations, inaccessible polling places, poorly trained poll workers and violations of the right to assistance for people with disabilities.

Texas should address these problems instead of looking at adding barriers to the ballot box, in our view. Texas already has strong criminal laws to deal with any fraud that does occur, and at least 8 percent or 1,270,000 voting age Texans do not have the most common two forms of a photo identification.
Texans with disabilities are among the least likely to have a form of state-issued photo ID because many do not drive. We need photo ID for banking or other activities, which others often assist them with. While Senate Bill 362 allows those with photo -- without photo identification to present two current nonpreferred forms of ID, such as a utility bill or other piece of government mail, this provision does little to expand access in practical terms. After all, many people with disabilities are less likely to have the numerous forms of nonpreferred identification.

For example, many people with disabilities live with relatives in group homes and nursing homes, don't have utility bills. Even for those who do have two of these documents, many have voted for many years without knowledge of these changing laws. We've heard a lot today about what has been done and what hasn't been done in this bill as far as voter education.

In our experience, training voters with disabilities across the state, written notice is not going to be sufficient. You're going to need the kind of in-person training that Dennis Borel spoke about earlier, and I would trust that you would consider
Also consider the expense. HAVA Funds were used to train voters with disabilities in this state at a cost of $3.5 to $3.6 million each year, more than the Secretary of State has said they currently have left in HAVA Funds.

SEN. DUNCAN: Thank you, Mr. Rynders.
We appreciate your testimony. Is there anyone in the -- any member that would like to ask a question?
(No response)
SEN. DUNCAN: The Chair hears none.
Thank you for your testimony today.

One of the cards that I think got stuck to another card awhile ago, and this is when we were calling persons down to the front registration desk, I would like to add to the names that we previously called, Sylvia A. Mendoza. Ms. Mendoza, please arrive at the Senate -- at the Senate chamber and the front registration desk, and you'll be admitted to the chamber.

TESTIMONY BY MARSHA CORREIRA

SEN. DUNCAN: The next witness is Marsha Correira. And please forgive me for my tongue not working right then. Please state your name and who you represent. Before you begin, though, let me
introduce your written testimony. Ms. Correira has written testimony, which will be Exhibit 49. It will be in the record.

(Exhibit No. 49 marked and admitted)

SEN. DUNCAN: Okay. Go ahead. You can begin.

MS. CORREIRA: My name is Marsha Correira. I'm from Bastrop County. Greetings to Senator Hegar.

I want to tell you about Mrs. Amanda Jones. Mrs. Amanda Jones of Bastrop County never drove a car, never had a driver's license nor a passport. Mrs. Jones was one of the fortunate ones. She had a large loving family network who took care of her -- who took her to DPS and got her photo identification card. If Mrs. Jones had been without family to help her out and this bill had been in effect last year, she couldn't have cast her last ballot. It was cast by mail, and she died at

(crying). I'm sorry.

There are senior citizens all over Texas just like her, and I'm going to be one if I'm not one already. I'm sorry. It's been a long day and a long night.

First of all, I want to say if there's a
criminal out there that's smart enough to get their hands on my voter ID, don't you think -- my voter ID -- my voter certificate, don't you think they'd be clever enough to take my bank statement out of my mailbox or maybe my utility bill? If it's not photo ID, it's not photo ID.

And the purchase of a State of Texas provided ID card and the purchase of the supporting documents to obtain that ID amounts to a fee to vote, a poll tax. The 24th amendment to the U.S. Constitution in 1964 overturned the poll tax. The burden and expense of acquiring these documents would be onerous for some voters, especially for the poor, minority, the very young and senior citizens.

The poll tax was prohibited, but some states continued to assess it. And there was a court case before the Supreme Court, and they said that once the franchise is granted to the electorate, lines which determine who may vote may not be drawn so as to cause invidious discrimination. This would be invidious discrimination.

The interest of the state, the Court said, when it comes to voting registrations is limited to the fixing of standards related to the applicant's qualifications as a voter. In an earlier case, they
said undoubtedly the right of suffrage is a fundamental matter in a free and Democratic society, especially since the right to exercise the franchise in a free and unimpaired manner --

SEN. DUNCAN: Ms. Correira, your time limit is up. I think you have written testimony for us, and I know you didn't get through it, but you need to go this way.

QUESTIONS FROM SENATE FLOOR

SEN. SHAPLEIGH: Chair, I'd like to ask her a question.

SEN. DUNCAN: Sen. Shapleigh?

SEN. SHAPLEIGH: She's been here all night.

MS. CORREIRA: Thank you --

SEN. DUNCAN: Sure.

SEN. SHAPLEIGH: -- and you had to take a little time. Could we finish her statement?

SEN. DUNCAN: Sure. Sen. Shapleigh is recognized to request an extension of the time for the witness.

MS. CORREIRA: Thank you. They said undoubtedly the right of suffrage is a fundamental matter in a free and Democratic society, especially since the right to exercise the franchise (crying) I'm
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1 sorry; I'm sorry -- especially since the right to
2 exercise the franchise in a free and unimpaired manner
3 is preservative of our basic civil and political
4 rights. Any alleged infringement of the right of
5 citizens to vote must be carefully and meticulously
6 scrutinized. The Court said, to repeat, "Wealth or
7 fee paying has, in our view, no relation to voting
8 qualifications. The right to vote is too fundamental
9 to be so burdened or so conditioned."
10
11 It is obvious that SB 362 is an illegal
12 attempt at voter suppression and infringement of the
13 right to vote, and it's unconstitutional. Please vote
14 against this unconstitutional bill. And I'm really
15 sorry. I've been here since yesterday at 8:30, and
16 I'm just exhausted.
17
18 SEN. DUNCAN: Thank you for your
19 testimony in front of the Texas Senate. We appreciate
20 your waiting with us. If we could get her some
21 assistance, please?
22
23 TESTIMONY BY RENE LARA
24
25 SEN. DUNCAN: The Chair calls Rene Lara.
26 Please state your name and who you represent. I
27 believe you have written testimony.
28 MR. LARA: (Inaudible)
29 SEN. DUNCAN: Okay. That will be fine.

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Thank you. You have three minutes. Thank you.

MR. LARA: Mr. President, Members, this has been a long 24 hours since we registered to testify. It's been a long hearing, and it's been emotional. My name is Rene Lara. I'm with the Texas AFL/CIO here representing over 200,000 members in our state, including refinery workers, teachers, plumbers, nurses, theatrical workers, correctional officers, firefighters, as a way to describe my purpose here today, not to certainly think that this is, you know, testimony that is more valuable than some of the very emotional testimony we've heard already.

Our organization, through the United Labor Legislative Committee, has taken a position opposing Senate Bill 362 for some of the same reasons that you heard yesterday and today, and I'm not going into -- into those issues. In short, for many people we think that this bill makes it more difficult, not easier to vote, and that's the wrong direction to take our democracy, we believe.

There is another issue that we'd like to bring up and concern about the bill. It does require an official ID in order for a person to vote, and among the various forms of identification authorized for voting, the most commonly used and recognized...
would be the driver's license or personal ID card issued by the Department of Public Safety. This legislation strongly encourages those without an ID to eventually obtain a state ID if they want to vote, and that, Members of the Legislature, we think would -- in doing so would be taking a big step towards establishing a state ID, and a state ID system is one computer connection away from a national ID system.

Members, the National AFL/CIO and the Republican Party of Texas have a policy/position in common. They both oppose a national ID program and the REAL ID Act. And as you may know, the federal government expects Texas to comply about the REAL ID Act, which envisions that all states be linked through a national database by requiring an official state ID as the most commonly recognized document for voting. We are, in effect, we believe, moving one big step closer towards that national ID system, and that greatly concerns us.

That is my testimony, and I am open to any friendly questions.

SEN. DUNCAN: Thank you, Mr. Lara. Are there any questions of the witness?

(No response)

SEN. DUNCAN: All right. The Chair
hears none. Thank you for your appearance today.

TESTIMONY BY LEE MEDLEY

SEN. DUNCAN: The Chair calls Lee Medley. Mr. Medley, please state who you represent -- your name, who you represent, and you have a three-minute limit.

MR. MEDLEY: My name is Lee Medley. I'm with the United Steelworkers. I represent the Steelworkers District Council. I'm a good tax-paying Texan of which I just paid some taxes. Nobody asked me for two forms of identification, and of course they didn't ask me for two forms when I paid my tags or my hunting license or anything like that.

That's not why I'm here, though, this morning. Now, I work in a plant. I work on the Houston Ship Channel, and I'll be back in that plant probably this weekend. And when the guys and the women I work with ask me "Well, what are they doing in Austin?" I'm going to say "Well, they're working on some mythical twin brother voting conspiracy while our brothers and sisters in Lone Star, Texas are getting laid off; while Rockdale, Texas, the Alcoa plant is being shut down; while Dow Chemical is laying people off left and right in Freeport," and the best thing we can figure out to work on is some mythical voter fraud.
that still -- I mean, I think I've heard 23 people at the most.

750 people got laid off in Lone Star, Texas two weeks ago. Those are tax-paying citizens. Those are good benefit-bearing jobs. They don't -- excuse me -- they don't care about this. What they're concerned about is putting food on the table for their families. That's what you-all are elected to do, is represent those people, not political parties, not playing these games, it's to represent working families in the State of Texas. That's why you're here. That's what I want to go back and tell my brothers and sisters at my plant, that they're working hard for you and your family, but right now I don't think I could say that.

And that's my testimony. I will tell you right now Rome burns, the Senate is fiddling.

Thank you.

SEN. DUNCAN: Thank you, Mr. Medley, for your testimony. Are there any questions?

(No response)

SEN. DUNCAN: All right. The Chair hears none.

TESTIMONY BY JOHN WATKINS

SEN. DUNCAN: The Chair calls John
Watkins. Mr. Watkins?

MR. WATKINS: Hello. My name is John Watkins. I'm from Wells Point, Texas. I appreciate the opportunity, Mr. President and Senators, to speak before you.

On this bill that's before us, the Senate 362, I have worked -- my background is I have worked as an alternate judge, as a clerk and a Spanish language translator. I see very little difference between present practice and what we're doing and what is offered in this bill as far as a photo ID. This bill does not require a photo ID. It makes it a first choice.

The big difference I see in this bill and present practice is in the certificate. When someone comes to us presently using no certificate, we look them up on the rolls. We check a block on the sheet stating that they did not have or did not present a certificate so that they'll get mailed a new one presumably. And then after verifying with some ID that was approved already by the state, and there's various ones, then we verify them, and we get them to vote.

And this bill, by requiring -- from the way I read the bill, it requires them to have in their
hand that certificate. And I believe Ms. Huffman -- or no -- well, it was Sen. Fraser and another Senator from this side, which I couldn't see from where I was at in the balcony, and they had an exchange about a 2fer or a 3fer, and that is pertinent because that's the key issue here.

Probably 30 percent of the people that I meet when I'm working in the poll do not have their certificates with them, and it's not just minorities, it's everybody. So that's one reason that I'm -- unfortunately I'd like to say yes, vote for this bill, but personally I cannot do that because of that particular issue. And hopefully those two Senators will work that out because we do need some sort of control in the polls to avoid it, to avoid fraud.

Thank you.

SEN. DUNCAN: Thank you, Mr. Watkins. Are there any questions of the witness?

(No response)

SEN. DUNCAN: The Chair hears none.

Thank you for your appearance today in the Texas Senate.

TESTIMONY BY KENNETH FLIPPIN

SEN. DUNCAN: The Chair calls Kenneth Flippin. Mr. Flippin, state your name and who you
represent, and you have three minutes, please.

MR. FLIPPIN: Thank you. My name is Ken Flippin. I represent myself. I'm from all over Texas. I'm a native Texan, but I've lived in at least seven of your districts throughout my life. I'm a community organizer, and I've worked in politics since I was about 16 years old. So I know you—all have been hearing a lot of different arguments over the last day.

And so I guess I'm going to make more of a political appeal and say, you know, as we think about the campaign process, the political process, this process, it's all really the same, it's a Democratic process. It's our effort to make our union a little bit more perfect. And I believe that Senators on both sides really do want to make our union more perfect.

And the question really isn't whether or not we're trying to find just the right balance. The question is is this something that's going to make our union more perfect, or is it going to be something that's going to disenfranchise more voters than we end up getting out of the system that shouldn't be there?

I think that most of us that have worked in campaigns know that it takes a lot of work to get

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people that are eligible citizens to get registered, to get involved, to get educated, to get to the polls, and it's even more effort to get somebody obviously who is not a citizen or somebody that wants to vote to get them to vote twice. In fact it's a ludicrous thing that a campaign would try to do, and I'm sure none of you have tried to do that. And why would you? And that's why it's so rare because it's not the objective of a campaign. The objective is to get people out to vote because you're the best person for the job.

And I dare say that as good a campaign manager I might be or as great a politician that some of you may be that have run and will run again, the fact is no matter how great you are, you're probably not going to persuade too many people to break the law and vote for you twice or to vote for you when it's not legal.

And the reality is we can as a state vote to maintain the integrity of the ballot by doing other things that can solve the problems that you're concerned about, but more importantly we can keep from disenfranchising voters.

I think what you're fearing by proposing this bill is really a problem that barely exists, if
at all, but the problem that you're going to create is
bigger than the problem you see existing. One thing I
know is that if you want to get people organized and
excited, disenfranchise them. Whether it's the
private school kids that their IDs don't count or it's
that elderly lady that maybe she does have the
documents at home, but she forgets them and when she
gets to the poll there's not enough time for her son
who brought her to get her back. Those are the folks
you'll get organized.

SEN. DUNCAN: Thank you, Mr. Flippin.

Are there any questions for Mr. Flippin?

(No response)

SEN. DUNCAN: We appreciate your
testimony today.

TESTIMONY BY ANNIE BANKS

SEN. DUNCAN: The Chair calls Annie
Banks. Ms. Banks, you have three minutes, please.
And would you please state your name and who you
represent?

MS. BANKS: My name is Annie Banks, and
I represent the Texas Alliance for Retired Americas.
I am the President of the Texas Alliance for Retired
Americas, and I'm here to say that we are voting
against this. We have 86,000 members thus far. We do
educate our members. Every Friday they have a Friday
alert, and we do send out by snail mail any
information that they want to know about.

And our seniors are really having a hard
time. Their hurdles are many, and their hurdles
entail their healthcare, their prescription drugs and
all of these things, and you've just give us another
piece of paper or something else to deal with. But
when you get over 65, you'll understand a whole lot of
things by then, but I just want to say thank you for
allowing me to say that we are here. And if we can
help, let us know. Thank you.

SEN. DUNCAN: Thank you, Ms. Banks. Are
there any questions for Ms. Banks?

(No response)

SEN. DUNCAN: The Chair hears none, and
we appreciate your appearance today.

TESTIMONY BY RACHEL HERNANDEZ

SEN. DUNCAN: The Chair calls Rachel
Hernandez. Ms. Hernandez, state your name, please,
and who you represent. Before you do that, though,
you have an exhibit. You have your written testimony,
which will be admitted into the record as Exhibit 50.
Okay. You can begin.

(Exhibit No. 50 marked and admitted)
MS. HERNANDEZ: Thank you. Thank you very much for allowing me to speak today. My name is Rachel Hernandez, and I'm a service coordinator with Granada Homes in San Antonio, Texas. Granada Homes is an apartment complex for senior citizens ages 62 and older. It's an independent living facility. We don't have any nursing facilities at our location. We're located in downtown San Antonio, and because of the parking situation, 99 percent of our residents have no vehicles or use public transportation to get around or their families.

My job as a service coordinator is to help our residents and any issues that would normally be taken care of by their children or by another loved one, and that would be anything from reading their mail to checking their bank statements to making sure that their needs are met, whether by a provider or other services.

One of the things that I've experienced as a service coordinator with senior citizens is that obtaining documents that are necessary for what we would consider daily needs become much more difficult. They have more difficulty getting to their locations or taking the bus, and something like this bill would not be a positive direction on their behalf. They're
very proud people. They vote. In fact we make sure
that we take them to vote, and it's something they
look forward to. Adding another obstacle to getting
them in a vehicle to getting them to a polling place
and then requiring something additional that they may
have forgotten only gives them a deterrent to wanting
to do it again. Whether they present identification
or not, this Bill S-362 would have an adverse impact
on the senior community.

And in closing, I believe that no
legislation should be allowed or supported if the end
result is a stifling of the voice of any American and
their constitutional right to vote. Thank you.

SEN. DUNCAN: Members, are there any
questions of Ms. Hernandez?

(No response)

SEN. DUNCAN: The Chair hears none.

Thank you for your appearance today.

TESTIMONY BY RENATO DE LOS SANTOS

SEN. DUNCAN: The Chair calls Renato de
los Santos.

MR. DE LOS SANTOS: Good morning,
Mr. President and Honorable Members of the Senate. I
live in the 23rd Senatorial District and have the
privilege of serving as the Director of the LULAC
National Education Service Center, an educational nonprofit agency based in the Oak Cliff section of Dallas.

As director of the LULAC, I have the privilege of working on a daily basis with some of the neediest families in the D/FW Metroplex, families who are daily forced to make choices between buying food for their families or gas for their vehicles or perhaps paying for a traffic fine or replacing a lost or stolen ID or driver's license.

Given the new regulations that are being enforced in Dallas and I believe the rest of the state that deny a renewal of an ID or a driver's license for those who have outstanding traffic fines or tickets, I believe that we are setting a dangerous precedent by potentially disenfranchising people many times who are very fragile voters who need a small incentive like this or a disincentive to discourage them from voting.

However, this morning I am here not to talk about these people, but because of my own family and the tragedy that happened a few years ago. My mother died in 1992 in Corpus Christi after a year and a half of a battle with bone cancer. As part of that, she found herself in M.D. Anderson Hospital in Houston, Texas. Shortly before -- immediately before
the elections in 1992 she returned to Corpus Christi
for Hospice care, and she died December 1st of that
year.

One of the biggest privileges and one of
the few joys that she had was she had lasted until
that time to vote in that election. It was a major
point. I talked to my sister this morning -- or last
night rather, and she was telling me she remembered
clearly having taken my mother to vote.

And what really made it special was
that -- unfortunately when we returned from M.D.
Anderson, my mother's house had been burglarized.
Things had been taken we couldn't believe that they
would want, but amongst the things were all of her
IDs, the birth certificates, records. We don't have
anything left of what my mother -- the legacy of my
mom there, but because she was known to the voter --
to the precinct people there, she was allowed to vote,
but only because she was known to them personally
because she didn't have any ID that could have proven
who she was. And if this law had been in place then,
she would have been disenfranchised, and it would have
taken a last bit of joy that we celebrated as a family
that she got to vote in that election.

Please do not disenfranchise people.
Please do not vote for -- for this bill.

SEN. DUNCAN: Thank you for your testimony. Is there anyone who would wish to question Mr. de los Santos?

(No response)

SEN. DUNCAN: Thank you, Mr. de los Santos. We appreciate your appearance here today.

Before we call the next witness, I want to go ahead and make one last call, and we normally say this in all of our committee meetings. Are there -- is there anyone else who would wish to testify for, against or on Senate Bill 362? And the reason I'm making that call right now is we have about 13 or 14 more witnesses left, and it will take about 30 minutes, and we've given the witnesses 30 minutes to report to the desk. So if you will -- this is the last call for any additional witnesses to appear before the committee.

The next witness -- and this was made at 8:10. So that will be -- 8:40 would be the cutoff deadline for those in the front.

The next witness is Judy Holloway.

Ms. Holloway, please state your name, who you represent.
TESTIMONY BY JUDY HOLLOWAY

MS. HOLLOWAY: My name is Judy Holloway. I live in Lake Travis -- around Lake Travis, and I represent myself. I was a poll watcher during the last Presidential Election. On October 13th past the deadline for voter registration, I had an occasion to visit the Travis County Voter Registration Department. As it happened, a reporter was there interviewing a spokeswoman -- I'll settle down in a second -- for the department regarding the number of registered voters in Travis County. She told the reporter the total number of voters was 531,000. She also said that there were -- that there were an additional 800 applications received in the mail that would not be counted because they were postmarked after the deadline. They could not be counted because the deadline had passed.

On November 4th, I logged on to the Travis County Website and discovered a letter from Nelda Wells Spears that said Travis County had a total of 611,024 registered voters, a record, "It was a record breaking number." Based on the official number used for the voting age population, the 2000 census data, the registration rate was 98 percent. I had to pick my mouth -- I had to pick my mouth up off the
floor -- kind of like now. That number, 611,024, was 80,000 votes -- voters more than what was supposed to be the final count.

I also had the opportunity to talk with several employees at the registration offices. They told me that 95 percent of the employees during the Presidential Election who were processing the applications were temporary workers. When asked if all the information on the voters' applications had been verified, the answer was no. I was told that every applicant signs an affidavit, and that was proof enough to obtain a voter registration card. How does that prove anything?

Just this past week I talked with someone else who was a supervisor with Travis County -- Travis County voter registration. I asked her if all applications were verified. She said no. Who were these additional people who voted last fall? I don't know. Do you? The truth is we don't know, but what we do know is that we can't have dead people voting in our elections, we can't have noncitizens voting in our elections, we can't have felons voting in our elections.

The only way we're going to know who is voting in our elections is to be able to verify that
the person who is voting is who they say they are.
And the best way to do that is to require photo
identification. Please help us to ensure the
integrity of our voting process. This isn't about
suppression. This is about protection.

SEN. DUNCAN: Thank you, Ms. Holloway.

We appreciate your testimony. Are there any questions
for Ms. Holloway?

(No response)

SEN. DUNCAN: The Chair hears none. We
appreciate you being here in the Texas Senate.

TESTIMONY BY LYDIA CAMARILLO

SEN. DUNCAN: The Chair calls Lydia
Camarillo. Ms. Camarillo, please state your name and
who you represent, and we have a three-minute limit.

MS. CAMARILLO: Thank you, Mr. Chairman.

SEN. DUNCAN: Just a minute. I'm sorry
to interrupt you. We have an exhibit for
Ms. Holloway, and we need to get that in the record.
So Ms. Holloway's exhibit is a Travis County Voter
Registrar document, Exhibit 51.

(Exhibit No. 51 marked and admitted)

SEN. DUNCAN: Then Ms. Camarillo has a
witness -- or has an exhibit as well, and it will be
entered into the record as Exhibit No. 52.
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{Exhibit No. 52 marked and admitted}

SEN. DUNCAN: All right. Finally here we go. You can begin, Ms. Camarillo.

MS. CAMARILLO: Thank you, Mr. Chairman. Buenos dias, Senators. I am Lydia Camarillo, Vice-President of Southwest Voter Registration Education Project, the largest and oldest nonpartisan, nonprofit organization of its kind with a simple mission, to increase the number of Latino and other ethnic communities who are registered to vote and participate in America's democracy as full and equal partners.

Founded in San Antonio Texas by the late William C. Velasquez, Southwest Voter has registered over 2.3 million Latino voters throughout Texas, the Southwest and since 2000 the Southeast including Florida. Southwest Voter has won over 80 voting rights lawsuits and has prepared over 100,000 leaders to organize their communities.

In Gonzalez vs. Arizona, MALDEF challenges in federal court the voter registration and identification provisions of Arizona Proposition 200. Southwest Voter is a plaintiff for that case as in the case for the Florida case against a similar issue on the voter ID.
I am here to advise you of Southwest Voters’ strong opposition to SB 362. Southwest Voter opposes this bill because it would have a negative impact on the Latino voter registration and potentially violate election laws, including the Voting Rights Act, the National Voting Right Registration Act and the Help America Vote Act that everybody has talked about this last 24 hours, HAVA. This bill will only serve to depress voter registration of Latinos, other ethnic communities and the poor. For these reasons, Southwest Voter opposes SB 362 and urges your opposition.

Texas Legislators must take affirmative steps to promote the participation of American citizens voting and participating in America’s democracy and should, in its wisdom, oppose the legislation that only serves to confuse citizens, contradict federal law, create undue financial burden to the poor, Latinos, African-American citizens who want to register and to vote.

And finally, it will create a financial burden to Texas counties and taxpayers. SB 326 is a bill that creates redundancy and multiple identification requirements for voters. Southwest Voter believes that Texas law provides for proof of
identification, and this bill will only create confusion. It will create more burdensome voting experiences for both the voter and the polling worker.

Texas law requires that voter registration applicants must affirmatively mark their U.S. citizenship under penalty of perjury and submit their affidavit application, either in person or by the post card, according to the election code, Section 13.121.

In our experience of 35 years, we find that people do not carry their passports or any identification in many cases, or they have lost them, and this may cause disenfranchisement.

SEN. DUNCAN: Thank you, Ms. Camarillo. Your time has expired. Let me ask if there are any questions of the witness.

(No response)

SEN. DUNCAN: All right. The Chair hears none. We do have your -- I think your written testimony in the record. We appreciate your appearance here today.

MS. CAMARILLO: Thank you.

TESTIMONY BY EDWARD B. WILLIAMS

SEN. DUNCAN: All right. The Chair recognizes Edward B. Williams. Mr. Williams, please
state your name and who you represent. You have a
three-minute time limit.

MR. WILLIAMS: Thank you, Mr. Chairman. My name is Edward Williams. I'm from Kilgore, Texas, and I represent the interest of Edward Smith deceased. To begin with, I would like to thank those of you Senators who are troopers and stayed with us, and I appreciate the time that you've put forth and the respect that you're showing by being here on the Senate floor today.

I also want to make a comment to the Tax Assessor's Office in Harris County. If more tax assessors and voter registrar's took their jobs as seriously as they do in Harris County, we would not have the voter fraud problems throughout the state that we do.

I'd like to take you back about 14 hours to our first witness. And I'm from Harrison County, which is -- Marshall is the county seat. He referred to Harrison County or the Harrison County method as being a notorious term to represent voter fraud that occurs within the State of Texas.

My grandfather, Edward Smith, died in 1935. My mother was just a child, two or three years old. In 1989 he received a jury summons. My
grandmother was a little bit bewildered that he had
received his jury summons, and we called the District
Clerk's Office to notify him that he had passed away
in 1935. They informed us that he had been voting
regularly in person in the last -- in all of the
elections since 1935. It was not until 1994 that he
stopped voting. And in 1995 we removed the house from
the property that he was registered to vote at. My
grandfather died in '35. He voted for 59 years after
his death in person, either on election day or during
early voting.

I hope that each of you will consider
this, the testimony that's come before in regards to
identity theft or the use of voter registration cards
by the deceased, and I hope that you will vote in
support of Senate Bill 362. Thank you.

SEN. DUNCAN: Members, are there any
questions of the witness?
(No response)
SEN. DUNCAN: Thank you, Mr. Williams.

It's good to see you.

TESTIMONY BY MADELEINE DEWAR

SEN. DUNCAN: The Chair recognizes
Madeleine Dewar. Ms. Dewar, you have three minutes.
Please state your name and who you represent.
MS. DEWAR: My name is Madeline Dewar, and I represent myself. I'm also a member of Bexar County Democratic Women and San Antonio Area Progressive Action Coalition.

I live in a working class barrio in San Antonio. Many of my neighbors work two and sometimes three jobs. Others are elderly on a very limited income. Even if the photo ID were available for free, the documents required to obtain those IDs are not. If you have to choose between food for your children or medicines for yourself, obtaining birth certificates or other documents would not be a priority. Taking time off from work from a minimum wage hourly worker's job is often not feasible.

Some of you may consider obtaining a driver's license or Texas ID a simple matter. For the poor and many elderly, it can be a complex, time consuming and relatively costly process.

By the way, for a number of reasons, my own 38-year old Caucasian son does not have a driver's license, nor does he have access to any of the alternatives mentioned today except for his birth certificate and his voter registration card. He would no longer be able to vote.

If we had evidence of tens or thousands
or even hundreds of fraudulent voters that would be resolved by this bill, I would be standing here working very hard to answer -- for an answer to ensure ballot integrity, but it has been clearly shown that there is no voter fraud in Texas that would be eliminated by SB 362 despite the inappropriate use of a portion of taxpayer dollars designated for major crimes that was diverted to investigate and search out alleged voter fraud.

This bill clearly is not intended to reduce nonexistent voter fraud. Sen. Fraser repeatedly referred to an increase in Democratic votes in Indiana and Georgia, but failed to mention that those increases were present across the country and inarguably attributed to Barack Obama and the overall 2008 political environment.

This bill is a blatant partisan effort to disenfranchise minorities, the elderly and the poor of Texas with a backdoor poll tax. This bill's political direction -- this bill is -- real intent is to suppress the Democratic votes in order to stem the political direction of the great State of Texas. I'm here to ask every single Senator present this morning look in your hearts and do the right thing for the many voters of Texas who are less fortunate than
themselves. Thank you.

SEN. DUNCAN: Thank you, Ms. Dewar. Are there any questions for Ms. Dewar?

(No response)

SEN. DUNCAN: The Chair sees or hears none. Thank you for your appearance today.

TESTIMONY BY HELEN VILLARREAL

SEN. DUNCAN: The Chair calls Helen Villarreal. Ms. Villarreal, would you state your name and who you represent, and please observe the three-minute time limit?

MS. VILLARREAL: Good morning, Members of the Senate, Citizens of Texas. My name is Helen Villarreal, and I am here to represent myself. I'm going to talk quickly about three items.

Number one, my mother. My mother is 85 years old. She's lucky she's healthy. She's got her voter ID. She's got her voter certification, but not all senior citizens in Texas are as lucky as she is, and that's the ones I'm worried about. Some of them don't have sons or daughters that live in the same city or near their parents. Some live in other states, maybe in other countries. Some of these elderly citizens live at home alone, and getting extra documents or certification is hard for them.
financially and also physically. Say they have to get
the bus an hour and a half to go one way and an hour
and a half to come back. If you've ever been in San
Antonio via bus, you'll know. And it's dangerous.
It's plain dangerous for some of them to go somewhere
alone to get this document.

Also, now I want to talk -- and my
mother is not irresponsible. She's been responsible
all of her life.

My husband recently -- about a year ago
I went and got his birth certificate because we might
travel someday. There were three errors on it, his
last name -- our last name has two "r's." Sometimes
Villarreal is spelled with one "r," and ours is
spelled two "r's," and it only had one "r" on the
birth certificate. They messed up his mother's maiden
name, and there was one other error.

My husband did not vote in the -- the
last time he voted was in the 2000 election, and he
will not vote again because he thinks the system is all
messed up. If I should tell him "Well, you know, go
vote," and they say "Well, you've only got one 'r'
there, oh, it will be counted provisionally," that's
going to turn him off.

Thirdly, this SB 362 might cause lines.
There's important elections, and they're just having to check one document. Can you imagine if they're checking two? The line is going to back up. Anyway, that might discourage people, and they might just get out of line and turn away.

So that is why I am against Senate Bill 362. Thank you.

SEN. DUNCAN: Thank you, Ms. Villarreal.

Are there any questions for the witness?

(No response)

SEN. DUNCAN: Okay. The Chair hears none. Thank you for your appearance today.

Members, for the record, we -- in response to a call, we have the card for Duane Rawson, and he, I think, is in the back -- in the back haul -- or the front haul rather.

TESTIMONY BY MARK WILLIAMSON

SEN. DUNCAN: The next witness is Helen -- or I'm sorry -- Mark Williamson. Mr. Williamson, please state your name and who you represent, and please observe the three-minute time limit.

MR. WILLIAMSON: I'm Mark Williamson, the founder of Federal Intercessors. I'm honored to be here and to testify on behalf of the voter ID bill.
I'm a minister and approach this perhaps
differently than most. I feel it is imperative to
pass this legislation as weak as it is and as limited
as it is. It is time to secure the vote.

The Biblical command to do everything
decently and in order is not just a rule for churches,
it is a life principle, and it is particularly
applicable to civil government and its processes.

Roman's 13 says that "Civil rulers" -- and that
includes you senators -- "are the ministers of God to
reward good and punish evil." You are stewards before
God with the great weight of responsibility that you
will answer for. Do not take it lightly. Do not
reduce it to cheap political advantage. God is a God
of standards and boundaries from Mt. Sinai to the
borders of nations and the boundaries of one man/one
woman marriage and even salvation.

One standard universally applied, is a
photo ID really such an unbearable burden when one
can't effectively function in our modern society
without it? This is not even a serious question.

The Bible also states that "Whoever
resists the ordinance of God will bring judgment on
themselves," and that's whether you're a citizen or a
ruler. God hates unjust weights and measures. That
is the lack of integrity. That means he is for a
single universally applied standard equal for and
protective of everyone, not just your constituents.
I say again, secure the vote.

Mexico is in danger of imploding. Our
borders are porous, and ACORN is increasingly seeking
to do their mischief in Texas. They would see the
failure of this bill as a green light, and we all know it.

The last line of defense is to secure
the vote. If we can send men and woman to fight and
die in Iraq to secure their vote, I don't think a
photo ID is too much to ask to secure ours.

If I for whatever reason were unable to
produce my driver's license at the polling booth, I
would gladly sacrifice my vote to be confident that
the electoral process was sound and secure, no matter
the outcome. One vote per one legal citizen.

I say again, secure the vote, for my
right to vote means not much if there's no integrity
in the system. Thank you very much. God bless you
all, and God bless Texas.

SEN. DUNCAN: Thank you, Mr. Williamson.
Are there any questions for Mr. Williamson? You need
to go to the right.
SEN. DUNCAN: The Chair hears no questions of -- thank you for your appearance today.

TESTIMONY BY VANESSA FOSTER

SEN. DUNCAN: The next witness is Vanessa Edwards Foster. Ms. Foster, please approach and state your name and who you represent, and please observe the three-minute time limit.

MS. FOSTER: Thank you, Mr. President.

My name is Vanessa Edwards Foster, and I am representing the Texas Gender Advocacy and Information Network. And typically I don't do this, but I am a transsexual. I understand a couple of you have mentioned the sex change issue and had a little bit of fun with it a couple of times.

I want to tell you about my personal story with regards to this. In 1996 I found out exactly what it's like not to be able to vote. I went to vote for the Presidential Election, and at that point in time, I did not have my name and gender change to my current presentation. I had my male voter certificate and my male driver's license. I went in and I presented my certificate. The lady took one look at that, took a look at the name, took a look at me and said "Do you have some identification or..."
something?"

I showed her my identity, and I explained to her exactly what the situation was. And she took a look at that and took a look at me and said "No, this does not look like you." This is my identity, and yet even though I'm presenting my legal identity, I did not have the right to vote.

Now, I was a little bit timid at that time, and I went ahead and walked away. There were people in back of me, so I didn't want to draw a scene. I'm not so timid any more.

And one of the things that I do know is that we've been trying here in the State of Texas to get uniformity and some kind of clarity with regards to name and gender changes the way they have in other states where you basically present a letter to the DPS and you get the name and gender change on your ID. We've been trying for this well over a decade. As Sen. Shapiro mentioned, identity matters. And, yes, it does matter, it's mattered to us for quite a number of years. In fact, she said "We're just trying to make sure that everyone's ID matches who they are."

Well, that's exactly what we wanted, and we have been trying for that for over a decade and have not an been able to achieve that yet, and we
still have that bill pending right now as we speak. I don't know that it will pass, and I certainly don't know that it will pass before this passes. But the one thing that I can guarantee you, I've got two friends of mine in Houston right now, they have transitioned, they are living as female, but their presentation does not match their ID per court decree. Both of them right now are going through divorces, and per their Judge's decree, they must remain in their current gender and their current name until their divorce is final.

Now, if this means that they have no opportunity to vote, I have let them know that they are being disenfranchised and prepare to file a federal lawsuit. And indeed, Senator Fraser, you will be popular.

SEN. DUNCAN: Thank you, Ms. Foster. Members -- you need to go to the right. Are there any questions for the witness? (No response)

SEN. DUNCAN: The Chair hears none. Thank you for your appearance.

TESTIMONY BY LUIS FIGUERO

SEN. DUNCAN: The Chair calls Luis Figuero. Mr. Figuero has written testimony that he
would like to enter into the record as Exhibit 53.

(Exhibit No. 53 marked and admitted)

SEN. DUNCAN: Mr. Figuero, go ahead and
state your name, who you represent, and please observe
the three-minute time limit.

MR. FIGUERO: Thank you, Chairman
Duncan, Members of the Senate. I am Luis Figuero, a
Legislative Staff Attorney for the Mexican-American
Legal Defense and Educational Defense Fund, a
nonpartisan legal voting rights -- legal organization
founded in Texas in 1968 to protect and defend Latino
civil rights, including voting rights.

We recognize the Senate today as trying
to find that balance between security and access. It
is extremely important in the issue of voting rights.
We believe that Senate Bill 362 swings the pendulum
too far and risk potential disenfranchisement by
creating more harms than benefits that will be
achieved.

The best information we have about the
impact of voter identification laws comes from
litigation which MALDEF represents eligible voters who
are turned away from the polls as well as voter
organizations. These cases include Gonzalez vs.
Arizona in which MALDEF attorneys served as lead
counsel for the plaintiffs.

Importantly, at the trial of this case, Arizona could not produce any example of impersonation of voter fraud to justify its voter ID law. The lack of evidence or even a single incident of impersonation voter fraud is consistent with the U.S. Supreme Court's observation in the Indiana voter ID case, that the record contains no evidence of any such fraud actually occurring in Indiana at any time in history. And that is actually in the opinion in Crawford vs. Marion County Elections Board.

In Arizona across three federal elections, 4,194 voters cast conditional provisional ballots that were never counted because the voter could not provide the required ID. In Texas 42,000 provisional ballots were cast in the 2008 General Election, but only 9,444 were counted. We can only imagine that the numbers would rise by increasing the ID requirements.

The examples of disenfranchisement in Arizona include Karen Lewsader, a police officer and registered Republican, who was forced to cast a conditional provisional ballot because her driver's license listed a different address than the voter rolls. Ms. Lewsader, while she was at the poll, went
back to her car to try to find another form of identification with the correct name and address so she could cast a regular ballot, but the vehicle registration information she found was under her husband's name. When the demands of her job prevented her from returning to the county to show additional ID, her vote was not counted.

Georgia Morrison-Flores was a newlywed when she registered to vote, and she registered under a married name. However, when she went to vote, her maiden name on her driver's license did not match her married name in which she was registered. Because the names did not match, even though her valid ID showed her birth, photo and first name, she was turned away by an election poll worker who had been her childhood neighbor, and she was unable to cast a ballot of any kind despite her status as a qualified voter.

So for these reasons, we find it disheartening and such a restrictive government response to an unproven problem of potential voter fraud, and we ask and we urge this committee to reject the voter identification provisions of Senate Bill 362. And we're open for any questions or concerns that may be from the Senate regarding this legislature or our litigation in Arizona or in Texas.
Thank you very much.

SEN. DUNCAN: Members, you've heard the testimony. Do you have any questions of the witness?

(No response)

SEN. DUNCAN: Thank you for your appearance today.

SEN. SHAPLEIGH: Mr. Chair?

QUESTIONS FROM SENATE FLOOR

SEN. DUNCAN: Oh, I'm sorry. Excuse me. Sen. Shapleigh?

SEN. SHAPLEIGH: Can we just mark this as an exhibit and make it part of the record? Is it already admitted?

SEN. DUNCAN: I think -- have we not done that? We've already admitted that, Senator.

SEN. SHAPLEIGH: Thank you.

SEN. DUNCAN: Yes, sir. Thank you.

TESTIMONY BY PATTI EDELMAN

SEN. DUNCAN: Patti Edelman?

Ms. Edelman --

MS. EDELMAN: Thank you.

SEN. DUNCAN: -- name and address -- or name and who you represent, and please observe the time limit.

MS. EDELMAN: My name is Patti Edelman,
and I'm a resident of Austin, Texas. I'm here representing myself. Mr. President and Senators, thank you for the opportunity to speak today. It looks like we've been here so long that I'm about ready to join AARP.

I have an elderly mother that lives in East Texas, and as a lot of people have stated, it would be a hardship for her to have to produce a driver's license or some other form of picture ID. At her age, she doesn't get out much, and she certainly hasn't driven in years, and I know the drivers in her community are thankful for that.

Having been an Election Official and a poll worker here in Travis County, I can assure you that no dead people have come to vote at the precincts where I have worked. Nothing is more sacred to Americans than the right to vote, and I believe it is the responsibility of all citizens to vote.

This bill does not address voters who use mail ballots to vote in Texas, but are not -- not residents of Texas and, in fact, have voted in more than one state, such as a number of Republicans in Polk County who are members of a group called The Escapees.

Lastly, I ask that -- oh, I want to
state that anyone who has run a campaign, especially
like you, Lieutenant Governor Dewhurst, that's run a
statewide campaign, knows the expense of putting out
information to voters in multiple media markets in a
state the size of ours. And the cost that will be
borne by the citizens of the State of Texas in order
to educate the voters of this state to the changes and
the requirements in order for them to do what they've
been able to do very easily and freely for a long
time, it's a shame that we would be spending our
hard-earned tax dollars on such -- I won't call it
frivolous, but I think quite unnecessary expenditure
at this point in time.

We have lots of other budget -- budget
problems, many constraints, a lot of people hurting,
and to use our tax dollars in this manner I find is
unconscionable. Thank you.

SEN. DUNCAN: Thank you for your
testimony. Hold on. Are there any questions of the
witness?

(No response)

SEN. DUNCAN: The Chair hears none.

Thank you for your appearance today.

TESTIMONY BY SYLVIA MENDOZA

SEN. DUNCAN: The Chair calls Sylvia

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Mendoza. Ms. Mendoza, please state your name and who you represent, and please observe the three-minute time limit.

MS. MENDOZA: My name is Sylvia Mendoza, and I represent myself. Do you know what the definition of "illegal" is? It is "banned, forbidden, prohibited, unlawful, not legal, wrong, unjust and unconstitutional." Even though it is unconstitutional, voter fraud has been committed. One reason there may not be too many documented cases of voter fraud is because exactly that, it was fraud, some got away with it.

I'm a 54-year-old third generation American. I've had a social security card since about the age of 14, but you see, one of these is a fake, yet they all look the same. It was easy to acquire and it is accepted as valid. That means there could be a traitor somewhere.

Right now it is almost as easy to sometimes get by without having the legal right to vote. A lot of people voted this Presidential Election, people who had never voted before. Yes, I know a lot of people voted for the reason of who we would be voting for. Some of those people did not honor and respect the right to vote before. They
I didn't love America until now. What a shame.

I feel now is the time for voter ID to prepare for the future. If you do it now -- if you don't do it now, you will be voting for it later.

You-all have a duty to us citizens as lawmakers, so do your job and make this a deterrent to prepare and to make it nearly impossible for voter fraud. Anyone who votes against it is not doing everything within their power for this great state within this great country.

Vote for voter ID, SB 362.

On the national level, the government says the system is broken on certain aspects of it. Do not make the same mistake. Pass Senate Bill 362.

Thank you.

SEN. DUNCAN: Thank you. Members, are there any questions of Ms. Mendoza?

(No response)

SEN. DUNCAN: The Chair hears none.

Thank you for your appearance today. You had an exhibit. She does have an exhibit, or she has -- she wants to put her testimony in. We'll mark that as Exhibit 54, Ms. Mendoza's statement or testimony.

(Exhibit No. 54 marked and admitted)

TESTIMONY BY KENNETH KOYM

SEN. DUNCAN: The Chair calls Kenneth
Koym. Mr. Koym, state your name, who you represent, and please observe the three-minute time limit.

MR. KOYM: Creating barriers and hate crime is not the part of a Texas Legislature. It should not be done. Passing SB 362 is a hate crime, and I urge that you get honest, very honest with yourselves.

My name is Kenneth Koym. I'm a psychotherapist, and I am licensed by this state. I'm licensed by other countries. It is irrational to do what this Senate is talking about doing. I do not accept it. It is unbecoming, Tommy, for you to call somebody a political --

SEN. DUNCAN: I'm sorry, sir, you addressed a Senator by his formal name. And also if you could -- I understand your passion for the issue, but please observe the decorum of the Senate. You can have an extension of about -- well, you're running okay. We'll give you a little bit more over your time limit.

MR. KOYM: I have served the United States professionally. I'm a military research scientist retired. I'm a marriage and family therapist. I feel that it is time that every law comes under the task of the Hate Crimes Act of the
United States. It is a federal law, and I urge that this bill be reviewed in that term. It is absolutely the requirement of this nation to stop all this hate. I saw it here. I had my white cap on to keep me warm through the night. I froze, and I feel cold despair. I feel the despair, though, that the U.S. citizens are feeling with regard to more and more hate crimes. And this -- this Senate should not pass this bill and pass -- and commit a hate crime. It is dishonorable, it is un-American, and I urge that it not happen. Please vote against this bill.

SEN. DUNCAN: Thank you, Mr. Koym. Are there any questions of the witness?

(No response)

SEN. DUNCAN: The Chair hears none.

Thank you for your appearance here today.

MR. KOYM: I will (inaudible) by mail.

SEN. DUNCAN: You can send it to the Secretary of the Senate. It will not be in the record.

MR. KOYM: Fine.

TESTIMONY BY KAREN RENICK

SEN. DUNCAN: All right. Ms. Karen Renick? Ms. Renick, please state your name and who you represent, and please observe the three-minute
MS. RENICK: My name is Karen Renick. I am the founder and current Director of Vote Rescue, a nonpartisan citizens' group based here in Austin. We are concerned with election integrity and transparency.

Since early 2005 we've been alerting the public and our government officials about the serious assault on our voting rights by the total absence of both integrity and transparency in the voting process used throughout Texas today.

Before I continue with my contents -- comments specific to SB 362, I feel compelled to first set the record straight about the infamous misdeeds in a certain Senate Primary Election here in Texas 61 years ago in 1948. I feel compelled because these misdeeds have been incorrectly used as an example of voter fraud when, in fact, it was clearly election fraud committed by Election Officials, not voters.

The Senate Primary race was between Lyndon Johnson and Coke Stevenson, who was a popular conservative governor. I'd like to read now from the book called Steal This Vote, Dirty Elections and the Rotten History of Democracy in American, written by the well-known journalist Andrew Gumbel.
"On election night, Stevenson was ahead by 854. The following night Johnson made up almost all the difference thanks to late-breaking returns from Houston and one precinct in Duval County. Four days after the election, though, Stevenson was up again by a seemingly insurmountable 362. After six days with nothing obvious left to count, Stevenson was still leading by 113. Johnson needed a miracle and got one courtesy of an election enforcer by the name of Luis Salas in Jim Wells County, one county over from Duval."

"At the 13th precinct in Alice, the Jim Wells County Seat, Salas artfully had a seven in one of the vote totals changed into a nine by the addition of a simple loop giving Johnson an extra 200 votes and with them the election. Stevenson traveled down to Alice, examined the electoral register and noticed that at least -- or that the last 200 names appeared in strict alphabetical order and were written in a different color ink from the rest."

"Legal challenges continued for a while, but increasingly frustrated Stevenson then sued to have the ballot boxes opened and the votes examined and recounted, but in the absence of concrete proof of fraud, he could not make up the case -- make the case.
When even the Supreme Court refused to hear him, he gave up for good, and the rest is history."

SEN. DUNCAN: Thank you, Ms. Renick.

Members, are there any questions for Ms. Renick?

(No response)

SEN. DUNCAN: The Chair hears none. We appreciate your appearance here today.

Members, just out of an abundance of caution, I'm going to make one last call for a Roxann Lewis. I think we called her earlier, but if she is in the building, she needs to report immediately. And if she does not report before we close or hear the last witness, then she'll miss her opportunity to testify live, and we'll just put her card in. The next witness -- Members, we have three more, I think, that would love to -- that are here to testify before us.

TESTIMONY BY JONI ASHBROOK

SEN. DUNCAN: Joni Ashbrook?

Ms. Ashbrook, would you please state your name and who you represent? And please observe the three-minute time limit.

MS. ASHBROOK: Yes, sir. My name is Joni Ashbrook. I represent myself. I'm a precinct chair, and I have been an election judge in Bastrop
I appreciate Sen. Fraser's comments that the intent of this bill is to help people vote. However, I'm having an incredibly hard time understanding how this bill will actually do that.

I often walk. I don't understand how it will help the very poor, elderly and disabled people in my precinct that I often walk and see. I see how incredibly difficult their circumstances are. And when they're trying to just keep a crumbling roof over their heads, how is keeping -- or how is asking them or requiring them to have more paperwork and possibly more cost help them with their sacred right to vote?

Sen. Fraser also said that voter fraud, no matter how small, should be addressed. I totally agree, but since there's no real threat -- or excuse me -- no real evidence of voter fraud in Texas that this bill would address, why isn't this body looking for the real threats to the integrity of our elections?

The first and foremost threat to the -- to our elections is the use of electronic voting machines that count our votes in secret and run software that we, the people, are not allowed to see. There have been studies done by the GAO, the Brennan
Center for Justice, Princeton, Carter-Baker Commission, just to name a few that have concluded that these machines are not secure and can be manipulated.

This is not a trumped-up charge about one person risking deportation or prosecution to cast a single vote. This is the ability for one person to manipulate millions of votes in secret. When Senator Fraser spoke of loss of voter confidence in our electoral system, this is enemy number one.

There's another real problem that I would like to see this body address, and that -- and the Secretary of State even admits can cause multiple votes. It happened -- an incident happened in my precinct in 2008, the General Election. My polling place had two computers. That was the database where people would come to check in. A man came through early in the morning, he voted. He came back through, he happened to be a friend of the election judge, the Republican. And he said "I want to test the system."

So he went through again at the same computer that he went to. He was not allowed to vote. He went to the next computer. He was allowed to vote. We stopped it when it came to the ticket that was coming out, the sticker, but he was allowed -- he would have been
allowed to vote.

I called the Secretary of State's Office. They agreed with me that this is possible. The machines do not talk to one another. So I think that's probably what those other two people were talking about. Is that my time?

SEN. DUNCAN: Ms. Ashbrook, I'm sorry, your time is up. Let me ask if there are any members who would like to ask a question.

(No response)

SEN. DUNCAN: The Chair hears none. We appreciate your appearance in the Texas Senate today.

MS. ASHBROOK: Thank you.

TESTIMONY BY DUANE RAWSON

SEN. DUNCAN: The Chair calls Duane Ronson -- Rawson. Mr. Rawson, please state your name and who you represent, and please observe the three-minute time limit.

MR. RAWSON: My name is Duane Rawson from Goldthwaite, Texas, Mills County, and I'm Mills County Republican Chairman there, and I've been here since yesterday. Oh, I'm sorry. I've been here since yesterday about between 9:30 and ten o'clock. I have sat -- I've listened to all reasoning why this should be approved, why it shouldn't be approved.
But the main thing that they were saying as far as for voter fraud, you have people that say it doesn't exist, but yet we've had the Secretary of State that showed examples why it did -- why we did need something like this.

The voters registration is -- it's an easy thing to copy. Voters ID there's -- it's a law, first of all, that you're supposed to have some type of ID with you when the authorities pull you over. And if you don't, by rights they have to take you to jail because you don't have the proper means of ID, which causes the state money having to do that.

If you look at it, if you have -- if the people -- as people are saying, $35,000 or less can't afford this, which I don't see what there is to afford because it's free. If they have the opportunity to have the proper ID, it may help them to want to keep their ID card with them and help taxpayers as far as not having to pay the law enforcement, the extra money of having to arrest that individual, taking them to jail, booking them, returning them after the court trial.

There's a lot of reasons why I feel that we do need it. I am a disabled vet. I've been in the military for 16-1/2 years. I continue to support my
country. And if this is what I need to do to be able to have my constitutional right to vote, by God I'll be -- I'll do it with pride. I keep two forms of ID with me anyway. So having to carry ID with me to vote it's not -- it shouldn't be a problem.

We can always find a reason to fight against something. What about trying to find a reason to work together to try to make something work that's going to better us?

I spoke to veterans and law enforcement from my county, Mills County, and they state the same thing. They feel that this bill should be approved. That's all I have.

SEN. DUNCAN: Thank you, Mr. Rawson.

Members, do you have any questions for Mr. Rawson?

(NO response)

SEN. DUNCAN: The Chair hears none.

Thank you for your appearance today, and I think you go out to the -- to the right.

TESTIMONY BY ROD FLUKER

SEN. DUNCAN: The Chair recognizes Dr. Rod Fluker. Mr. Fluker, state your name, who you represent, and please observe the three-minute time limit.

MR. FLUKER: To the distinguished and
shall I say sleep-deprived Members of the Texas Senate, my name is Dr. Rod Fluker, and I am a Past President of the organization and now Executive Director of the Texas Association of Black Personnel in Higher Education.

Today I bring you greetings from our State Board of Directors and from Dr. Felicia Scott, our State President. The Texas Association of Black Personnel in Higher Education, or TABPHE as we call it, is an educational organization of faculty, staff and administrators that numbers hundreds statewide. TABPHE was founded 36 years ago to address pertinent issues that impact African-Americans in particular and people of color in general.

Senate Bill 362 or the voter ID bill causes our members and many others grave concerns about the negative impact of passing such useless and harmless legislation will have on the voting rights of millions of already disenfranchised Texans.

We believe that laws should be created to promote civil living and/or right a wrong. The voter ID bill does neither. Promoting civil living would mean to make it easier for Texans to vote, not make it more difficulty. Adding new barriers such as additional ID requirements is likened to the Negro
poll taxes and voting competency tests used during the
days of the Jim Crow Laws and as recently as the
1960s. So this legislation works against promoting
civil living.

This useless and harmless legislation
also fails to right any wrong. The fact is that there
is no evidence of significant voter fraud, period. Of
millions of votes cast in Texas during the last six
years, voter impersonation is practically nonexistent,
both in Texas and across our nation.

Therefore, the Texas Association of
Black Personnel in Higher Education ask that all state
Senators, both Republican and Democrat, as good
ambassadors of the people of Texas to vote against
Senate Bill 362. Thank you.

SEN. DUNCAN: Thank you, Dr. Fluker.
Are there any questions for Dr. Fluker?
(No response)
SEN. DUNCAN: All right. The Chair
hears none. Thank you for your appearance today in
the Texas Senate.

Members, we had a number of people
testify or signed up to testify -- oh, excuse me.
Dr. Fluker wants to submit Exhibit 64 as his
testimony. Thank you, Dr. Fluker. Exhibit 54,