| Page: 39 of 285 |

House Floor Debate - Volume 1  
March 23, 2011  
124

| 3419 | 3512 |
| 3722, 25 | 43:8 |
| 52:10 | 54:4, 5, 6, 8, 20 | 55:1, 2, 14, 19, 20 |
| 74:25 | 78:8 | 97:12 |

| sections-by-section | 17:15, 24 |

| Sections | 6:4 | 15:19 | 19:21 |
| secure | 38:20 |
| securing | 89:9, 10 |
| security | 56:11 | 79:2 |
| see | 8:20 | 17:11 | 18:2 | 23:5 | 25:8 | 29:12 | 59:5 | 69:13 | 86:24 |
| seeing | 98:3 |
| seek | 59:7 |
| selecting | 61:20 |


| sends | 73:16 | 77:1 | 80:6 | 12 | 89:20 | 99:17 |

<table>
<thead>
<tr>
<th>sorry</th>
<th>special</th>
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<tbody>
<tr>
<td>20:13 32:11</td>
<td>73:25 79:10</td>
</tr>
<tr>
<td>41:3 73:3</td>
<td>12:18 36:5</td>
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<td>84:18</td>
<td>37:7 13:17</td>
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<td>9:14 15:15</td>
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<td>4:22</td>
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<tbody>
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<td>27:17</td>
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<td>93:25</td>
<td>12:3</td>
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<td>16:16 17:6</td>
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<td>69:23, 24</td>
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<td>12:9, 11, 15,</td>
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<td>93:24 94:4, 6</td>
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<td>Page 44 of 285</td>
<td>March 23, 2011</td>
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<td>24:17 25:6,16</td>
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| women | 78:21 |
| won | 61:9 |

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| zero | 129 |
| 25:7 26:7 |
| 0 |

<p>| 03 | 102:12 |
| '09 | 18:13,14 |
| 1 |
| 1 | 1:10 23:21 |
| 100:1 |
| 10 | 63:11 |
| 1000 |
| 6:15 7:9,12 |</p>
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TEXAS HOUSE OF REPRESENTATIVES

2011 (82R) SB 14

3/23/11 House Floor Debate (Emergency Calendar)
Volume 2

TRANSCRIBED ON APRIL 23, 2012

JA_002334
Mr. Veasey, do you intend to close? Do you wish to close.

Mr. Veasey sends up an amendment.

Ms. Harless moves to table. The motion -- excuse me. The vote is on the motion to table. Record vote requested. A record vote is granted. The clerk will ring the bell. This is on the motion to table. Show Ms. Harless voting aye. Show Mr. Strama voting no.

Have all members voted?

There being 99 ayes, 48 nays, the motion to table prevails.

Following the amendment, the clerk will read the amendment.

Amendment by Dutton.

The Chair recognizes Mr. Dutton.

Representative Dutton: Mr. Speaker and Members, on Page 6 of the bill, there are certain requirements that indicate that the voter registration certificate or the provisions of this bill do not apply. We just did away with the 70 year old amendment, and so, it leaves the disabled but what this amendment simply does, it says that if the election judge -- And I might back up a minute because I want to just share with you what the -- what the origin of this amendment happened to be.
Mr. Speaker, could we have a little bit better order?

SPEAKER: Members, can we have some order so you can hear Mr. Dutton explain his amendment.

REPRESENTATIVE DUTTON: Thank you, Mr. Speaker.

Both of my parents were election judges. Between them, they had over 50 years of being an election judge in Houston and Harris County.

And, generally, one of us, one of my siblings and I, we would -- on the morning of the election, we would essentially take either my mom or my dad to the polling place and, before I got elected, help them get the -- to set up the whole polling place so there could be an election.

Under this bill, if my amendment didn't pass, what would happen is I could do all of that, I could go and get it all set up, and once it was time for me to vote in that precinct, I would have to take out my ID and show it to my mother and dad.

That didn't make any sense to me, and so, that's why I am offering this amendment because I believe that most of the precinct judges, most of the election judges, if they're like the ones that I know, they know just about everybody in that polling place.
They know everybody there.

In fact, my mother and dad got to the point where they could tell you what time a particular person was going to show up at the polls.

And so, what this amendment does is simply makes an exception that says for -- in the instance where the precinct judge, the election judge actually knows -- personally knows the person -- I think that saves all of this other stuff that's going on with this bill but it certainly provides an opportunity for us to not to have to burden the election process because it simply that means the election judge actually affirms that they personally know who it is that is appearing at the polling place, and that's what this amendment does, Mr. Speaker and Members.

SPEAKER: Ms. Harless, is the amendment acceptable?

The chair recognize Mr. Hancock speaking against the amendment.

REPRESENTATIVE HANCOCK: Yes, Members, what this amendment does actually is it adds subjectivity to the election judge and really goes against what we need in total fairness and objectivity and that we stick with the current code and standards as defined in the statute.
I believe at this time the intention of the author is to table.

SPEAKER: Mr. Dutton, do you care to close? Do you care to close, Mr. Dutton? The Chair recognize Mr. Dutton.

REPRESENTATIVE DUTTON: All right. There was a little confusion. I didn't hear that he made the motion to table. I don't -- unless there's something going on in this bill that I don't understand, it is designed to protect the integrity of the voting process, and I don't know what better way to protect that than to limit the ability of someone to show up at the polling place and vote except by virtue of the fact that the polling -- the election judge actually knows the person.

I don't -- that makes no sense to me, and so, if I actually know the person and that person is personally somebody I know personally and even if they didn't have an ID but they had their voter registration card, I don't know why I wouldn't let them vote.

Can you imagine a scenario where I have gone to take my parent -- one of my parents over to the polling place, I, all of the sudden, got there about 6:00 o'clock in the morning, which we typically did, got the polls, helped them set up the polling place, helped them set up the voting booth and then said, "Oh, I
forgot my wallet at home, mom."

And then my mom said, "Why do you need that?"

"Well, you need that because this particular bill, Senate Bill 14, says I have to have a picture ID."

My mom would look at me and think I had absolutely gone crazy. And I think that's what most people are going to think about this legislature, that if you don't let the election judge say that I personally know this person, so, why do they need to go home and get their ID, then there must be something other than protecting the integrity of the election process that this bill is attempting to do.

And so, with that, Mr. Speaker and Members, I would ask you to vote no on the motion to table and prove to the people in Texas that common sense is actually common in this legislature.

SPEAKER: Mr. Dutton sends up an amendment. Mr. Hancock moves to table. The motion is -- excuse me. The vote is on the motion to table. Record vote has been requested. Record vote is granted. The clerk will ring the bell. Show Ms. Harless voting aye. Ms. Chen-Button voting aye. Have all members voted?

Being 100 ayes, 48 nays, the motion to table
prevails.

Following the amendment, the clerk will read the amendment.

Is Mr. Eiland on the floor?

CLERK: Amendment by Eiland.

SPEAKER: The chair recognizes Mr. Eiland.

REPRESENTATIVE EILAND: Mr. Speaker,

Members, being someone that has been through a hurricane very close to the election date, this is the reason that I bring this amendment to you.

Those of us on the coast, when hurricane season is -- runs until November 1st, which is after the completion of hurricane season, this is a very real danger for us. And so, what we have is that if you have an area that has been -- that is a declared natural disaster by the governor or the president of the United States, then you sign an affidavit that says if you don't have a your ID because of that, then you think go ahead and vote.

This is a very real issue as in the storm in Galveston after Hurricane Ike, people were actually locked out of the island for many days and lost everything.

So, this is -- also wild fires in West Texas could be at issue. So, that's what this amendment does,
it just creates an ability to execute an affidavit if there's a natural disaster and you don't have a photo ID for that reason.

SPEAKER: Mr. Eiland sends up an amendment. The amendment is acceptable to the author. Is there any objection? The Chair hears none. The amendment is adopted.

Following the amendment, the clerk will read the amendment.

Mr. Raymond.

CLERK: Amendment by Raymond.

SPEAKER: The Chair recognizes Mr. Raymond.

REPRESENTATIVE RAYMOND: Thank you, Mr. Speaker, Members.

Member, under current law, an employer has to give you time to go vote. However, with this new -- with the new provisions that are being proposed in this legislation, an employer does not have to give you time to go get the ID -- the proper ID that you need to comply with this proposed bill.

So, my amendment would simply say that if you do not have the proper ID and you can show that your employer did not permit you to take time to go get the ID necessary, that you would then be exempt from the provision in this bill.
SPEAKER: Madam, door keeper, for what purpose?

DOOR KEEPER: Hear from the Senate at the door of the House.

SPEAKER: Admit the messenger.

MESSENGER: Mr. Speaker, I'm directed by the Senate to inform the House that the Senate has taken the following action.

SPEAKER: The amendment is temporarily withdrawn.

Following the amendment, the clerk will read the amendment. Representative Martinez.

CLERK: Amendment by Martinez.

SPEAKER: The Chair recognizes Mr. Martinez.

REPRESENTATIVE MARTINEZ: Okay. Thank you, Mr. Speaker, Members.

We need to understand that there's no such thing as a free ID, and according to Texas and DPS, a person applying for a state ID must apply in person, present documents that verify their identity, complete an application and consent to be photographed, fingerprinted and provide your signature.

So, you must perform one of the forms of primary ID and two forms of secondary ID or one form of secondary and two forms of supporting ID.
So, for primary ID, it includes Texas driver's license, U.S. citizenship certificate or certificate of naturalization, unexpired citizen ID card, resident alien card or temporary resident ID card, employment authorization card, foreign passport with a visa or U.S. military state card.

Secondary ID forms include original or certified copy of your birth certificate, an original or certified copy of the U.S. Department of State certification or birth abroad and, finally, an original or certified copy of the court order with the name and the date of birth, indicating the official change of name.

Some supporting IDs include vehicle titles, insurance policies, military records, original marriage license or divorce decrees, Social Security cards, actual pilot's license cards or expired driver's license.

So, Members, needless to say, it takes an ID to get an ID. So, therefore, we need to ensure that if we truly want to provide a free ID here in Texas for our voters that it actually is free, and to get this ID, it does cost you money.

SPEAKER: Mr. Walle, for what purpose?

REPRESENTATIVE WALLE: Mr. Speaker, will the
gentleman yield?

SPEAKER: Would you yield?

REPRESENTATIVE MARTINEZ: Yes. Yes, sir, I will.

SPEAKER: He will.

REPRESENTATIVE WALLE: Representative Martinez, doesn't the bill currently allow you to get a free ID?

REPRESENTATIVE MARTINEZ: What is that?

REPRESENTATIVE WALLE: Doesn't the bill currently allow you to get a free ID?

REPRESENTATIVE MARTINEZ: Well, the bill says it allows you to get a free ID but, as seen, it takes an ID to get an ID.

So, let's say, for example, that you lose your driver's license, Mr. Walle, what happens -- what has to happen, you need to go and try to obtain a birth certificate that you have to pay, you need to get a certified copy that you pay $22.

So, we're simply trying to say that if the State is interested in providing free IDs, they should truly be free. So, if you lose your ID, you don't have to go and pay to get a registered ID, that document should be free. That's all we're saying.

REPRESENTATIVE WALLE: Okay. Can you give
me an example of what fees you -- what fees you see
being incurred?

REPRESENTATIVE MARTINEZ: Sure. Like I
mentioned that earlier, if I currently don't know where
my original birth certificate is, it's probably still at
my parents' house, for example, if I lost my Texas
driver's license and tried to get the state issued free
ID card, I would still have to incur a cost because I
would have to provide a certified copy of my birth
certificate. So, if I didn't know where that birth
certificate was and I had to go and try and find that
and I had to get a certified copy of that birth
certificate, in trying to obtain and get a certified
copy of the birth certificate, you have to pay $22.

So, you're going to have to go down to your
local vital statistics and pay $22 in order to get that.
And we're simply trying to say that if we're interested
in obtaining a free ID card, that it should be free.

REPRESENTATIVE WALLE: Thank you.

SPEAKER: The Chair recognize Representative
Harless.

REPRESENTATIVE HARLESS: Members, I'd like
to make a motion to table this. The bill is about voter
ID, not issuing documents for free ID.

SPEAKER: The Chair recognizes
Representative Martinez.

REPRESENTATIVE MARTINEZ: Okay. Members, so then we're going to tell the people of Texas -- we're going to tell them that they're getting a free ID when they really aren't.

So, if you're going to go -- you lose your driver's license and you have to go obtain an ID, you're going to have get a certified copy of your birth certificate, so, you're still going to have to get -- you have to pay for that.

So, all we're saying is if this is free, do not allow the people to have to go and pay for a certified copy of your birth certificate. If it's free, it should be a free across the board. So, let's not charge the people of Texas in order to vote.

That is a hidden poll tax on the people of Texas, Members, and I vote no on that motion to table.

SPEAKER: Mr. Martinez sends up an amendment. Representative Harless moves to table. The vote is on the motion to table. It's a record vote. The clerk ring the bell. Representative Gonzalez from El Paso voting no. Show Representative Harless voting aye. Show Representative Berman voting aye.

Have all voted? Being 100 ayes and 49 nays, motion to table prevails.
Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Raymond.

SPEAKER: The Chair recognizes Representative Raymond.

REPRESENTATIVE RAYMOND: Thank you, Mr. Speaker, Members. This is an amendment I started laying out a little while ago.

Members, as you know, what this bill proposes is that you have to have your voter registration card. You have to show you're registered.

Under current law, employers have to let you go vote. What they don't have to do is they don't have to let you go get the identification that you need to comply with this new proposed law.

So, what I do with this amendment is say if you're a registered voter, you've got your registration card and you go to vote but you don't have the requisite ID that's laid out in this bill and you present a paycheck or a copy of another official employment document that includes the information of the voter's employer and informs the election officer that the voter's employer does not permit the voter to be absent from work for the purpose of obtaining photo identification and that offices of the Department of
Public Safety are not open for at least two consecutive hours outside of the voter's working hours.

Very simply, Members, there will be people out there who are registered to vote but whose employers will not give them the time, as they currently have to under law, give them time to go vote, they won't give them the time to go get the ID that they need. So, that's what this amendment is about. Move adoption.

SPEAKER: The Chair recognizes Representative Van Taylor in opposition.

REPRESENTATIVE VAN TAYLOR: Mr. Speaker, Members, I rise in opposition to this amendment. This deals with people who already have jobs, and in order to have a job in this country, an individual must fill out an I-9 form. An I-9 form requires identification. So, I'm not really sure where this is coming from because these people already had ID to get a job in the first place. I move to table this amendment.

SPEAKER: Mr. Raymond, for what purpose?

REPRESENTATIVE RAYMOND: Mr. Speaker, will the gentleman yield?

SPEAKER: Will the gentleman yield?

REPRESENTATIVE VAN TAYLOR: I yield.

REPRESENTATIVE RAYMOND: Repeat that, Mr. Van Taylor, because I didn't quite hear you. I
1 apologize.

REPRESENTATIVE VAN TAYLOR: Sure. For an
2 individual -- for a U.S. citizen -- and there are --
3 only U.S. citizens should be registered to vote in this
4 state -- to have a job, they must fill out an I-9 form
5 for their employer. To fill out an I-9 form, they have
6 to have some form of identification.
7
8 REPRESENTATIVE RAYMOND: Okay. So, is there
9 a scenario that you can envision, Mr. Van Taylor, where
10 somebody went to work for you, let’s say, ten years ago,
11 right, and they had to fill out the proper forms and
12 show you the proper ID, et cetera, right?
13
14 REPRESENTATIVE VAN TAYLOR: Correct.
15
16 REPRESENTATIVE RAYMOND: Ten years ago. Can
17 you imagine that there would be an instance in this
18 state of 25 million people where registered and eligible
19 voters might for some reason ten years later -- might
20 for some reason ten years later not have the ID that is
21 being required in this bill? Could you imagine that
22 scenario?
23
24 REPRESENTATIVE VAN TAYLOR: Yes.
25
26 REPRESENTATIVE RAYMOND: Okay. So, you can
27 imagine what I'm trying to get to here, which is you're
28 exactly right, if they work for Van Taylor and they show
29 up at the polling place and they have a voter
registration card and they have something from Van Taylor, Inc. saying, you know, "I did not provide them time to go get a new ID as is required by this bill" --

REPRESENTATIVE VAN TAYLOR: There was a question there somewhere, I'm sure.

REPRESENTATIVE RAYMOND: Yeah. I just said can you imagine that if somebody worked for you, you hired them legally ten years ago, some point since then they lost the ID, this bill passes, this bill becomes law, they lost their ID but Van Taylor, Inc. didn't let them -- give them time during the day to go get the ID that they needed, you can also imagine in a state of 25 million people that there could be instance likes that?

REPRESENTATIVE VAN TAYLOR: Well, in the example you just gave, there are opportunities for someone to get their driver's license either on line, as many of us have done, or -- or by mail.

REPRESENTATIVE RAYMOND: I'm not sure you can go get our -- what you're asking for in this bill, that you could get it on line.

REPRESENTATIVE VAN TAYLOR: The original form of identification, which you would have to have for the I-9 form, since we're only talking about the employed people who are U.S. citizens, you can -- you have to show up in person to get your first driver's
license, to get photo ID, we have to take your picture somehow, of course. Subsequently, after we've gotten your picture, you can renew for a number of times online.

REPRESENTATIVE RAYMOND: You haven't had your driver's license for six years?

REPRESENTATIVE VAN TAYLOR: One moment.

SPEAKER: Stop the clock.

REPRESENTATIVE VAN TAYLOR: There's extensive training for poll workers and election judges in how to handle it when someone doesn't have identification. We already have -- we have a provisional ballot system but the supposition that you're making that people may show up to the polls without an ID, which could happen and this bill envisions that and gives the voter the opportunity to take care of that, but your original premise that people who are employed in this state don't have photo ID doesn't hold up when you look at the federal requirement for the I-9 form.

REPRESENTATIVE RAYMOND: Well, it does, as you acknowledged just a minute ago that if somebody went to work for you ten years ago and you hired them legally, that ten years later, they might not have the ID that they had ten years ago. They might have lost
it. Would you -- you acknowledged that earlier. Would you acknowledge that now?

REPRESENTATIVE VAN TAYLOR: I do.

REPRESENTATIVE RAYMOND: Finally, let me ask this, Mr. Van Taylor: Do you know what those of us who are opposed to this legislation are doing? We're trying to protect voting rights. You recognize that, right?

REPRESENTATIVE VAN TAYLOR: Absolutely, as are the proponents of this bill. We seek to protect voting rights by protecting the --

REPRESENTATIVE RAYMOND: Then let me ask you this --

REPRESENTATIVE VAN TAYLOR: -- by making sure that every vote counts, and that's what this bill is ultimately about and what we seek to do in our support of voter ID.

REPRESENTATIVE RAYMOND: Let me ask you a simple question. Do you believe the Voting Rights Act is a good law?

REPRESENTATIVE VAN TAYLOR: I believe the Voting Rights Act did a great thing to protect Americans' right to vote, all Americans regardless of --

REPRESENTATIVE RAYMOND: So, you believe the Voting Rights Act is still necessary?

REPRESENTATIVE VAN TAYLOR: Yes.
REPRESENTATIVE RAYMOND: Is that because you believe discrimination still exists?

REPRESENTATIVE VAN TAYLOR: I think of the Voting Rights Act -- there are many aspects of it that protect our ability to vote.

REPRESENTATIVE RAYMOND: Well, if it's protecting discrimination in the voting place, so, if you believe it's a good law, do you believe discrimination in the voting place still exists?

REPRESENTATIVE VAN TAYLOR: I'm not sure where you're going with this.

REPRESENTATIVE RAYMOND: No. No. This is -- it's I'm not going anywhere. This is very simple. This is about protecting voting rights, and I asked you if you believed the Voting Rights Act was a good law. You said yes, right?

REPRESENTATIVE VAN TAYLOR: This bill that we're debating right here on the floor is about voter identification at the polling station when people vote in the State of Texas.

REPRESENTATIVE RAYMOND: And any time you deal with a law that has to do with voting, you have to take into consideration the rights of people to vote. Any time you deal with a law as comprehensive and big as this -- as comprehensive and big as this, you have to
take into account people's voting rights. You would
agree with that, right?

REPRESENTATIVE VAN TAYLOR: I think that it
is important to remember that this bill is about making
sure that the right people show up on election day
and --

REPRESENTATIVE RAYMOND: That the right
people show up on election day?

REPRESENTATIVE VAN TAYLOR: Well --

REPRESENTATIVE RAYMOND: Who are the right
people?

REPRESENTATIVE VAN TAYLOR: The people who
are registered vote and can demonstrate they are who
they say they are through having proper voter
identification.

REPRESENTATIVE RAYMOND: Again -- and I'll
let you go after this but I just want to establish you
and I serve on committees together, it's been great
getting to know you. You acknowledge that we still need
the Voting Rights Act because the Voting Rights Act
prevents discrimination in the polling place and if you
still think we need it, presumably you believe there's
still problems?

REPRESENTATIVE VAN TAYLOR: Mr. Chairman, as
you well know, this -- this type of legislation, voter
identification, has been approved under the Voters Right Act in other states. I mean, this is -- this has already been litigated by other states.

But the point of your amendment, coming back to what I think you wanted to talk about here today, which is the ability of people who have jobs who somehow might not have identification, those people in this country who have jobs have to fill out an I-9 form.

That requires identification.

REPRESENTATIVE RAYMOND: And along those lines, according to the -- what web site is this -- the Workforce Commission, it says in order to get an I-9, you have to have a voter registration card and a Social Security account number to get an I-9, which means those are the two things you need to get a photo ID.

REPRESENTATIVE VAN TAYLOR: That is -- those are two possible combinations from list A -- excuse me -- from list B and list C.

REPRESENTATIVE RAYMOND: That's all you need. So, to get an I-9, you need a voter registration card and a Social Security card. So, would you agree then that if somebody has a voter registration card and Social Security card, they ought to be able to vote, too, if they're registered to vote, obviously?

REPRESENTATIVE VAN TAYLOR: Clearly.
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<td>REPRESENTATIVE RAYMOND: You do? Then I can offer that amendment. Do you want to -- do you want to tell Ms. Harless back there? Do you want to offer it together?</td>
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<td>REPRESENTATIVE VAN TAYLOR: Look, we -- it is important that we have a voter identification requirement in this state to make sure that when people show up to vote, they are who they say that they are.</td>
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<td>REPRESENTATIVE RAYMOND: Do you think it is sufficient, as it is under law, that in order to get an I-9 card, which you hang this whole thing on, that all you need are a voter registration card and a Social Security number? Do you think that's sufficient to get an I-9 card? That's what the law is. Do you agree with the law or disagree with it?</td>
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<td>REPRESENTATIVE VAN TAYLOR: Mr. Chairman, this is a narrowly-defined bill. It is designed to make sure that the people who show up to vote are, in fact, who they say they are. The fact is it is too simple to steal a voter identification card and use that for in person ballot fraud.</td>
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<td>I have witnessed it with my own eyes. We talked about this Monday, in Representative Anchia's district. I watched somebody walk in and say, &quot;Somebody took my voter registration card. I'm here to vote,&quot; and</td>
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they were denied the right to vote.

SPEAKER: Representative Sheffield raised a point of order, gentlemen. Time is expired. Point of order --

REPRESENTATIVE RAYMOND: Mr. Speaker, I'd ask that the -- that our exchanged be reduced to writing and entered in the journal.

Thank you.

SPEAKER: Now that you've heard the motion, is there objection?

The Chair hears none. So ordered.

The Chair recognizes Mr. Raymond to close.

REPRESENTATIVE RAYMOND: Members, I know it's hard to listen when we've got an extended debate but as Mr. Van Taylor just mentioned, an I-9 form -- an I-9 ID is very important in his world as an employer, and all you need to get an I-9 form is a voter registration card and a Social Security number.

I -- basically, what I'm doing with this amendment is matching it up to what we do right now to get an I-9 form.

To not pass this -- to not pass this amendment, which the motion has been made to table, to not pass this amendment when current law in the State of Texas, which I imagine many of the members in here voted
for, says that all you need for an I-9 card is a voter registration card -- an I-9 ID is a voter registration card and a Social Security number, that works there but when it comes to voting, you're going to vote down an amendment -- if you vote aye on the motion to table, you're voting down an amendment that says voting -- you have less protections as a voter and less rights as a voter than you do as a worker.

So, I ask that you vote no on the motion to table and -- and I think that Mr. Van Taylor asks that you vote aye.

SPEAKER: Representative Raymond sends up an amendment. Mr. Van Taylor moves to table. The question is on the motion to table. Record vote. Clerk will ring the bell.

Show Mr. Van Taylor voting aye. Show Ms. Harless voting aye. Show Mr. Raymond voting no.

Have all voted? Being 101 ayes and 48 nays, motion to table prevails.

Following the amendment, clerk will read the amendment.

CLERK: Amendment by Duke.

SPEAKER: The Chair recognizes Representative Dukes.

REPRESENTATIVE DUKES: Thank you,
Mr. Speaker, Members. This is a very simple amendment. It allows for a temporary driving permit issued to the person by the Department of Public Safety to be used as a valid form of identification enabled to vote.

A temporary driver's permit is issued by the State of Texas. It shows the name and address of the person and includes an expiration date.

In order to qualify, a person -- the permit must include the person's name, the Texas driver's license number, their birth date, their address, a physical description of them.

Having a temporary driving permit shouldn't hindered a person's ability to vote and, if adopted, would allow more individuals to have access to the voting process.

SPEAKER: Mr. Villarreal, for what purpose?

REPRESENTATIVE VILLARREAL: Mr. Speaker, will the gentlelady yield for questions?

REPRESENTATIVE DUKES: I yield.

SPEAKER: She yields.

REPRESENTATIVE VILLARREAL: Ms. Dukes, how long has an out of state photo ID been an acceptable form of photo ID for voting?

REPRESENTATIVE DUKES: Excuse me. Could you -- could you repeat the question?
REPRESENTATIVE VILLARREAL: Sure. How long has an out of state photo ID been an acceptable form of ID for voting?

REPRESENTATIVE DUKES: I'm not certain. Can you tell me?

REPRESENTATIVE VILLARREAL: Well, since the 75th legislature, in fact. I'm so glad you asked.

Are you aware of any voter fraud involving the use of out of state photo ID?

REPRESENTATIVE DUKES: I can't recall any. Can you tell me?

REPRESENTATIVE VILLARREAL: Neither can I. I think there -- my understanding is that there has not been any documentation of an out of state photo ID being used in inappropriate voting.

REPRESENTATIVE DUKES: You know --

REPRESENTATIVE VILLARREAL: Thank you for your amendment.

REPRESENTATIVE DUKES: You know, one would assume that this bill is strictly about having an ID to vote, not about creating an additional offense within the law as a reason why an individual would lose their right to vote.

A temporary driver's permit usually is for, you know, individuals that may have an infraction far
less than the felony that a federal law or state law
requires in removing one's license and not having the
ability to vote. So, one would assume that one should
not be penalized for a valid temporary driving permit
from their right in the process to vote.

REPRESENTATIVE PHILLIPS: Mr. Chairman,
will the gentlelady.

REPRESENTATIVE DUKES: Yes, I yield.

REPRESENTATIVE PHILLIPS: Does the document
you're talking about have a picture on it?

REPRESENTATIVE DUKES: Yes, sir. It has a
physical description of the person.

REPRESENTATIVE PHILLIPS: Does it have a
picture?

REPRESENTATIVE DUKES: Their height, their
weight. In some cases, some of them do, in some cases,
but it shows their name, their address, their expiration
date. It's issued by the State of Texas.

REPRESENTATIVE PHILLIPS: Does it have --

REPRESENTATIVE DUKES: It has a driver's
license number.

REPRESENTATIVE PHILLIPS: But you can't
guaranty that it will have a picture on it if we vote
for your amendment?

REPRESENTATIVE DUKES: A temporary driver's
permit, though, it's still issued by the State of Texas
and it still has everything that --

REPRESENTATIVE PHILLIPS: Thank you.

REPRESENTATIVE DUKES: -- that could be
used.

You are most welcome. And I move passage.

SPEAKER: The Chair recognizes
Representative Harless in opposition.

REPRESENTATIVE HARLESS: Thank you, Members.

I would request that you vote to table this amendment.

Temporary ID has a photo on it. We got a
letter from the DPS saying that when they issue a
temporary ID or a driver's license, they have photos on
them.

They also testified that their time
turnaround is 15 days. I ask that you table this.

REPRESENTATIVE DUKES: Mr. Speaker?

SPEAKER: Ms. Dukes, for what purpose?

REPRESENTATIVE DUKES: Will the gentlelady
yield?

REPRESENTATIVE HARLESS: Yes.

SPEAKER: She yields.

REPRESENTATIVE DUKES: It's not necessarily
true that all of the temporary driving permits have a
picture on them. There are -- as a matter of fact, when
I requested some information from DPS on Friday, there are large numbers of individuals that have these temporary permits that do not have their IDs on them and they look more like this than what you're talking about but yet they are not individuals who have committed a felony under the law as to why their license would have been removed.

Are you -- is it your intent to create an additional penalty under the law to take away a person's right to vote by preventing them from having the ability to vote with a temporary driving permit?

REPRESENTATIVE HARLESS: The -- the -- the specific ID spelled out in the bill is very, very broad. You can have a driver's license. You can have a Texas ID -- a Texas driver's license, a Texas ID, a passport. You can have a citizen certificate with your picture on it. You can have a concealed handgun license.

These are standardized forms, and they're the acceptable forms for voting in person at -- on a polling day.

Now, if you do not have one of those forms, you can always cast a provisional ballot and bring back the information and have your ballot counted.

REPRESENTATIVE DUKES: Explain to me why a temporary driving permit issued by the State of Texas is
not good enough under your bill since you're the author of it. In your mind, why is it not good enough to have a temporary driving permit?

REPRESENTATIVE HARLESS: Because there's not necessarily on -- DPS says that they have a photo on their driver's license and ID cards that are temporary.

REPRESENTATIVE DUKES: Not true. There are some that use a form that look just like this. If we need to walk -- I know this is a far distance. If we need to walk it down to you, then we can do that but there are some temporary permits that may not have that ID but what I don't understand is that if it's a government, State of Texas issued temporary driving permit, why is that not good enough when it already has a physical description of the person, it has their address, it has their age, it has an expiration date, the color of their eyes, their height, their weight, noting their sex, why is that not good enough?

Is it just that you're trying to say that anyone -- anyone, even if it's not a felony because that's the only reason why someone's license would be suspended and they would not have the right to vote under the federal or state law, are you trying to say now that a misdemeanor or someone who is brand new just shouldn't have the right to vote? Because you're
stretching it.

REPRESENTATIVE HARLESS: Do you want me to
answer or do you want to --

REPRESENTATIVE DUKES: I want you to answer
directly on that question.

REPRESENTATIVE HARLESS: Okay. The
temporary ID receipt does not have the security features
that a physical ID card or driver's license has and it
is easy to be duplicated. That is the reason we have --

REPRESENTATIVE DUKES: If a temporary
driving permit is good enough to be used to drive and
for many other purposes, why is it not good enough to
vote when you haven't found any problems that you've
been able to prosecute in the State of Texas?

REPRESENTATIVE HARLESS: We are talking
about security features and showing that you are who you
say you are when you show up to vote. A driver's
license and ID card issued with a photo has those
security provisions in it. A temporary driver's license
or a temporary ID does not have those security features
in it.

REPRESENTATIVE DUKES: So, you're saying
that --

REPRESENTATIVE HARLESS: So, I'm saying that
I'd like to make a motion to table.
REPRESENTATIVE DUKES: So, you're saying to go in to vote, with these judges that are in the voting polling places, a temporary driving permit is not good enough for them but it's good enough for every officer who stops you on the street?

REPRESENTATIVE HARLESS: I'm saying that we have to protect the ballot box and --

REPRESENTATIVE DUKES: You have to protect the ballot box more than the police officer has to protect the street?

REPRESENTATIVE HARLESS: By making sure that you show a photo ID and that you are the person that you say you are, and the temporary ID and the temporary driver's license can be duplicated and --

REPRESENTATIVE DUKES: You're saying that the right to vote -- those -- not necessarily the right to vote but the people who are untrained working at the polls that they can't accept a temporary driving permit when the police officers can?

REPRESENTATIVE HARLESS: Well, under the bill, the training of the poll workers is now mandated. It's not optional. So, they will be trained on how to recognize the ID.

REPRESENTATIVE DUKES: So, you've just stated by your bill that anyone who is delinquent on
their child support, because they can have their
driver's license pulled and have only a temporary ID,
will no longer have the right to vote. That's a whole
lot of people.

REPRESENTATIVE HARLESS: They have a right
to vote a provisional ballot.

REPRESENTATIVE DUKES: But then you're
making them -- your bill still makes them go and buy
another form of ID. Why not use the ID that they are
issued, a temporary driving permit?

REPRESENTATIVE HARLESS: Well, and they'll
have a permanent ID as soon as it comes in, usually
within 15 days.

REPRESENTATIVE DUKES: It sounds more like
your bill is attempting to, one, create an offense under
the law that prevents people from voting when it's not
even a felony and the federal government doesn't prevent
them from voting and, two, just to prevent people who
you think are going to vote a certain way. Sad for the
State of Texas. Really sad.

REPRESENTATIVE HARLESS: I move to table.

REPRESENTATIVE BURNAM: Mr. Speaker, would
the lady yield? Mr. Speaker, will the lady yield?

SPEAKER: Just a minute, Mr. Burnam.

Ms. Harless yields.
REPRESENTATIVE BURNAM: I'm sorry.

Ms. Harless, did you yield?

REPRESENTATIVE HARLESS: Yes.

REPRESENTATIVE BURNAM: Thank you so much.

REPRESENTATIVE HARLESS: You're one of my favorites, of course.

REPRESENTATIVE BURNAM: Of course.

You may not be familiar, however, with the right of responsibility bill that Representative Berman and I both had in (Inaudible) public safety yesterday. And if you're not familiar with that bill, you may not be aware that every year -- every year for the last five years people have had -- 100,000 Texans a year have had their driver's license suspended. They've had that driver's license taken from them, and they are issued the form that Representative Dukes was showing you from the back mic.

And I'm just wondering what you propose to do. Are all 100,000 people per year just going to have to vote provisionally?

REPRESENTATIVE HARLESS: I don't know how many of those hundred thousand people are actually registered to vote.

REPRESENTATIVE BURNAM: Well, in theory, they have the opportunity, most of them, the ones that
are over 21 and qualify. So, let's just knock it down
and say only 75,000 a year are denied the right to
drive, their driver's license is suspended, are you
going to say that these people are all going to have to
vote provisionally?

**Representative Harless:** If they don't have
another alternative form of photo ID, such as a passport
or citizenship paper with their photo on it or either a
CHL license, if they --

**Speaker:** Representative Phillips raised a
point of order. The gentleman's time expired. Point of
order is well taken. Sustained.

The Chair recognizes Representative Harless.

**Representative Harless:** I'm removing my
motion to table so Representative Dukes may close on her
amendment.

**Speaker:** The Chair recognizes
Representative Dukes.

**Representative Dukes:** Thank you,
Mr. Speaker and Members. Thank you Representative
Harless for giving me the ability to close on this
amendment.

Members, having a temporary driving
permit -- what class of voters would be excluded from
voting if we didn't allow a temporary driving permit? A
1 temporary driving permit is issued to adult drivers, legal minorities and commercial truck drivers who may have lost their photo identification due to various offenses or alcohol related offenses.

These offenses are punishable under the Texas Transportation Code 524.011. Over 100,000 individuals per year will be excluded if they are not allowed to utilize their temporary driving permit, which does not include a photo of them.

Now, why is the ID needed? Because young voters, adult drivers and commercial drivers or truck drivers who have a temporary driving permit should not be further punished by not being allowed to vote because they made a mistake while driving.

We have even had some who have been allowed to pass on and run for higher office with these little minor mistakes. So, we shouldn't take away their right to vote.

A driving infraction or mistake should not be punished by disallowing a person access to the polls because he or she carries an alternative ID.

We need to make sure when persons are punished for one action in our community, they are not punished for another action, especially one as important as their right to cast a vote.
Under the federal --

SPEAKER: Mr. (Inaudible), for what purpose?

REPRESENTATIVE ALISEDA: Does the gentlady yield?

REPRESENTATIVE DUKES: Yes, I do yield.

SPEAKER: She yields.

REPRESENTATIVE ALISEDA: I practice some DWI law back home in my district, and one of the common occurrences is that an individual gets stopped and has over the blood alcohol limit that's required by law, has their license taken, and then there's a suspension procedure, and they're given a yellow form that is a temporary driving permit and it's good until there is a hearing and an administrative law judge makes a decision.

When I have a client like that that needs identification, I send them down to the DPS office, and they are able to get a temporary identification card to use for the purposes that they need an identification for.

So, in those instance that you're citing, I don't see any reason why -- or maybe you can tell me why they could not go to the DPS office and get this temporary -- excuse me -- this identification card, which is used -- a photo identification card, which is
used for purposes of identification and is also a valid ID form for voting in this state under this bill.

REPRESENTATIVE DUQUES: Why should they have to go and get an additional one? You're basically -- you're representing these individuals who are -- you're a defense attorney, is that what you're saying you are?

REPRESENTATIVE ALISEDA: Yes.

REPRESENTATIVE DUQUES: With DWI?

REPRESENTATIVE ALISEDA: Yes.

REPRESENTATIVE DUQUES: They've been charged by the Court once?

REPRESENTATIVE ALISEDA: Excuse me?

REPRESENTATIVE DUQUES: They've been charged by the Court?

REPRESENTATIVE ALISEDA: Yes. They don't necessarily have to be charged by the Court because the charge still hasn't been filed. When the officer -- the DPS officer takes their identification because they've blown over the legal limit or because they've refused the blood test or the breath test, they are issued a yellow form, a license suspension form.

And they tell me, "What am I going to do now without a photo ID to go check out a movie," or whatever it is they need to do with a photo ID.

I send them over to the DPS office, and they
get a photo ID and they're able to function with their
temporary permit, that little yellow piece of paper, and
they use a photo ID from the DPS when they need to use a
photo ID.

REPRESENTATIVE DUKES: Yeah, but, you know,
that is -- what you're talking about is something a
little bit different than the right -- the guaranteed
right to vote.

They've had an offense under the law, and
they are paying you to get them off of their DWI. So,
you're giving them advice to do something but there are
some folks who have these temporary IDs that they've
already dealt with their situation. Now we're stating
we're going to take away your ability -- or make it more
difficult for you to have a right to vote.

REPRESENTATIVE ALISEDA: My point is they
can go obtain the DPS ID, the same DPS ID that I tell my
clients to go obtain.

REPRESENTATIVE DUKES: Why do you want to
make it so much difficult for people to vote?

REPRESENTATIVE ALISEDA: It's not a question
of making it difficult to vote.

REPRESENTATIVE DUKES: Yes, it is. Yes, it
is, because it's not that difficult now. Who is it
truly that you don't want to give the ability to vote?
REPRESENTATIVE ALISEDA: That is not -- that is not my purpose.

REPRESENTATIVE DUKES: Because I will tell you one thing, this temporary driving permit is going to affect a whole lot of people but not a whole bunch of them are going to live in my district. So, really, you need to think again about the argument.

REPRESENTATIVE ALISEDA: It is my purpose to see that the system is fair and also that it is as secure as we can make it. There is nothing you can't do in this society that --

REPRESENTATIVE DUKES: Many of us have been trying to do that since prior 1964, to make sure it was fair and secure but this law is changing a whole lot of the things that my ancestors went through. It's changing it by making it more difficult for my ancestors and people who look like me to have the ability to go and vote. It's making it more difficult for people who are disenfranchised to have the ability to go down and to get some form of ID because they will be charged an additional amount.

This same concept of disenfranchisement that's taken away so many rights under HB 1 that will come up next week but I'll talk about that next week but don't take away the right that my people have had and
access to vote. Don't try to make it more difficult for my people to have the ability to vote.

REPRESENTATIVE ALISEDA: Ma'am --

REPRESENTATIVE DUKES: Do whatever you want for your DWI folks, whatever. You advise them as you please.

REPRESENTATIVE ALISEDA: Ma'am --

REPRESENTATIVE DUKES: But don't advise my folks.

REPRESENTATIVE ALISEDA: Ma'am, I'm an immigrant to this country, and I came from Mexico. Do you know what they require in Mexico? They require a biometric identification to vote.

REPRESENTATIVE DUKES: Well, we're in Texas.

REPRESENTATIVE ALISEDA: That means a picture ID, including a fingerprint.

REPRESENTATIVE DUKES: We're in Texas. We're in Texas, and a whole bunch of things are different in Texas. We're in America. We're in America, and a whole lot of things are different. And one thing that we did have going for us, at least we had civil rights but that seems to be being rolled back.

REPRESENTATIVE ALISEDA: Thank you, ma'am.

SPEAKER: Mr. Burnam, for what purpose?

REPRESENTATIVE BURNAM: Will the lady yield?
Speaker: Will you yield, Ms. Dukes?
Representative Dukes: Yes.
Speaker: She yields.

Representative Burnam: Ms. Dukes, are you aware that my father-in-law and your constituent, the entire time you've been in office, Dr. Glenn Roarke, had his driver's license taken away from him for no cause, was not issued either -- any kind of documentation and had to make three different visits to three different DPS facilities here in Austin, Texas, taking over two hours each visit in order to get a temporary permit?

Representative Dukes: No, I was not aware.

Representative Burnam: Ms. Dukes, are you aware that Tarrant County has grown exponentially in population over the last decade and now has over 1.7 million, almost 1.8 million people in it and there are still only three DPS offices in the county and all three of them are outside the loop, not on bus lines?

Representative Dukes: Wow, that's going to make it pretty difficult.

Representative Burnam: Yeah. Thank you.

Speaker: Representative (Inaudible) raised a point of order that the gentlelady's time has expired. The point is well taken.

Representative Dukes: Vote against the
motion to table.

SPEAKER: Representative Dukes has an amendment. Representative Harless moves to table. The question is on the motion to table. All in favor vote aye, all opposed no. Clerk ring the bell. Show Ms. Dukes voting no.

Have all members voted? By a vote of 99 ayes, 49 nays, 2 present not voting, the motion is tabled.

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Dutton.

SPEAKER: The Chair recognizes Mr. Dutton to explain his amendment.

REPRESENTATIVE DUTTON: Mr. Speaker and Members, as I read through the bill, one of the things that struck me was the reference to the personal identification certificate that's required under this bill.

And what this amendment simply does is just adds the two words voter's certificate to it so that it would now read a personal identification voter's certificate. And that's really all it does.

SPEAKER: The Chair recognizes Representative Harless to speak against the amendment.
REPRESENTATIVE HARLESS: Members, there's certain information on your voter's certificate, your voter registration card. You will still continue under this legislation to get a voter's registration card that tells you your home precinct, your senatorial district, your congressional district.

And this amendment replaces the voter registration card with a personal identification voter card. It's unnecessary and it would be expensive to the counties -- to the state. Sorry.

SPEAKER: Mr. Dutton, for what purpose?

REPRESENTATIVE DUTTON: Will the gentlelady yield?

REPRESENTATIVE HARLESS: I will.

SPEAKER: She yields.

REPRESENTATIVE DUTTON: Ms. Harless, will you take a look at that amendment again because I don't think you really intended to misrepresent what the amendment does. Your bill -- do you know that your bill contains a reference to a personal identification certificate in here?

REPRESENTATIVE HARLESS: Yes, that's the voter registration card.

REPRESENTATIVE DUTTON: But it's called a personal identification certificate; isn't that right?
REPRESENTATIVE HARLESS: Right.

REPRESENTATIVE DUTTON: And that's what it's termed. And all this does is just makes it clear that that personal identification certificate is really a personal identification voter certificate, which is what I thought you intended it to be.

REPRESENTATIVE HARLESS: Your -- your personal identification voter card that is issued in the bill is a voter registration card issued by the registrar.

REPRESENTATIVE DUTTON: But it's not --

REPRESENTATIVE HARLESS: What you're --

REPRESENTATIVE DUTTON: -- called anything, is it?

REPRESENTATIVE HARLESS: Excuse me. What you're doing in Section 20 is addressing the Transportation Code, which, in essence, would mean everybody would get a voter ID card issued through the Texas Department of Transportation, and that would make it very expensive.

REPRESENTATIVE DUTTON: No. No.

REPRESENTATIVE HARLESS: We talked earlier about this dollar --

REPRESENTATIVE DUTTON: I think if you'll read the amendment more closely, what you'll realize is
that that's not what it does. What it does is simply
says if you're getting the personal identification card
for voter purposes, then it would be called a personal
identification voter certificate.

That's -- that's really all it does. It
doesn't change that. It doesn't change the part that
you're suggesting that it does.

REPRESENTATIVE HARLESS: So, tell me what
the purpose of this is.

REPRESENTATIVE DUTTON: So that -- so that
there's a distinction being -- ought to be made between
just a regular personal identification card and one that
is designed solely for -- to be used as a voter. That's
all it does.

REPRESENTATIVE HARLESS: I don't see that.

REPRESENTATIVE DUTTON: Well, it might
require you to look at the amendment a little closer and
the bill a little closer, too, because I think -- well,
not you. You've got to do it like this but it doesn't
change anything.

REPRESENTATIVE HARLESS: Well, do you want
to talk about this some more because we haven't
discussed this?

REPRESENTATIVE DUTTON: I think we have all
night.
REPRESENTATIVE HARLESS: Okay.

SPEAKER: Representative Dutton sends up an amendment. Representative Harless moves to table. Representative Dutton to close.

REPRESENTATIVE DUTTON: Thank you, Mr. Speaker and Members. I thought this was an easy amendment but I guess not. Essentially, what this bill requires is if you want to go to the DPS to get a certificate for you to vote, then it's called under the bill a personal identification certificate.

What my amendment simply does is if you do that, it's called a personal identification voter's certificate. That's really all this does. And I don't -- I don't know. Maybe they don't -- it's not the amendment they don't like. Maybe it's the author but anyway, I move passage. I move -- all right. Okay. All these aw's, if you will change them to green light, to no votes, I will accept them.

SPEAKER: Mr. Dutton sends up an amendment. Representative Harless moves to table. All the aw's vote aye. All the nays vote no. Clerk ring the bell. Have all voted? 96 ayes, 49 nays, 2 voters not voting, the motion tabled prevails.

Representative Allen. Following the amendment, the clerk will read the amendment.
CLERK: Amendment by Allen.

SPEAKER: The Chair recognizes Ms. Allen to explain her amendment.

REPRESENTATIVE DR. ALLEN: Mr. Chairman and Members, this is a very simple bill -- amendment. It simply provides for those people who -- as already in the bill who already have expired IDs and in the bill, if the bill is expired for 60 days, you can vote. If the bill is expired for 61 days, you cannot vote.

An example would be a young man on my staff who is there now ordered his driver's license to be replaced -- to replace his expired driver's license September, 2010.

In January, he still had not received his driver's license. He had to wait in line all day to request it again. After haggling about whether or not it had been sent, he finally agreed to process a renewal form.

After that -- those of you from Dallas know that a fire occurred in the Dallas/Fort Worth mail facility. DPS sent him a letter asking -- informing him that his license had been destroyed in the fire and that it would take another two or three weeks.

On or about March the 9th, 2011, he finally received his license. About that time, he received his
notice that his driver's license had been destroyed in
the fire.

It took him almost six months to finally get
his license renewed. He didn't have a U.S. military ID
card. He didn't have a U.S. citizen certificate. He
didn't have a passport, nor did he have a
concealed handgun license.

I can point out this situation to you. If
he had been able to use his old driver's license or one
of his IDs or state issued ID, as you have in the bill,
he would have been able to vote.

Now, I want to save the State of Texas
money. You say you're giving a free ID to those people
who want to vote and walk in and request one for the
purpose of voting.

SPEAKER: (Inaudible) for what purpose?
REPRESENTATIVE DR. ALLEN: I'm sorry, I'm
laying out my --

REPRESENTATIVE GUTIERREZ: I don't think
she's done yet, Mr. Speaker. I'll wait until she's
done.

REPRESENTATIVE DR. ALLEN: -- for the
purpose of voting. How much will it cost the State of
Texas to furnish a free ID to all of the persons who
will walk up and ask for a free ID for voting?
That would possibly include like I have lost
my driver's license right now, probably be me standing
in line. Or the person whose license plates -- driver's
license who have expired, any form of ID that you have
in this bill.

I'm simply asking that you extend the time
to any driver's license -- or any ID issued by the state
expired for any length of time. You are who you are.
You do not change. This will save the state millions of
dollars in free ID cards.

It will give the opportunity for grandma --
I know she's in there somewhere, we are in there
somewhere, over 60, over 70, who doesn't drive any more
but she had a driver's license, to use her old driver's
license, for those who have had a wreck and become
handicapped, had a driver's license, can't drive any
more, could use their old ID.

I simply ask that you extend the 60 days
until any length of time. It would save the state
millions and millions of dollars.

SPEAKER: Mr. Gutierrez, for what purpose?

REPRESENTATIVE GUTIERREZ: Yes, Mr. Speaker.

Will the gentlelady yield for questions?

SPEAKER: Do you yield?

REPRESENTATIVE DR. ALLEN: I will. Thank
you.

SPEAKER: She yields.

REPRESENTATIVE GUTIERREZ: Representative Allen, you're aware that the State of Georgia has a voter identification, voter impersonation statute, whatever you want to call it, they have a similar type legislation in Georgia, you're aware of that, correct?

REPRESENTATIVE DR. ALLEN: I've heard that today.

REPRESENTATIVE GUTIERREZ: Did you know that in Georgia, Representative Allen, they require the same thing, a Georgia driver's license, even if expired? So, the good people of Georgia have determined that your amendment is a good idea and it has worked for them. So, I think --

REPRESENTATIVE DR. ALLEN: I -- yes, I think it's a good amendment.

REPRESENTATIVE GUTIERREZ: So, you --

REPRESENTATIVE DR. ALLEN: It would be good. We wouldn't have to drag grandma to the DPS station. She could use her old card.

REPRESENTATIVE GUTIERREZ: So, if it's good enough for the people in Georgia, it should be good enough for the people in Texas, should it not?

REPRESENTATIVE DR. ALLEN: I think so.
REPRESENTATIVE GUTIERREZ: Well, Dr. Allen, I think you have a very good amendment. It's, obviously, worked for the State of Georgia. I think that what we're talking about here is reasonableness. And as you stated earlier, our identities don't change.

REPRESENTATIVE DR. ALLEN: That's right.

REPRESENTATIVE GUTIERREZ: And we shouldn't burden people by simply -- they no longer need to go get that driver's license any more. Their old ID should work.

REPRESENTATIVE DR. ALLEN: Right. It takes a burden off the people and a burden off the state, too.

REPRESENTATIVE GUTIERREZ: Thank you, Dr. Allen. I appreciate it.

REPRESENTATIVE DR. ALLEN: You're welcome.

SPEAKER: Mr. Coleman, for what purpose?

REPRESENTATIVE COLEMAN: Yes. Will the gentlelady yield for questions?

REPRESENTATIVE DR. ALLEN: Yes, Representative Coleman.

SPEAKER: She yields.

REPRESENTATIVE COLEMAN: Representative Allen, first of all, if we tie something to a government ID that is not something that is permanent for all individuals and that ID expires because it is used for a
specific purpose, it wasn't -- not designed for
ing voting --

REPRESENTATIVE DR. ALLEN: Right.

REPRESENTATIVE COLEMAN: -- do you think
that an individual should be turned away or would they
be turned away from voting if they had an expired
license that went over a period of time, 61 days?

REPRESENTATIVE DR. ALLEN: No. I think that
you are -- as I said, you are who you are, and after 61
days, you don't change. You're the same person. I
think that could -- that document can be used for
voting, too.

REPRESENTATIVE COLEMAN: Okay. Because the
difference that we're talking about is the idea that it
has a picture, correct?

REPRESENTATIVE DR. ALLEN: Yes.

REPRESENTATIVE COLEMAN: Now, this is an
interesting question. I went to get a driver's
license -- renewal of a driver's license. You know you
do it on line.

REPRESENTATIVE DR. ALLEN: Uh-huh.

REPRESENTATIVE COLEMAN: Right? And in the
period of time that you're waiting for your driver's
license, you have a piece of paper with no picture on
it.
REPRESENTATIVE DR. ALLEN: Right. Right.

REPRESENTATIVE COLEMAN: So, that would not be a valid ID for going to vote under this bill; is that correct?

REPRESENTATIVE DR. ALLEN: That is correct.

REPRESENTATIVE COLEMAN: Okay. So, what happens if an individual comes in and tries to get vote with an expired ID card or driver's license or whatever the case may be?

REPRESENTATIVE DR. ALLEN: As this bill is written, that person would not have the opportunity to vote. It would be -- it would be among the 20 -- he could vote and it would be filed in the provisional ballots.

And you and I know that maybe 20 percent of those votes are counted in the election. That, too, is a fraud.

REPRESENTATIVE COLEMAN: And particularly because we've heard earlier in earlier discussion that provisional ballots in themselves -- it's actually in the bill it says that, well, even though you've done everything that you're supposed to do, you still -- your vote still may not be counted under the provisional ballots.

REPRESENTATIVE DR. ALLEN: Absolutely.
REPRESENTATIVE COLEMAN: I mean, that -- that is just bad law --

REPRESENTATIVE DR. ALLEN: Yes.

REPRESENTATIVE COLEMAN: -- and bad circumstance. I appreciate the amendment that you brought because, you know, we heard something about finger imaging in Mexico --

REPRESENTATIVE DR. ALLEN: Yes.

REPRESENTATIVE COLEMAN: -- and we heard something about people taking a driver's license to rent a movie.

REPRESENTATIVE DR. ALLEN: Yes.

REPRESENTATIVE COLEMAN: Does the Red Box ask you for your driver's license?

REPRESENTATIVE DR. ALLEN: No, it doesn't.

REPRESENTATIVE COLEMAN: Yeah, I was about to say. Thank you very much.

REPRESENTATIVE DR. ALLEN: Yeah, and I was -- like I said, I lost my driver's license. So, I was over there trying to get a driver's license off of the Internet, and it asked me for the number that's on my driver's license. I don't have the driver's license.

REPRESENTATIVE COLEMAN: Exactly. There's this fantasy world out there that some people live in that you and I don't live in.
REPRESENTATIVE DR. ALLEN: Yes.

REPRESENTATIVE COLEMAN: Because as we go online, the use of a picture ID for purchases or for any other thing, that is just not what's happening here.

REPRESENTATIVE DR. ALLEN: That's right.

REPRESENTATIVE COLEMAN: And in the real world somebody talks about a passport, how many people do you know in your district that have a passport?

REPRESENTATIVE DR. ALLEN: A passport?

REPRESENTATIVE COLEMAN: Yeah.

REPRESENTATIVE DR. ALLEN: Very few.

REPRESENTATIVE COLEMAN: Very, very few.

REPRESENTATIVE DR. ALLEN: I'm having to use mine now to get on the airplane.

REPRESENTATIVE COLEMAN: That's right.

REPRESENTATIVE DR. ALLEN: Very, very few people have a passport.

REPRESENTATIVE COLEMAN: The issue is I guess the folks out there who travel internationally quite a bit --

REPRESENTATIVE DR. ALLEN: Yes.

REPRESENTATIVE COLEMAN: -- they, obviously, have one but people who are taking the bus to work, they ain't even thinking about needing a passport to go on their vacation, do they?
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<td>1</td>
<td>REPRESENTATIVE DR. ALLEN: They don't have passport nor bus fare.</td>
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<td>REPRESENTATIVE COLEMAN: Thank you very much.</td>
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<td>SPEAKER: Representative Sheffield raised the point of order that the gentlelady's time has expired. The point of order is well taken and sustained.</td>
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<td>REPRESENTATIVE DR. ALLEN: Thank you.</td>
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<td>SPEAKER: The Chair recognizes Representative Harless to speak on the amendment.</td>
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<td>REPRESENTATIVE HARLESS: Members, this amendment allows for an expired ID with no limit but I'm going to leave this to the will of the House, so --</td>
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<td>SPEAKER: Mr. Hochberg, for what purpose?</td>
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<td>REPRESENTATIVE HOCHBERG: Will the gentlelady yield, please?</td>
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<td>SPEAKER: Do you yield?</td>
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<td>REPRESENTATIVE HARLESS: Yes, sir.</td>
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<td>SPEAKER: She yields.</td>
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<td>REPRESENTATIVE HOCHBERG: Representative Harless, we're seeing a lot of each other the last few days, aren't we? We're --</td>
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<td>REPRESENTATIVE HARLESS: I -- I -- it's always a pleasure to see you.</td>
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REPRESENTATIVE HOCHBERG: Likewise.

What -- what concerns me in particular about this provision in the bill is not only that we're saying that if it's over 60 days, it's no good when I don't change that quickly. I wish I changed that much in 60 days that I couldn't be recognized but that there's no provision for any kind of unforeseen circumstance, for instance, did you consider what happens if -- let's say there was a fire at the driver's license place and a bunch of licenses burned up. Could you envision that happening?

REPRESENTATIVE HARLESS: I never thought about that but we did allow for a provisional ballot.

REPRESENTATIVE HOCHBERG: But you still have to then come back in with your license within six days.

REPRESENTATIVE HARLESS: Or one of the --

REPRESENTATIVE HOCHBERG: Are you aware that there actually was a fire at the driver's license processing facility earlier this year?

REPRESENTATIVE HARLESS: Which one?

REPRESENTATIVE HOCHBERG: It doesn't -- from the DPS website, it says a DPS vendor mailing facility. It happened in February and they lost 14,000 driver's licenses, which had to then be replaced again. And they're still telling folks you should get it by about
April 1st. So, even after the normal processing time, they now added several months.

And under those circumstances, if there had been an election, under your bill, I think folks would have been out of luck. You don't -- that couldn't possibly be something you intended.

REPRESENTATIVE HARLESS: The information I have is from DPS testimony in both the House and the Senate Committee, and they said that they usually can provide a driver's license after it's stolen or lost, within 15 to 20 days, at the longest 45 days, but as I've said, I'm not speaking against this amendment. I'm leaving it to the will of the House.

REPRESENTATIVE HOCHBERG: Thank you. Well, I think Ms. Allen has a -- Dr. Allen has a good amendment because it -- it takes care of these unforeseen circumstances at minimum and things getting lost in the mail that the voter and the driver has no control over. So, I appreciate you not moving to table this amendment.

REPRESENTATIVE HARLESS: Thank you.

SPEAKER: The Chair recognizes Representative Allen to close.

REPRESENTATIVE DR. ALLEN: Members, this is an opportunity for us to make the bill better than it
is. It's an opportunity for us to save money for the State.

Those of you who know me know that I don't file frivolous bills or frivolous amendments. I'm sincere about this.

This gives us an opportunity to let people vote on the ID that they have. We really don't change that much. And so, this time, we don't need to vote down party lines. We can vote for something that is good for the State of Texas, for its people and for the State and then they can save money and give its people an opportunity to participate in the voting process. And I request your vote on this bill. Thank you.

This --

SPEAKER: Representative Allen sends up an amendment. The vote is on the amendment. Vote aye, vote nay. The clerk will ring the bell.

Show Representative Allen voting aye.

Showing Representative Harless as voting --
Representative (Inaudible) voting aye. Aye. No.

Representative Crownover is no. Harper-Brown is going to vote.

Have all voted? Have all voted? By a vote of 56 ayes, 89 nays, 2 present not voting the motion failed to adopt.
Following the amendment, the clerk will read the amendment.

Representative Alonzo.

CLERK: Amendment by Alonzo.

SPEAKER: The Chair recognizes Representative Alonzo to explain his amendment.

REPRESENTATIVE ALONZO: Yes, Mr. Speaker, Members, this just clarifies or adds that an ID card that's approved by the State may be used as an ID. Right now we're identifying certain types of ID. If the State feels that there's a certain ID that's approved after, you know, we vote at the state level or different ways, then that identification card be used.

SPEAKER: Okay. The amendment is acceptable to the author. Is there any objection? The Chair hears none. It's adopted.

Following the amendment, the clerk will read the amendment.

Mr. Veasey.

CLERK: Amendment by Veasey.

SPEAKER: The Chair recognizes Mr. Veasey to explain his amendment.

REPRESENTATIVE VEASEY: This amendment actually in the spirit of bipartisanship was inspired by Representative Taylor of Collin County. Representative
Taylor was in an exchange -- was in an exchange, and I can't remember who was on the front mic but he said that you have to have a valid photo ID in order to fill out an I-9. And so, therefore, if you have to have a valid ID to fill out an I-9 --

REPRESENTATIVE MARTINEZ: Mr. Speaker?
SPEAKER: Representative Martinez, for what purpose?
REPRESENTATIVE MARTINEZ: The gentleman will yield for a question?
REPRESENTATIVE VEASEY: I yield.
SPEAKER: He yields.
REPRESENTATIVE MARTINEZ: So, then, Mr. Veasey, let me ask you, you have a valid ID and you fill out an I-9, then you get an employee's ID from your employer, then you should be able to use that to vote, am I correct?
REPRESENTATIVE VEASEY: Absolutely.
REPRESENTATIVE MARTINEZ: So, if you're talking to your employer and all of us -- me being an employer, we have our employees fill out an I-9, therefore, they should be valid because if they have a driver's license, which is required under that requirement for an I-9, or a Social Security number, then we, as an employer, can ask that employee to take a
photo ID and then they can use that to vote, and that's all you're asking for; is that correct?

REPRESENTATIVE VEASEY: Absolutely, that the employers of Texas that help keep people employed and keep jobs and help keep food on our tables, if they provide an ID, obviously, they have verified that that identification is valid and they -- and that's the only way that some of these places, like Lockheed and Coca-Cola and other places will issue an ID, and so, that ID ought to count to vote.

And I think that this is a bipartisan amendment because Mr. Taylor had spoke about it earlier. So, I move passage.

SPEAKER: The Chair recognizes Representative Harless to speak against the amendment.

REPRESENTATIVE HARLESS: Members, this amendment is asking that you allow a valid employee identification card from somebody's work. It's not a government ID. It's not a state issued driver's license. It's a valid employee ID card. And I -- I wish --

SPEAKER: Mr. Phillips, for what purpose?

REPRESENTATIVE PHILLIPS: Yeah, just a quick question.

REPRESENTATIVE HARLESS: Yes.
SPEAKER: She yields.

REPRESENTATIVE PHILLIPS: There's no limitation at all on this at all?

REPRESENTATIVE HARLESS: None.

REPRESENTATIVE PHILLIPS: I mean, this doesn't set out standards or practice or anything?

REPRESENTATIVE HARLESS: None at all.

REPRESENTATIVE PHILLIPS: Thank you.

SPEAKER: Mr. Veasey, for what purpose?

REPRESENTATIVE VEASEY: Does the gentlelady yield?

REPRESENTATIVE HARLESS: Yes.

SPEAKER: She yields.

REPRESENTATIVE VEASEY: Your Republican colleague from Collin County stated earlier that in order for you to be able to work at any place that you have to have a valid photo ID in order to fill out that I-9 and that employer has to verify that identification. So, why would that identification not work at a polling place?

REPRESENTATIVE HARLESS: The purpose of the types of ID that were chosen, a driver's license, a Texas issued ID card, a Texas issued driver's license, a passport is because there's a standardization of forms, they're uniform, they're easier for people to recognize,
they're easier for the poll worker to recognize, they're easier for the voter to recognize.

This throws all those standards out. It allows any type of ID that could be duplicated and it takes away all the security provisions in the bill, and I can't support it.

REPRESENTATIVE VEASEY: One of our largest employers in the City of Fort Worth is Lockheed Martin and -- you know, and -- and we have other large employers as well, American Airlines. So, people are used to seeing those identifications that live in the metroplex. There's a good likelihood that the clerk, particularly if you live in Fort Worth, it would be a very good likelihood that the clerk would have a relative or someone that worked at one of these places. So, they would also be able to easily identify those forms of identification, and it's the same justification that you just laid out. So, why not accept this amendment?

REPRESENTATIVE HARLESS: Because it's not issued by the state -- the government agency, it's issued by an employer. There is no standardization of form, and it takes away all the protections that we've put in this bill for a person to have an ID that a poll worker -- it's easy for them to recognize and it's easy
for the voter to understand.

REPRESENTATIVE VEASEY: Are there
different -- like you're an employer, you're in the car
business, do you not -- do you not offer the same I-9 to
your employees that every other employer offers to their
employees?

REPRESENTATIVE HARLESS: I do, and all my
employees fill out an I-9. Typically, they use their
driver's license and Social Security card. I've had
some use ID cards if they didn't have a driver's license
but --

REPRESENTATIVE VEASEY: So, you're not using
a separate form. That would be a standardization of
forms. It's the same --

REPRESENTATIVE HARLESS: I think this
whole -- I think this conversation, we're talking about
the I-9. I understand Representative Taylor's ability
to get up here and want to talk about that form. That
has nothing to do with the bill. The bill is about
showing a photo ID when you show up to vote that is
issued by a government agency and is easy to recognize
because it has the same standardization.

REPRESENTATIVE VEASEY: Okay. So, when he
laid out -- when he laid out his justification that
everybody has to fill out this standardized form, the
I-9 in order to work and get an ID, so, you accepted it when he came to you. So, why don't you accept it when -- I'm bringing you the same thing that you accepted from him. The rationale you accepted from him is what I'm laying out to you right now. So, why won't you accept it from me?

REPRESENTATIVE HARLESS: I didn't accept any rationale from him. He got up to talk against an amendment that was offered. I didn't -- I didn't accept --

SPEAKER: Mr. Legler, for what purpose?

REPRESENTATIVE LEGLER: Will the gentlelady yield for a question?

SPEAKER: Do you yield for a question?

REPRESENTATIVE HARLESS: Yes.

SPEAKER: She yields.

REPRESENTATIVE LEGLER: I'm a little familiar with I-9s from having a company, and I know they can bring a driver's license, in fact, under -- you have lists B and C, and one of the them is a driver's license or ID card issued by a state in the United States. It doesn't say State of Texas. It just says by a state.

It also says a document issued by the Department of Homeland Security, which means you can
have a visa to authorize working here and you can get
a -- you can fill out an I-9 form and you can be
authorized to work. That's how I see that.

What you're saying is that person may not be
a citizen and a resident in the State of Texas but
they're saying they can use that ID to government vote.
I think you're right about -- on this amendment, it
needs to be tabled.

REPRESENTATIVE HARLESS: Motion to table.

SPEAKER: Representative Veasey sends up an
amendment. Representative Harless moves to table. The
question is on the motion to table. All those in favor
say aye, vote aye. Those opposed vote no. Clerk will
ring the bell.

Ms. Harless voting aye. Mr. Veasey noting
no. Representative Hunter voting aye.

Have all voted? By a vote of 101 ayes, 47
nays, 2 present not voting, the motion to table
prevails.

Following the amendment, the clerk will read
the amendment.

Respective Gonzalez of El Paso.

CLERK: Amendment by Gonzalez of El Paso.

SPEAKER: The Chair recognizes
Representative Gonzalez to explain her amendment.
REPRESENTATIVE GONZALEZ: Members --

Mr. Speaker, Members, this amendment would allow native Americans to use their tribal IDs as an acceptable form of identification upon voting.

The (Inaudible) Pueblo, for example, is a group of individuals that would benefit from this amendment. Currently the population of the tribal -- or the native nation is enrolled at 1687 members, with 1105 of them residing in Texas. And of those 1687, 1044 of the native American population reside in El Paso, Texas alone.

Each member receives an enrollment card, also known as a picture ID, that is issued with an authorized signature of the tribal governor. To obtain this ID, the identification that is used is an original birth certificate, Social Security card and a state issued ID.

Let me repeat that because it does bear repeating. To get this tribal ID, you need an original birth certificate, Social Security card and a state issued ID.

Based on that, I believe that there's a significant layer and there are significant safeguards in place to ensure that a tribal ID should be sufficient when a tribal member goes to a polling place to vote.
SPEAKER: Representative Marquez, for what purpose?

REPRESENTATIVE MARQUEZ: Mr. Chairman, will the lady yield?

SPEAKER: Do you yield?

REPRESENTATIVE GONZALEZ: I don't know.

REPRESENTATIVE MARQUEZ: Representative Gonzalez, I think everyone heard you in El Paso.

SPEAKER: She yields for a conversation about El Paso.

REPRESENTATIVE GONZALEZ: Yes.

REPRESENTATIVE MARQUEZ: So, essentially, what this amendment is going to do is it's just going to allow native American tribes to be recognized, right, their ID will be a valid form of identification at the polls?

REPRESENTATIVE GONZALEZ: That is correct.

REPRESENTATIVE MARQUEZ: Okay. And are the enhanced tribal identification cards that are currently being issued by the government a reliable form of IDs for events such as voting? You spoke specifically about the (Inaudible) Pueblo.

REPRESENTATIVE GONZALEZ: Yes, absolutely, because the United States government is planning to use -- start using an enhanced tribal identification
card. This is going to recognize U.S. federally recognized tribes. In order to get this specific card, the tribe must meet the requirements set out by the federal government, and this itself shows that they are going to have to expose themselves to a background check.

So, these tribal cards are needed for the enhanced tribal identification cards. So, this would almost be equivalent to having to get a passport.

So, again, I think that these identification cards that are issued by the tribes are -- have significant barriers in place in order for them -- to qualify them for voter ID.

REPRESENTATIVE MARQUEZ: I think this amendment is extremely appropriate. Thank you, Representative Gonzales.

REPRESENTATIVE GONZALEZ: Thank you, Representative Marquez.

REPRESENTATIVE GUTIERREZ: Mr. Speaker, will the gentlelady yield?

SPEAKER: You yield?

REPRESENTATIVE GONZALEZ: Yes, sir.

SPEAKER: She yields.

REPRESENTATIVE GUTIERREZ: Representative Gonzalez, we heard earlier about the voter
identification requirements in the State of Georgia.

Were you here when we discussed that?

REPRESENTATIVE GONZALEZ: Yes, sir.

REPRESENTATIVE GUTIERREZ: Did you hear that
in Georgia, you can use an expire driver's license? You
heard that exchange between Dr. Allen and I?

REPRESENTATIVE GONZALEZ: I did hear that
exchange, yes.

REPRESENTATIVE GUTIERREZ: Did you also know
that in Georgia, they -- a valid tribal photo ID is
allowed?

REPRESENTATIVE GONZALEZ: You know, I was
not aware of that but I am not surprised by that.

REPRESENTATIVE GUTIERREZ: So, if it must be
good for the people in Georgia, it must be okay for the
people in Texas?

REPRESENTATIVE GONZALEZ: I would say so,
yes.

REPRESENTATIVE GUTIERREZ: I think you have
a good amendment.

Thank you, Mr. Speaker.

REPRESENTATIVE GONZALEZ: Thank you very
much.

SPEAKER: Now Representative Harless will
speak against the amendment.
REPRESENTATIVE HARLESS: Members, we had testimony of this both this session and last session. The reason we chose -- the reason the ID documents that were chose were the driver's license -- the Texas driver's license, the Texas ID card, voter's -- passport and all the different forms was that they were standard. It was easier for the poll workers to understand and read it and recognize it, and it was also easier for the voters to know what is expected.

With your tribal cards, you don't know for sure if they are official and if they have all the same security provisions that are issued by the State of Texas, and that was the purpose of that in our testimony on the committee.

SPEAKER: Representative Gonzalez, for what purpose?

REPRESENTATIVE GONZALEZ: Does the gentlelady yield?

SPEAKER: Do you yield?

REPRESENTATIVE HARLESS: Yes.

SPEAKER: She yields.

REPRESENTATIVE GONZALEZ: Thank you, ma'am. Would you say that 100 -- rather, 1687 members -- tribal members is a significant number in the State of Texas?
REPRESENTATIVE HARLESS: Could you say the number again?

REPRESENTATIVE GONZALEZ: 1687.

REPRESENTATIVE HARLESS: I think that's significant.

REPRESENTATIVE GONZALEZ: Now, being that 1044 of those members live in El Paso County, that's the county that I represent, those are poll workers that El Paso County members are going to have to -- are going to have to deal with, would you not agree with that?

REPRESENTATIVE HARLESS: Say that one more time, please.

REPRESENTATIVE GONZALEZ: Yes, ma'am. Would you not agree -- and I gave you a statistic that 1044 of those 1687 members live in El Paso County, which is the district that I happen to represent, and so, it is going to be the El Paso County election people that are going to have to identify these cards. And so, would you not say that since the majority of the people that I've just cited to you live in El Paso County, that they have some familiarity with what a travel card looks like?

REPRESENTATIVE HARLESS: Now, how many of these people do not have a driver's license or -- a Texas driver's license, a Texas ID card? Do you have those statistics?
REPRESENTATIVE GONZALEZ: I do not. However, I want to cite to my statement again and say that in order to receive a tribal ID, you must show an original birth certificate, Social Security card and -- not or -- and a state issued ID.

Now, we have sat here for the better half of this day and talked about how state issued IDs are acceptable forms of identification for voter ID purposes. So, would it not make sense then to have a tribal ID be an acceptable form of identification?

REPRESENTATIVE HARLESS: I understand when you say that the people that have these tribal cards, the majority of them live in El Paso but what happens if they move to Spring, Texas and register to vote and don't have an ID and they show up at the polls with a tribal card and the poll workers and election judges are not familiar? That was part of the reason why we wanted some standardization of forms.

REPRESENTATIVE GONZALEZ: And let's talk about that for a moment. Do we know how often tribal members migrate off of the counties that they live in? Because they do receive their federal benefits from the reservation in which they reside, do they not?

REPRESENTATIVE HARLESS: You would know a lot more about that than I do. You represent them, and
REPRESENTATIVE GONZALEZ: Thank you.

I would say that the migratory habits, if you will, of people that are native Americans that are in the tribes -- the tribes that are in Texas don't migrate very often. So, even if they were to show this tribal ID, I think that a polling person would probably be able to call either the federal government or the actual travel council that issued the ID to verify who this person is. Would that not be a mechanism that could be used?

REPRESENTATIVE HARLESS: We just added another layer of requirements that someone has to do the day that -- a poll worker, election worker has to do when they show up -- someone shows up to vote, that we've just added another step that they're having to do, which could stop -- slow down voting.

REPRESENTATIVE GONZALEZ: Okay. But based on that question -- or based on that statement then, if a person doesn't look like who they look like on their vote photo ID, on their driver's license, for example, is the poll worker then going to ignore the person that that's presented the form of ID because they don't look like who they look like or are they going to do some sort of due diligence to find out is this person really
who they say they are?

REPRESENTATIVE HARLESS: Now we're talking about ID and not your amendment. Do we want to talk about your amendment?

REPRESENTATIVE GONZALEZ: Well, we are talking about the amendment. This is germane because we are talking about what is an acceptable form of ID. And, again, I think that we've listed several appropriate forms, and I think that a tribal form is definitely appropriate.

REPRESENTATIVE HARLESS: I --

SPEAKER: Representative Sheffield raised a point of order that the gentlelady's time is expired. The point is well taken. Sustained.

The Chair recognizes Representative Gonzalez to close.

Mr. Veasey, for what purpose?

REPRESENTATIVE VEASEY: With the -- I would like to move that we extend the gentlelady's time, please.

SPEAKER: Mr. Veasey moves that the gentlelady's time be extended. Is there any opposition? The Chair hears none. The Chair hears none. The time is extended.

REPRESENTATIVE VEASEY: Representative
House Floor Debate - Volume II
March 23, 2011

1 Harless, I just a few questions for you. Do you yield?

REPRESENTATIVE HARLESS: Yes.

REPRESENTATIVE VEASEY: (Inaudible)

2 screaming in my ear. I apologize for that.

5 Why don't you work with Representative --
6 why don't you work with Representative Gonzalez to do a
7 carve out for her particular county? Because,
8 obviously, you're talking about -- there are thousands
9 of people that would be affected. So, why not do a
10 carve out for her?

13 REPRESENTATIVE HARLESS: I'm not interested
14 in doing any carve outs in the bill but I am interested
15 in listening to what she has to say.

18 REPRESENTATIVE VEASEY: I'm sorry, I'm
19 not -- I couldn't quite hear you. People are talking.

22 REPRESENTATIVE HARLESS: I don't know -- I'm
23 talking right here. No, I'm not interested in doing any
24 carve outs but I am interested in what she has to say
25 for one second.

28 REPRESENTATIVE VEASEY: Absolutely. I'll
31 pause.

SPEAKER: Representative Gonzalez withdraws
33 the amendment temporarily.

36 Following the amendment, the clerk will read
39 the amendment.
Mr. Dutton.

CLERK: Amendment by Dutton.

SPEAKER: The Chair recognizes Mr. Dutton to explain his amendment.

REPRESENTATIVE DUTTON: Mr. Speaker and Members, I know it's been a long day but this is a most important bill, and what this amendment does is simply adds a group of people who are most important to the election process, and what this amendment does is simply allows a student identification card that is issued by a public or private high school or institution of higher education that also contains the person's photograph to be able to use that as a basis for voting.

And I don't know whether that's acceptable or unacceptable but I think it's a good amendment and I hope you do, too, and I move passage of the amendment.

SPEAKER: Representative Harless?

The Chair recognizes Representative Phillips to speak against the amendment.

REPRESENTATIVE PHILLIPS: Yes, I would move to table Representative Dutton's amendment.

SPEAKER: Representative Dutton, do you want to close?

Representative Dutton to close.

REPRESENTATIVE DUTTON: Mr. Speaker and
Members, I wish I knew why Mr. Phillips would move to table the amendment without explaining what his reasons were.

I realize that this amendment is probably like most of the other amendments where there has been an opportunity not for reason to prevail but simply the numbers to prevail, and I -- I just think the students ought to be recognized and certainly ought to have an opportunity to use their --

SPEAKER: Mr. Phillips, for what purpose?

Mr. Dutton, do you yield?

REPRESENTATIVE DUTTON: As soon as I finish, Mr. Phillips. You had an opportunity up here. I'll give you that opportunity, though.

REPRESENTATIVE PHILLIPS: I didn't say you have to yield at this time.

REPRESENTATIVE DUTTON: We ought to recognize that students ought to have the opportunity to use their student identification cards that, again, are issued by state agencies. Essentially -- the institutions of higher education are essentially state agencies when I last checked.

And so, if we're going to allow state agencies to issue identification cards so that people can vote, what better way than to use a student ID that
also has the picture of the student on the ID so that it can be used.

And with that, Mr. Speaker, I will yield to Mr. Phillips.

SPEAKER: Mr. Phillips, he yields.

REPRESENTATIVE PHILLIPS: Thank you, Mr. Chairman.

I just want to -- you would agree with me that all the different institutions you're discussing do not have a standardized form that's easy for an election clerk or officer to recognize?

REPRESENTATIVE DUTTON: Depends on what you mean by standardized.

REPRESENTATIVE PHILLIPS: Standardized, that they're all the same, same shape, size, location of the picture, location of the information.

REPRESENTATIVE DUTTON: I have not seen them all but I would doubt that every one of them is exactly the same if that's what you mean.

REPRESENTATIVE PHILLIPS: And -- and they're -- also the people that issue those don't go through a certain training to ascertain -- to make sure that there's not fraud in trying to obtain those licenses?

REPRESENTATIVE DUTTON: I would beg to
differ with you. I would beg to differ with you, Mr. --
I don't know of anybody in a college or university --
maybe you do -- that is there and has a student ID
that's not who they say they are.

REPRESENTATIVE PHILLIPS: And you -- there's
no verification of citizenship on those as well; is that
correct?

REPRESENTATIVE DUTTON: That -- that would
be the case and that wouldn't -- that would be the case
also with a driver's licence.

REPRESENTATIVE PHILLIPS: And -- and you
would -- anyway, those are questions that I have. Thank
you.

REPRESENTATIVE DUTTON: All right. Thank
you.

Mr. Speaker, Members, this is a vote for
students. And I'm here to tell you that either today
you can show up for students or on election day, they'll
show up for you. And I would ask you to vote no on the
motion to table.

SPEAKER: Mr. Dutton sends up an amendment.
Mr. Phillips moves to table. The vote is on the motion
to table. The clerk will ring the bell. Mr. Phillips
is voting no. Mr. Dutton is voting aye. I'm sorry.
Mr. Phillips is voting aye. Mr. Dutton is voting no.
Show Ms. Kolkhorst voting aye. Mr. Martinez Fischer voting no. Mr. Gutierrez voting no.

Have all members voted? By a vote of 99 ayes, 49 nays, 2 present not voting, the amendment -- the motion to table prevails.

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Martinez Fischer.

SPEAKER: The Chair recognizes Representative Martinez -- Fisher to explain his amendment.

REPRESENTATIVE MARTINEZ FISCHER: Thank you, Mr. Speaker and Members. This is a real simple amendment. It just says that we mean what we say, and if we have respect for the integrity for state issued IDs by DPS, then we ought to have the same level of integrity for the IDs that are issued by any state agency.

So, this amendment says if any state employee or anybody that has a state issued ID with their photograph on it should be allowed to vote with that and it should be added to the list of approved documents, and so, with that, I move adoption.

SPEAKER: The Chair recognizes Mr. Phillips to speak against the amendment.
REPRESENTATIVE PHILLIPS: Thank you, Mr. Speaker, Members. I would ask that -- I respectfully oppose this amendment. As you know, one of those ones he's showing up apparently is expired. And so, that wouldn't be effective. They're not going to issue those any more.

And it gets back to uniformity. We don't have uniformity across all state agencies. They all look different. We're trying to have uniformity.

(Inaudible).

SPEAKER: For what purpose?

REPRESENTATIVE DUKES: Would the gentleman yield?

REPRESENTATIVE PHILLIPS: I certainly would.

SPEAKER: He yields.

REPRESENTATIVE DUKES: Thank you. Thank you.

Representative Phillips, what's wrong with this idea? I'm able to get in the capital with it.

REPRESENTATIVE PHILLIPS: Yes, but a voting clerk may not know what that is or may not even be familiar with the capitol. We're talking about --

REPRESENTATIVE DUKES: May not be familiar with capitol? And people are voting for people to be in the capitol? Why are they over there helping people
REPRESENTATIVE PHILLIPS: I think you know what I'm saying. I think that's not being fair.

REPRESENTATIVE DUKES: It is fair. If you don't know what the capitol is, you don't need to be helping anybody vote.

REPRESENTATIVE PHILLIPS: They may not know you. They may not know what kind of form of ID you use. We're trying to perform uniformity across the state.

REPRESENTATIVE DUKES: Did you know that I can get on an airplane with this? I have used it to go through TSA. I didn't get (Inaudible) off but I was able to go through TSA with this. So, why can't we use it to vote?

REPRESENTATIVE PHILLIPS: Because there's not uniformity across all state agencies.

REPRESENTATIVE DUKES: Is the State of Texas uniform?

REPRESENTATIVE PHILLIPS: What are you -- the election laws are all uniform. They should be applied uniformly.

REPRESENTATIVE DUKES: Well, it sounds like you're just opposed to any form of ID. Now, you would think if we're the State of Texas and it -- the State of Texas has the different jobs. Everybody has to have a
badge with their picture on it, then it has been vetted in some form or fashion but you're still saying that's not valid.

So, then why should they be allowed to come -- we be allowed to come into the capitol building if this is no good?

REPRESENTATIVE PHILLIPS: Ms. Dukes, we're asking for uniformity so our election clerks will be able to know exactly what to count on and that we know --

REPRESENTATIVE DUKES: Come on.

REPRESENTATIVE PHILLIPS: -- the verification procedures.

REPRESENTATIVE DUKES: If it's a state issued ID, that's uniform. It's the same state. We're not talking about using Mississippi's ID or using Delaware's ID. We're talking about using Texas business IDs.

REPRESENTATIVE PHILLIPS: I -- I think that point has been made, and it's not uniform across the state.

REPRESENTATIVE DUKES: But the point has not been made. You're not being uniform because every single one of the agencies, whether it's the state government or federal government, require that you have
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<td>1</td>
<td>a background check in order to get these badges. So, what's the problem?</td>
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<td>REPRESENTATIVE PHILLIPS: Ms. Dukes, we're asking for --</td>
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<td>REPRESENTATIVE DUKES: I mean, there are going to be bills that come up.</td>
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<td>REPRESENTATIVE PHILLIPS: We're asking for uniformity to help election clerks so we can have confidence in our elections. I would move to table.</td>
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<td>SPEAKER: The Chair recognizes Representative Martinez Fischer to close.</td>
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| 6    | REPRESENTATIVE MARTINEZ FISCHER: Thank you, Mr. Speaker and Members. I think it just underscores what we're really trying to do here. I can't understand the distinction between one state agency and another, and I certainly don't think that Larry is trying to suggest that our state agencies are capable of producing fraudulent ID cards or inaccurate ID cards, and there's no requirement that they ever be uniform but all we need and all this debate has been about is having an ID with your photo on it that's trusted, and if we cannot trust an ID issued by the state, then I have concerns about trusting IDs issued by the Department of Public Safety. They, too -- they're no different of a state agency than the Health and Human Services Commission or the Texas
House of Representatives.

These cards are signed by the legislative liaison for the Texas Department of Public Safety. They signed in the front by the director of the Texas Department of Public Safety. It's a serious felony to not have this.

Larry says it's expired but that's my picture. That's my driver's license number. That's my district on this card. The employee ID that I have, well, she's still here, she still works for this body, and so, I don't see what he's talking about when he says that it's expired.

SPEAKER: Representative Truitt, for what purpose?

REPRESENTATIVE TRUITT: Will the gentleman yield, please?

SPEAKER: Mr. Martinez Fischer, do you yield?

REPRESENTATIVE MARTINEZ-FISCHER: Yes, I do yield.

REPRESENTATIVE TRUITT: Mr. Martinez Fischer, there's been some discussion about using some of the forms of ID that we're provided as House members. And are you aware that -- I have attempted on a couple of occasions when I misplaced my driver's license to use
a -- our -- one of the ID cards that's issued by the State to us showing that I'm a member of the 82nd -- I think at the time it was the 81st first legislature and an official -- and I was not allowed to use that to board a plane.

REPRESENTATIVE MARTINEZ-FISCHER: And that's why I'm trying to help you because we put this in the law, this -- Members, this is the Martinez Truitt amendment. It's a bipartisan amendment. If you want Vicki Truitt to be able to vote, then you've got to vote no on the motion because -- Members, let's do this for Vicki, Vicki Truitt. Number two on the motion to table, go red with me, I move we vote no on the motion to table. Vicki would want you to join us.

SPEAKER: Mr. Martinez Fischer sends up an amendment. Mr. Phillips move to table. The vote is on the motion to table. Those voting aye vote aye. Those voting no vote no.

Mr. Phillips is voting aye. Mr. Martinez Fischer is voting no. Show Ms. Truitt voting aye.

Have all members voted? By a vote of 97 ayes, 50 nays, 2 present not voting, the motion to table prevails.

Following the amendment, the clerk will read the amendment.
CLERK: Amendment by Hernandez Luna.

SPEAKER: The Chair recognizes Representative Hernandez Luna to explain her amendment.

REPRESENTATIVE HERNANDEZ LUNA: Thank you, Mr. Speaker, Members. This is a similar amendment but also includes the federal agencies. These are congressmen, Department of Navy, Department of Military, allowing them to show their IDs as well. These are people that we rely on for the security of our country to advise our president, the cabinet on the security of our country, whether we can go to war. I think that that ID should be valid for them to vote as well.

SPEAKER: The Chair recognizes Mr. Phillips to speak against the amendment.

REPRESENTATIVE PHILLIPS: Thank you, Mr. Speaker and Members. I would -- again, this has gone through the committee process, and we're talking about uniformity so that those election workers, those polling workers at their local place will have some consistency and know what we require them to do.

And so, I would urge against -- this is quite a broad thing, an agency or institution of the federal government or agencies or institution or political subdivision of the state. So, if a city has a little ID card or -- or a water district has an ID card,
so, it's quite broad what this could cover. It's not just about the military. It's quite broad. And I would certainly move to table.

SPEAKER: Representative Castro, for what purpose?

REPRESENTATIVE CASTRO: Will the gentleman yield for questions?

SPEAKER: Mr. Phillips, do you yield?

REPRESENTATIVE PHILLIPS: Yes, sir.

SPEAKER: He yields.

REPRESENTATIVE CASTRO: Representative Phillips, you've said that the reason that you want to stick to just a few IDs is because there's uniformity among these IDs that are being issued; is that correct?

REPRESENTATIVE PHILLIPS: Yes. That is one of the many reasons why the committee has worked towards passing this legislation and it's been successful elsewhere.

REPRESENTATIVE CASTRO: And I would imagine as a corollary point of yours would be that there are different kinds of state IDs that are issued; is that right? In other words, the Department of Public Safety versus the --

REPRESENTATIVE PHILLIPS: I'm not sure what you mean by IDs because -- I don't know if you're
talking about employee IDs or --

REPRESENTATIVE CASTRO: Right.

REPRESENTATIVE PHILLIPS: Okay. This isn't -- this could have covered employee IDs, probably written that broadly but I don't think that's what this amendment was for but --

REPRESENTATIVE CASTRO: What's your understanding of what the amendment does? Which IDs would it allow?

REPRESENTATIVE PHILLIPS: This is federal or local government, not state IDs.

REPRESENTATIVE CASTRO: Okay. Well -- so, the federal and local governments issue different -- IDs that look differently; is that right?

REPRESENTATIVE PHILLIPS: Yes.

REPRESENTATIVE CASTRO: In other words, San Antonio may issue one that looks different from Dallas?

REPRESENTATIVE PHILLIPS: They might have an ID -- we don't know if they even do.

REPRESENTATIVE CASTRO: But are you aware that the Department of Public Safety issues licenses that look different?

REPRESENTATIVE PHILLIPS: They have different ones but they're -- yes.

REPRESENTATIVE CASTRO: So, how is that
uniform then?

REPRESENTATIVE PHILLIPS: Because they're --
there are very limited ones that they -- that they
produce.

REPRESENTATIVE CASTRO: But that's -- but
your argument --

REPRESENTATIVE PHILLIPS: No. No. No.
REPRESENTATIVE CASTRO: Your argument has
been uniformity. How is it that uniform?

REPRESENTATIVE PHILLIPS: They are uniform.
They're uniform in how they look. They maybe have --
one may be going horizontal. One may be going vertical.
So, we're not talking about 50 or however many -- 254
counties if they did them, plus all the cities, that
they would have to somehow figure if that's something
that's acceptable or not.

REPRESENTATIVE CASTRO: But you're
conceding --

REPRESENTATIVE PHILLIPS: Uniformity -- no.
REPRESENTATIVE CASTRO: You're conceding now
that there's no uniformity, which is an argument that
you made.

REPRESENTATIVE PHILLIPS: No, I'm not
conceding that. And also, get back to we know DPS has a
process and a standard for training and determining
validity of those presenting themselves for an ID. We
don't know that about all of those that are stated here.

REPRESENTATIVE CASTRO: You also made the
point, is it right -- is it correct you made the point
that poll workers wouldn't necessarily know how to
identify some of these IDs?

REPRESENTATIVE PHILLIPS: We're talking
about -- again, we're talking about to make sure that
they are valid and that they understand what's
acceptable, and what you're trying to do is interject
confusion to the local poll workers --

REPRESENTATIVE CASTRO: No, not at all.

REPRESENTATIVE PHILLIPS: -- when you have
so many different IDs. So --

REPRESENTATIVE CASTRO: I guess my question
is --

REPRESENTATIVE PHILLIPS: I think I'm being
consistent. I think I'm being consistent and we're
being consistent throughout this legislation process.

REPRESENTATIVE CASTRO: Well, I disagree but
my question is -- my question is isn't there a training
session for these folks who work -- who do the poll
working?

REPRESENTATIVE PHILLIPS: There are training
sessions. And how much time do you want them to have to
figure out what is a valid ID and which is acceptable?
Because we're talking about very limited opportunity for them to have training.

REPRESENTATIVE CASTRO: Representative, can I ask you have you ever been to a polling site -- you've visited many polling sites in your political career; is that right?

REPRESENTATIVE PHILLIPS: I have been to polling sites.

REPRESENTATIVE CASTRO: Okay. Have you ever been to a polling site where the poll workers, the election judge posts the no -- the no -- basically the no man's land, the no crossing zone either further or closer than it should be?

REPRESENTATIVE PHILLIPS: I don't know. I'd have to go back and measure. I don't know that --

REPRESENTATIVE CASTRO: You've never come across that in all of the polling sites you've come across?

REPRESENTATIVE PHILLIPS: I don't think that's been an issue, no.

REPRESENTATIVE CASTRO: Well, I think you would be surprised, at least in San Antonio and other places I've been, poll workers mess that up all the time. So, what makes you think that -- if you're
worried about them not being able to tell local or federal IDs apart, that they're going to be perfect on doing any of what you guys are passing right now?

REPRESENTATIVE PHILLIPS: Well --

REPRESENTATIVE CASTRO: I mean, a lot of them don't even put the markers at the correct place.

REPRESENTATIVE PHILLIPS: Well, I haven't seen that to be an issue, so --

REPRESENTATIVE CASTRO: Thank you.

SPEAKER: Ms. Hernandez Luna sends up an amendment. Mr. Phillips moves to table. The vote is on the motion to table. Members vote ayes, members vote no. Clerk will ring the bell.

Mr. Phillips is voting aye. Representative Hernandez Luna voting nay. Representative Marquez voting -- Marquez voting nay.

Have all voted? A vote of 99 ayes, 49 nays, 2 present not voting, the motion to table prevails.

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Gonzales of Hidalgo.

SPEAKER: The Chair recognizes Representative Gonzales.

REPRESENTATIVE GONZALES: Thank you,

Mr. Speaker, Members. Throughout the day, we've been
talking about these provisional ballots that are to be voted and the affidavits that have to be signed. All this -- all this amendment does is it requires that the affidavits be available at every polling place.

If we want to ensure that every person that's eligible to vote is given an opportunity to vote, we need to have the tools made available to them, including these affidavits that they can sign if they don't have their ID at the time and need to vote a provisional ballot. I hope it will be acceptable to the author.

SPEAKER: Ms. Harless, for what purpose?

REPRESENTATIVE HARLESS: Will the -- will the member yield?

SPEAKER: Do you yield?

REPRESENTATIVE GONZALES: Yes, I will.

SPEAKER: She yields.

REPRESENTATIVE HARLESS: I wanted to clarify what our conversation was. You talked about having these affidavits at the polling place that they have to sign if they're casting a provisional ballot. You're not in any way trying to cut out the photo ID requirements, are you?

REPRESENTATIVE GONZALES: Not with this particular amendment. This amendment would simply say
your bill already includes the requirement that the affidavit be signed if they have to sign a -- or fill out a provisional ballot.

All this would say is let's make it available to them at the polling places so that they don't have to be traveling to another location to fill out an affidavit.

REPRESENTATIVE HARLESS: Right. So, they show up at a polling place and they don't have one of the subscribed forms of identification?

REPRESENTATIVE GONZALES: Correct.

REPRESENTATIVE HARLESS: And they fill out a provisional ballot and have to sign an affidavit?

REPRESENTATIVE GONZALES: Correct.

REPRESENTATIVE HARLESS: And you're saying when they're at that polling place, if they want to cast the provisional ballot that requires the affidavit signed, that that polling place should have that -- those affidavits there on location site?

REPRESENTATIVE GONZALES: That's correct.

That's correct.

REPRESENTATIVE HARLESS: Could we -- could I ask that the -- our comments be recorded?

SPEAKER: Members, you've heard the motion. Is there any objection? So ordered -- the Chair has
done. So ordered.

Ms. Gonzalez sends up the amendment. The amendment is acceptable. Is there any objection?
The Chair hears none. The amendment is adopted.

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Miles.

SPEAKER: The Chair recognizes Mr. Miles to explain his amendment.

REPRESENTATIVE MILES: Thank you, Mr. Speaker, Members. The statistics are showing that minorities and low income individuals are the most unrepresented groups in the electoral process. And in Texas, we rank dead last in voter turnout.

Members, under the current bill, the Secretary of State is requiring us to conduct a statewide (Inaudible) education and voter regarding ID requirements to the tune of $2.4 million.

Members, my amendment simply states the purpose is for the Secretary of State to ensure voter registration includes initiatives given towards minorities and low income residents.

Members, we have an electoral crisis on our hands, and no matter if we're Republican or Democrat, we
owe it to our constituents, especially those that are most under represented, to provide them with all the necessary tools to become educated in the electoral practice.

SPEAKER: Representative Harless, for what purpose?

REPRESENTATIVE HARLESS: Will the member yield?

REPRESENTATIVE MILES: Yes, I will.

SPEAKER: He yields.

REPRESENTATIVE HARLESS: I agree with your amendment. I just want to make sure we're not specifically talking about a dollar amount?

SPEAKER: Members, could we have order, please, on the floor? Take your conversations outside the rail.

REPRESENTATIVE HARLESS: We're not specifically talking about a dollar amount, we just want the statewide effort to include education training?

REPRESENTATIVE MILES: That is correct. That's correct, ma'am.

REPRESENTATIVE HARLESS: Thank you.

REPRESENTATIVE MILES: My amendment is acceptable by the -- by the author, and I move acceptance.
SPEAKER: Representative Miles sends up the amendment. It's acceptable to the author. Is there any objection?

The Chair hears none. The amendment is adopted.

Following the amendment, the clerk will read the amendment.

Ms. Harper-Brown.

CLERK: Amendment by Harper-Brown.

SPEAKER: The Chair recognizes Representative Harper-Brown to explain her amendment.

REPRESENTATIVE HARPER-BROWN: Thank you, Mr. Speaker, Members.

Members, this amendment solves the problem that Representative Anchia brought up earlier where there was actually an out in the bill that would allow a person to go in and vote and never show a photo ID.

It actually eliminates those provisions where the affidavit is needed for indigent or religious purposes. And I move passage.

SPEAKER: Representative Harper-Brown sends up an amendment. Is it acceptable to the author?

The amendment is acceptable to the author. Is there any objection?

Mr. Anchia, for what purpose?
REPRESENTATIVE ANCHIA: I'd like to ask the
lady some questions, please.

SPEAKER: The lady has yielded the floor.

REPRESENTATIVE ANCHIA: Should the author of
the amendment -- may I ask the author of the amendment
some questions?

SPEAKER: The lady yields for one question.

REPRESENTATIVE HARPER-BROWN: Thank you,
Mr. Speaker.

I yield for a question.

REPRESENTATIVE ANCHIA: Okay. What is
the -- can you -- I couldn't hear what was going on at
the front mic, so, could you discuss what your amendment
does?

REPRESENTATIVE HARPER-BROWN: Yes.

Representative Anchia, this is the section of the Code
or the section of the bill that you discussed earlier
that talks about how someone could actually go in and
vote without showing an ID at all if they sign an
affidavit saying that they have a problem due to the
religious objection or the indigence.

And so, it takes those two provisions out
and just says you can vote provisionally and then you
have the six days to bring the photo ID in to prove that
you -- that you have -- that you can vote.
REPRESENTATIVE ANCHIA: Okay. So, it just removes indigence exception and religious objection?

REPRESENTATIVE HARPER-BROWN: That's it.

REPRESENTATIVE ANCHIA: Those are the exceptions right now. And what you have to do after six days is come in and cure only with a photo ID?

REPRESENTATIVE HARPER-BROWN: Within the six days.

REPRESENTATIVE ANCHIA: Within the six day cure period?

REPRESENTATIVE HARPER-BROWN: Right. Right.

Thank you.

SPEAKER: Representative Harper-Brown sends up an amendment. It is acceptable to the author. Is there any objection?

The Chair hears none. The amendment -- There is an objection. Members -- Ms. Harper-Brown sends up an amendment. There is an objection. The question is on the -- on the amendment itself. Members vote aye, members vote no. Ms. Harper-Brown is voting aye. Clerk will ring the bell. Mr. Villarreal is voting no.

Have all members voted? Show Representative Rodriguez voting no -- aye -- voting aye. Have all members voted? By vote of 107 ayes, 40 nays, 2 present
not voting, the amendment is passed.

Following the amendment, the clerk will read
the amendment.

Mr. Dutton.

CLERK: Amendment by Dutton.

SPEAKER: Mr. Dutton?

Following the amendment, the clerk will read
the amendment.

CLERK: Amendment by Gonzalez of El Paso.

SPEAKER: The Chair recognizes
Representative Gonzalez to explain her amendment.

REPRESENTATIVE GONZALEZ: Members, this is
the amendment that we heard earlier and no news --
nothing further to report on that. So, I move passage
of this amendment, and I believe it's acceptable to
the -- to the author.

SPEAKER: Representative Gonzalez sends up
an amendment. It's acceptable to the author. It is
acceptable to the author? Is there any objection?
The Chair hears none. The amendment is
adopted.

Following the amendment, the clerk will read
the amendment.

CLERK: Amendment by Dutton.

SPEAKER: The Chair recognizes Mr. Dutton to
explain his amendment.

REPRESENTATIVE DUTTON: In keeping with their motion to table, I move passage.

Mr. Speaker, Members, this amendment simply -- in the bill, it says for 60 and under, this card is going to cost you $15. This just changes it to 10 in light of our budget situation and everybody else's budget situation.

SPEAKER: The Chair recognizes Representative Harless to speak against the amendment.

REPRESENTATIVE HARLESS: Thank you, Mr. Speaker, Members. This is not the proper venue for this debate on this issue. This should be debated in a transportation related bill.

This cost is not related to the free ID for voting purposes, and I ask that you table the amendment.

SPEAKER: Representative Dutton sends up an amendment.

The Chair recognizes Representative Dutton to close.

REPRESENTATIVE DUTTON: Mr. Speaker, Members, in light of the fact that the -- these are financially difficult times, I thought it ought to be also reflected in a cost of obtaining this card that it's not $15. All this does is changes it to $10. I
don't think that's too much to ask. And so, in light of all of the budget considerations that we in this House have had to make and that people back home are having to make, I thought it was just appropriate to change this to $10 rather than 15.

And so, with that, I would ask you to move -- vote no on the motion to table.

SPEAKER: Mr. Dutton sends up an amendment. Representative Harless moves to table. The question is on the motion to table. Members vote aye, members vote no.

Show Representative Harless voting aye.

Mr. Dutton voting no. Clerk will ring the bell.

Have all members voted? By a vote of 99 ayes, 47 nays, 2 present not voting, the motion to table prevails.

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Dukes.

SPEAKER: The Chair recognizes Representative Dukes to explain her amendment.

Representative Dukes?

Following the amendment, the clerk will read the amendment.

Hold on.
The Chair recognizes Representative Dukes to explain her amendment.

REPRESENTATIVE DUKES: Mr. Speaker, Members, this -- the author of this bill has repeatedly stated that the purpose is not to require anyone to have to go and buy a new ID. The DPS will issue an ID if you go in and request it for the purposes of voting.

So, what this amendment does is it ensures that DPS would not be able to charge for the ID by changing the permissive language of may not to shall not charge for the ID.

Repeatedly, the author has stated that this bill was not about requiring the purchase of a new ID, and language in the bill has stated that one would not be charged for an ID if they went in and stated it for these purposes.

Therefore, if permissive language is in the law, a year from now, some months from now, DPS can decide, well, it doesn't completely preclude us from charging, so, we can, therefore, start to charge.

SPEAKER: Ms. Truitt, for what purpose?

REPRESENTATIVE TRUITT: Does the gentlelady yield?

SPEAKER: Ms. Dukes, do you yield?

REPRESENTATIVE DUKES: Yes, I will.
SPEAKER: She yields.

REPRESENTATIVE TRUITT: Ms. Dukes, what if they weren't going to use it for voting? How would -- what if they weren't going to use it for voting purposes?

REPRESENTATIVE DUKES: What if they only want to use it for voting purposes?

REPRESENTATIVE TRUITT: No. If they -- if they are not going to use it for voting purposes, they just -- it's just an ID but they may not be using it for voting purposes, how would --

REPRESENTATIVE DUKES: That's a different subject. The bill already has language in it that the agency cannot charge them if they state it is for the purpose -- so, the area in the bill that I'm changing is specific to the ID to be used for voting, that they shall not be able to charge for that.

REPRESENTATIVE TRUITT: Oh, okay. You're converting a may to a shall?

REPRESENTATIVE DUKES: Correct. It's a wonderful amendment and it's acceptable to the author. Thank you.

SPEAKER: Representative Dukes sends up an amendment that is acceptable to the author. Is there any objection?
The Chair hears none. The amendment is adopted.

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Representative Dutton.

SPEAKER: The Chair recognizes Representative Dutton to explain his amendment.

REPRESENTATIVE DUTTON: Mr. Speaker, Members, there's, at least in my mind, some confusion about the previous amendment. I think what it does, though, it prohibits them from charging a fee for a personal identification certificate for a person who says they want to use that to vote; is that right? Is that right?

It's my understanding that that's already in the bill, so, I'm going to withdraw my amendment.

SPEAKER: Amendment withdrawn.

Following the amendment, the clerk will read the amendment.

Mr. Raymond.

CLERK: Amendment by Raymond.

SPEAKER: The Chair recognizes Representative Raymond to explain his amendment.

REPRESENTATIVE RAYMOND: Thank you, Mr. Speaker, Members.
Members, this amendment simply states that the Section 31.012, the voter identification education portion of the bill, which is on Page 3, would let the -- Section 203 and 14F4 of the Voting Rights Act would apply to this section. Move adoption.

SPEAKER: The Chair recognizes Representative Harless to speak against the amendment.

REPRESENTATIVE HARLESS: Mr. Speaker, Members, Voting Rights Act either does or does not apply to various sections of this bill. This is for the Supreme Court to determine and not the Texas legislature.

I move to table.

SPEAKER: For what purpose?

REPRESENTATIVE RAYMOND: Does the gentlelady yield?

SPEAKER: Do you yield?

REPRESENTATIVE HARLESS: Yes.

SPEAKER: She yields.

REPRESENTATIVE RAYMOND: Ms. Harless, do you believe the Voting Rights Act?

REPRESENTATIVE HARLESS: I'm sorry?

REPRESENTATIVE RAYMOND: Do you believe the Voting Rights Act? Do you believe the Voting Rights Act is a good law?
REPRESENTATIVE HARLESS: I do.

REPRESENTATIVE RAYMOND: So, you believe there's still discrimination in the voting place?

REPRESENTATIVE HARLESS: I'm sorry.

REPRESENTATIVE RAYMOND: So, you believe there is still discrimination in the voting place?

REPRESENTATIVE HARLESS: No, I do not think there is.

REPRESENTATIVE RAYMOND: Then why do you think that we -- that the Voting Rights Act is a good law?

REPRESENTATIVE HARLESS: I think at the time when it was passed, it was very effective. Texas is a Section 5 state. It's going to have to go for preclearance before the Department of Justice or the three federal judges in the District of Columbia. They will decide if we have met the standards of the Voting Rights Act. This is not the venue for us to decide. We -- we've got the lines that they have drawn in the cases that we've already seen. We know that. We know what the standards they've set. We've complied with that in our bill. This is not the venue to --

REPRESENTATIVE RAYMOND: Do you believe -- are you telling me you believe that we don't need the Voting Rights Act any more?
REPRESENTATIVE HARLESS: You're putting words in --

REPRESENTATIVE RAYMOND: I'm asking. Do you believe --

REPRESENTATIVE HARLESS: You're putting words into my mouth.

REPRESENTATIVE RAYMOND: Do you believe we still need the Voting Rights Act?

REPRESENTATIVE HARLESS: I don't think this is the place to debate that.

REPRESENTATIVE RAYMOND: Yes, ma'am, it is entirely a place to debate that. This is a -- would you agree that this is a major piece of legislation dealing with voting in the State of Texas?

REPRESENTATIVE HARLESS: I do.

REPRESENTATIVE RAYMOND: And you do not believe that the Voting Rights Act should be discussed in this context?

REPRESENTATIVE HARLESS: We have discussed it.

REPRESENTATIVE RAYMOND: Okay. Then let's continue to discuss it for a minute. Do you believe the Voting Rights Act is still necessary?

REPRESENTATIVE HARLESS: I believe we're still under the regulations of the Voting Rights Act.
REPRESENTATIVE RAYMOND: I'm asking you because you're the author of this very important bill and I think this is very important for people to understand your intent. Do you believe the Voting Rights Act is still necessary?

REPRESENTATIVE HARLESS: As I've said before, this is a federal -- this is a federal issue to be decided by the federal courts. This isn't for us in the Texas Legislature to discuss right now.

REPRESENTATIVE RAYMOND: Ma'am, you are dealing with legislation here -- you are -- you are proposing a bill that would affect every single voter in the State of Texas, including minorities. You would agree with that, right?

REPRESENTATIVE HARLESS: I do not agree with that. I think --

REPRESENTATIVE RAYMOND: Really? Your bill does not apply to minorities?

REPRESENTATIVE HARLESS: I think we increase
access to the polls by putting some checks and balances
that voters actually show ID that they are who they are
when they show up to vote.

REPRESENTATIVE RAYMOND: Does your bill -- I
have a very simple question. Does your bill apply to
minorities in the State of Texas?

REPRESENTATIVE HARLESS: My bill -- my bill
applies to everyone equally across the state.

REPRESENTATIVE RAYMOND: Including
minorities; is that right?

REPRESENTATIVE HARLESS: Everyone.

REPRESENTATIVE RAYMOND: Including
minorities?

REPRESENTATIVE HARLESS: All Texans.

REPRESENTATIVE RAYMOND: Including
minorities?

REPRESENTATIVE HARLESS: All Texans.

REPRESENTATIVE RAYMOND: Including
minorities?

REPRESENTATIVE HARLESS: All Texans.

REPRESENTATIVE RAYMOND: You won't even
acknowledge whether or not your bill affects --

REPRESENTATIVE HARLESS: It -- I said it
applies to all Texans.

REPRESENTATIVE RAYMOND: Including
minorities, right?

REPRESENTATIVE HARLESS: All Texans, every voter in the state.

REPRESENTATIVE RAYMOND: Minorities are Texans, right?

REPRESENTATIVE HARLESS: Do you want to go back and forth all day? I've answered the question.

REPRESENTATIVE RAYMOND: No. I want you to answer the question, ma'am.

REPRESENTATIVE HARLESS: I did. It applies to all --

REPRESENTATIVE RAYMOND: With all due respect, I feel like you're being flippant about something that is very important to millions of Texans.

REPRESENTATIVE HARLESS: I absolutely don't mean to be flippant. If I'm coming across that way, I apologize.

REPRESENTATIVE RAYMOND: It's a very simple question.

REPRESENTATIVE HARLESS: And I gave you a very simple answer. It applies to all Texans.

REPRESENTATIVE RAYMOND: I will ask you -- I will ask you one more time. Does your bill apply to minorities?

SPEAKER: Time has expired. Point is well
taken. Sustained.

The Chair recognizes Representative Raymond to close on his amendment.

Mr. Raymond moves that the exchange between himself and Ms. Harless be reduced to writing and entered in the journal. Is there any objection?

The Chair hears none. So ordered.

The Chair recognizes Mr. Raymond to close.

REPRESENTATIVE RAYMOND: Mr. Speaker,

Members, it is troubling to say the least that the author of this bill was not willing to acknowledge that this legislation will affect minority voters in the State of Texas. It is troubling to say the least.

It is doubly troubling that she is not willing to accept this simple amendment, which I know many of my Republican friends who would, I believe, accept if they gave it any thought, that says this will comply with the Voting Rights Act, that the section I specifically referred to here, the voter identification education section, would comply with Section 2, which is the language section of the Voting Rights Act.

It is disappointing that Ms. Harless would not accept the amendment. It is even more disappointing that she was not even willing to acknowledge that her legislation will affect minorities all over the State of
Texas.

I move -- I ask that you vote no.

SPEAKER: Mr. Veasey, for what purpose?

REPRESENTATIVE VEASEY: Will the gentleman yield for a question?

SPEAKER: Will you yield for a question?

REPRESENTATIVE RAYMOND: Yes.

SPEAKER: He yields.

REPRESENTATIVE VEASEY: Representative Raymond, why don't you think Representative Harless would answer your question directly? It was a very important question dealing with the Voting Rights Act. We -- we know that we are a Section 5 state. I hope that she knows that we're a Section 5 state since she's carrying this bill, and could you maybe elaborate on why she did not want to answer your question directly?

REPRESENTATIVE RAYMOND: You know, it's -- it's hard to read someone else's mind but I will tell you that in 2006 -- I'm not sure every member in here knows this but in 2006, a man named George W. Bush signed into law the extension of the Voting Rights Act for 25 years, and he said although we've come a long way, there's a still a ways to go.

And for the author of this bill not to acknowledge what a president from this state was willing
to acknowledge a mere five years ago and, that is, that
the Voting Rights Act is still necessary and that her
bill would, in fact, affect millions of Texans who are
minorities and who are protected by Section 2 of the
Voting Rights Act is troubling.

I don't know what else to tell you but I
think that -- I think it certainly should give people
pause to think about what's going on here.

REPRESENTATIVE VEASEY: If you're the author
of a bill like this that's going to drastically change
election law in your state, don't you think you should
have a good understanding of the Voting Rights Act and
the history of the act and why it was passed before you
embark on a piece of legislation that could have the
type of consequences I believe that this piece of
legislation will have?

REPRESENTATIVE RAYMOND: Well, I would
expect that in the year 2011 but, you know, you just
heard the exchange. It -- it was surprising and
troubling to me that the author of this bill was not
willing to acknowledge the importance of the Voting
Rights Act and the fact that her bill would affect
millions of Texans who are protected by it.

REPRESENTATIVE VEASEY: You have a good
amendment and because of all the good amendments that
have been turned down tonight, we can see exactly where
this bill is headed.

Thank you, Representative Raymond.

REPRESENTATIVE RAYMOND: Thank you.

REPRESENTATIVE BERMAN: Mr. Speaker?

SPEAKER: Mr. Berman, for what purpose?

REPRESENTATIVE BERMAN: Does the gentleman yield?

REPRESENTATIVE RAYMOND: Yes, of course.

SPEAKER: He yields.

REPRESENTATIVE BERMAN: Richard, you're a good guy. And, Richard, are you a minority?

REPRESENTATIVE RAYMOND: I am.

REPRESENTATIVE BERMAN: Is Mr. Veasey a minority?

REPRESENTATIVE RAYMOND: Yes, sir.

REPRESENTATIVE BERMAN: Are you both Texans?

REPRESENTATIVE RAYMOND: Yes, sir, we are.

REPRESENTATIVE BERMAN: Ms. Harless answered the question, and she said all Texans.

REPRESENTATIVE RAYMOND: You know, Leo, and I am glad you called me Richard because I'd actually like for us to talk --

REPRESENTATIVE BERMAN: I like you.

REPRESENTATIVE RAYMOND: If you were
listening to a bill and you had been around 75 years, as
you just mentioned, she specifically would not say --
when I asked a simple question are minorities -- you
know, will this affect minorities, will your bill
include minorities, in other words, I'm a minority, is
this going to apply to me, yes, I'm going to need a
voter ID to go vote, right?

REPRESENTATIVE BERMAN: Yeah, but --
(Inaudible).

REPRESENTATIVE RAYMOND: No. No. You
listened to it, Leo. You listened to it. You listened
to it. And I say, "Well, just tell me does this affect
minorities?"

"It affects all Texans."
"Does this affect minorities?"
She wouldn't say it.

REPRESENTATIVE BERMAN: I think you hit her
too hard really. I know you're a minority. I know --
REPRESENTATIVE RAYMOND: Leo, she's not a
shrinking violet.

REPRESENTATIVE BERMAN: I know that.
REPRESENTATIVE RAYMOND: She's a tough lady.
REPRESENTATIVE BERMAN: I know that but she
said all Texans, and all Texans include every minority
in Texas.
REPRESENTATIVE RAYMOND: Leo, do you --
Leo --
REPRESENTATIVE BERMAN: Of course, they do.
REPRESENTATIVE RAYMOND: Let me ask you, Leo, do you believe that this law will apply to minorities in the State of Texas?
REPRESENTATIVE BERMAN: Yes, I do.
REPRESENTATIVE RAYMOND: You see, you were willing to answer it.
REPRESENTATIVE BERMAN: But she didn't have to. She --
SPEAKER: Representative Sheffield raised a point of order. The gentleman's time is expired. The point of order is well taken. Sustained.
REPRESENTATIVE RAYMOND: I'd like to make a motion to reduce the exchange between Ms. Harless and myself and Mr. Veasey and myself into writing and enter it into the journal.
SPEAKER: Members, you've heard the motion. Is there any objection?
The Chair hears none. So ordered.
Representative Raymond sends up the amendment. Representative Harless moves to table. The vote is on the motion to table. Members vote aye, members vote no. Show Representative Harless voting
aye. Representative Raymond voting no. Clerk will ring
the bell. Representative Gonzales voting aye.
Representative Carter voting aye. Representative Chen
and Dutton voting aye. Representative Branton voting
aye.

Have all members voted? By a vote of 99
ayes, 48 nays, 2 present not voting, the motion to table
prevails.

Following the amendment --
CLERK: Amendment by Raymond.

SPEAKER: The Chair recognizes
Representative Raymond.

REPRESENTATIVE RAYMOND: Okay. Members,
since Ms. Harless would not accept an amendment to this
bill, saying that this bill would comply with the Voting
Rights Act, Section 5, then I now am offering an
amendment that says it will apply to Section 2, which is
the language section of the Voting Rights Act since we
are a -- a language minority state. Move adoption.

SPEAKER: The Chair recognizes
Representative Phillips in opposition.

REPRESENTATIVE PHILLIPS: Thank you, Mr.
Speaker. I would move to -- I would speak in opposition
to this amendment. Again, we're getting far -- far from
what the Texas legislature needs to be doing, and I