2005 (79R) HB 1706 HOUSE CALENDAR, 2ND READ 5/2/05

Transcribed by Lynne M. Rodriguez, CSR
THE CLERK: HB 1706 by Denny, relating to requiring a voter to present proof of identification.

SPEAKER: The Chair recognizes Ms. Denny.

REP. DENNY: Thank you, Mr. Speaker.

Members, House Bill 1706 would require voters to provide proof of identification when offering to vote in person so that we preserve the integrity of the election process ensuring the voters who are who they say they are.

This bill has been misunderstood so to make it easier, I provided each member with a legal size handout that highlights the differences between the proposed bill and current law and walks you through the different voting scenarios, and I think if you review these, you'll notice that the changes are not substantial but I'm happy to answer any questions.

REP. BURNAM: Mr. Speaker, would the lady yield?

REP. DENNY: I will.

SPEAKER: The lady yields.

REP. BURNAM: Good afternoon, Chairwoman.

REP. DENNY: Good afternoon.

REP. BURNAM: I know that you have a lot of experience in this area and I will ask you a couple of questions about it. You know that I represent an
inner city district in Fort Worth. Are you aware that
in my primary election, over half the voters that
bothered to participate are senior citizens?

REP. DENNY: I did not though that but
I'll certainly take you word for it.

REP. BURNAM: Did you know that not only
is that the case for primaries but it is also the case
for city elections and school board elections in my
community.

REP. DENNY: Good for them.

REP. BURNAM: Actually it's bad for them,
because when you only have 5 to 6 percent of the people
bothering to participate in either primary or in
municipal elections or school board elections, and an
even smaller percentage of them bothering to participate
in water district elections, you really have to be
concerned, don't you, about the level of participation
in the electoral process?

REP. DENNY: You're right.

REP. BURNAM: Are you aware, Ms. Denny,
that virtually every member of this floor has received a
letter from the AARP talking unfavorably about your
bill?

REP. DENNY: Yes, and I find that
somewhat remarkable since so many of our elderly voters
are able to take advantage of early voting by mail, and
this bill does nothing to touch any of the requirements
of that convenience.

REP. BURNAM: I don't know what your
experience is in your district. In my district, I many
times find that senior citizens prefer the social
interaction of being able to go to their polling place
and seeing their friends of 15, 20, 30 years, and it's
kind of a community event. Some of them go down at the
same time so they can say "Hello." Is that not your
experience?

REP. DENNY: Well, sometimes I suppose
that's true.

REP. BURNAM: Well, Ms. Denny, would it
surprise you to know that in the AARP letter, it
suggests that your bill, HB 1706, will impose the modern
version of a poll tax because it will force elderly,
retired and disabled voters to purchase and furnish
official documents such as birth certificates,
passports, driver's license, or government identity
cards as a prerequisite to registering or casting a
ballot? Shouldn't that be of concern to people?

REP. DENNY: Well, Mr. Berman, I just
think that that's not the case at all. It is so
difficult in this day and age to understand how anyone
does not have some form of photo ID or two forms of non
photo ID. You cannot get along in this world and not
have identification to show who you are to exist, to do
any type of banking or purchasing or --

REP. BURNAM: Ms. Denny, you have never
been poor or elderly in the inner city, have you?

REP. DENNY: Well, I'm getting elderly.

REP. BURNAM: Well, we're all getting
older by the day, but I doubt seriously -- I mean, we're
all filing our ethics reports today. I doubt seriously
we'll find that you're poor or elderly or in the inner
city, and that's the people I'm here representing today.

REP. DENNY: And I understand that, and
for the poor and the elderly, there are many forms of
identification, including mail, for the assistance
checks and government forms of ID and mail that are
available. It is a very long and liberal list,
Mr. Berman.

REP. BURNAM: Ms. Denny, are you aware
that the last sentence of that last paragraph says,
"Voter identification requirements will negatively
impact thousands of AARP, two million members in Texas,
especially those who have voluntarily given up their
right to drive."

Historically, many senior citizens, the only
photo ID that they have is their driver's license, and has been recommended frequently by their doctor, they've given up these photo ID's and they have no photo ID's. So do you really think that in this day and age, it's appropriate to, based on nothing that's been substantiated as far as the need for this legislation, to move forward and to actually impose a new form of poll tax on our senior citizens?

REP. DENNY: Well, I disagree with you that it's a poll tax, and I do agree that most people have a form of photo ID. DPS also issues to people a photo ID that is not a driver's license, and this bill provides free of charge to anyone who's willing to sign an affidavit that they need assistance and cannot afford one, one will be issued free of charge for them.

REP. BURNAM: Well, what I know is the AARP is against this bill. They've made this information available to all of us, and I'm with them. Thank you.

REP. DENNY: Thank you.

SPEAKER: For what purpose, Mr. Coleman?

REP. COLEMAN: Would the gentlewoman yield?

REP. DENNY: I certainly do, Mr. Coleman.

REP. COLEMAN: Thank you, Chairwoman
Denny. There's a provision in this bill that deals with provisional voting, and it appears that the new rules or law that you lay out here would direct people into provisional voting, so if somebody went in with the same ID that they had now going into the ballot box, they showed up with their voter registration card and if they didn't have the two pieces of mail, like electric bill or like a gas bill, or a picture ID, their ballot would now become a provisional ballot, is that not correct?

REP. DENNY: That is correct. You have to show who you are.

REP. COLEMAN: Well, tell me what's wrong with the system that says that we have to show that ID with our voter registration card. It would create more provisional ballots.

REP. DENNY: Because we want to make sure that you are the person that is voting the ballot and you are who you are.

REP. COLEMAN: Well, we went through a situation here where we had an election contest and it was shown that with all of those voters on the biggest election day in the last four years, that there was no voter fraud.

REP. DENNY: Well, that's not exactly accurate, Mr. Coleman. And we have instances where we
have had, for the years that I've been on the elections committee, we have had hearings across this state where we have had stories and documentation of people showing up sometimes multiple times with different voter registration cards and voting in different precincts.

REP. COLEMAN: You have a provision in this bill that says that if you come in and that scenario happens, you don't have a picture ID or two ID's that are equivalent to a gas bill or phone bill, that you have to go -- if you want your provisional ballot made into a non-provisional ballot, that you have to go to the central election agency, the Board of -- Early Vote Board, up to five days after the election to have your ballot certified that you are you, is that right?

REP. DENNY: That's correct. If you don't show up with your ID and you have one and you want your vote to count, then you can show up with your ID or two forms of ID.

REP. COLEMAN: How do we determine if a provisional ballot counts now?

REP. DENNY: Well, there are -- The instances in which your ballot counts or do not count are printed on the back of the provisional ballot envelope where that ballot takes place.
REP. COLEMAN: Exactly right. And so who determines that?

REP. DENNY: The central counting station, the ballot board.

REP. COLEMAN: Are they having a hard time doing it?

REP. DENNY: No.

REP. COLEMAN: Then why are we changing the rules? Thank you, Ms. Denny.

REP. DENNY: Thank you. We're changing them because there are instances in which that needs to be determined.

Hello.

SPEAKER: For what purpose, Mr. Strama?

REP. STRAMA: To ask the lady a few questions.

REP. DENNY: I certainly will.

SPEAKER: The lady yields.

REP. STRAMA: Thank you, Ms. Denny.

Let's talk about why this bill was filed. What exactly is the problem that you're trying to solve?

REP. DENNY: Well, Mr. Strama, thank you, for asking. We have instances in this state that we have voter fraud, and I think it is so important that your vote be safeguarded and that you are the one that
REP. STRAMA: Did the committee hear specific testimony about specific cases of voter fraud?

REP. DENNY: We have. We did and we have.

REP. STRAMA: Could you cite a couple of those examples?

REP. DENNY: Well, as I just told Mr. Coleman, we have had, in the past, testimony throughout this state of persons casting ballots and showing up with voter registration cards and they were not who were the people casting those ballots.

In this last election, it was interesting, I was just talking to the Secretary of State, where they had persons who have been dead. You know, the same old stories we've heard for years, dead people casting ballots.

Now if that person has to show up and show a photo ID or two forms of current ID, non-photos, the dead people won't be voting any longer.

REP. STRAMA: You know that for the past five years in the private sector, I've worked on voter registration data base technology.

REP. DENNY: I'm aware of it.

REP. STRAMA: Worked with election
officials?

REP. DENNY: Yes, sir.

REP. STRAMA: The only comprehensive study I'm aware of that study the race, you know the evidence that we always hear anecdotally about dead people casting ballots was the state of Georgia's post election 2000 report, in which they identified that when there were news reports immediately following the election, that potentially hundreds of dead people had voted, and when the Secretary of State actually went and the audited every single one of those cases, they ultimately found there was only one case where a dead person had voted and it was a dead person who had actually voted while they were living and voted absentee. Are you aware of that study?

REP. DENNY: I am aware of that study in Georgia. However, I know our situation here in Texas is somewhat different.

REP. STRAMA: Do you believe that homeless people should be allowed to vote?

REP. DENNY: Absolutely.

REP. STRAMA: How would a homeless person meet the requirement of this legislation?

REP. DENNY: Very easily. They can get a photo ID from DPS.
REP. STRAMA: How much does a photo ID cost?

REP. DENNY: It's free when you sign this affidavit that you need one and are unable to pay for it.

REP. STRAMA: So in addition to registering to vote, the requirement to vote for a homeless person would be that they also go to DPS and get a photo ID beyond the requirement of registration?

REP. DENNY: That's correct, but I don't know how they can get by with getting any of the benefits that they have. They could get a photo ID. There are also many other forms of identification, and I would assume a homeless person is also receiving benefits, Medicaid, and those types of things, and the ID card that is issued for Medicaid is certainly one of those forms of ID that is on the acceptable list, which I passed out to everyone here. Those are available free of charge. A library card, which is free of charge. Homeless people are certainly able to obtain those.

REP. STRAMA: You're aware that when the Help America Vote Act was passed, this ID requirement was one of the most significantly debated portions of that legislation, are you not?

REP. DENNY: I am aware of that.
REP. STRAMA: Did you know that I was in the house gallery when the bill was passed?
REP. DENNY: No, I didn't.
REP. STRAMA: It was a pretty exciting experience.
REP. DENNY: I bet it was.
REP. STRAMA: And I was very involved in a lot of the negotiations on that bill. This particular component of it was of particular interest to Senator Bond of Missouri because Senator Bond alleged that there had been widespread voter fraud in the state of Missouri's election in the 2000 election, and what he -- and as the most outspoken advocate for stronger ID requirements, are you aware that the Help America Vote Act prescribes specific requirements such as demonstration of photo ID the first time a mail-in registrant goes to vote at the polling place, are you aware of those requirements?
REP. DENNY: Absolutely.
REP. STRAMA: Do you agree that this bill goes beyond the requirements of the Help America Vote Act?
REP. DENNY: Yes, it does, and several other states have joined in what we're trying to do here in Texas and have already put in effect more stringent...
REP. STRAMA: Would you agree that the state's obligations in conducting elections are to ensure that every registered voter is allowed to vote and no one is allowed to vote more than once?

REP. DENNY: Yes, I would.

REP. STRAMA: Would you agree that we ought to err on the side of inclusion when we know that we have a problem with voter participation and we cannot document a widespread statistically significant problem with voter fraud of the nature you're describing, would you feel that we ought to err on the side of inclusive and accessible election procedures?

REP. DENNY: I feel, Mr. Strama, that we need to maintain the integrity of our election process, and when people feel that their vote can be stolen from them by someone other than themselves voting that, that we need to take every precaution to make sure that they are the ones that are voting their ballots.

REP. STRAMA: But you know that, of course, if you go and vote your ballot and someone else tries to vote your ballot, that person will be identified, that the software and the election process flags that you voted, and if you try to vote twice, it's identifiable to the election officials?
REP. DENNY: Well, one would certainly hope so. However, we have people that do show up on election day that have been notified that they have already voted somehow during early voting and we're trying to figure out how to put a stop to that, and certainly if they have to show up with a photo ID, that will help.

REP. STRAMA: You're aware that when we vote by mail, we're not required to show photo ID, is that correct?

REP. DENNY: Unless it's the first time.

REP. STRAMA: Unless it's the first time?

REP. DENNY: That's correct.

REP. STRAMA: So your bill applies by mail?

REP. DENNY: That's correct, at this time.

REP. STRAMA: Well, would you expect to come back here and apply these standards to absentee ballots by mail?

REP. DENNY: I don't know. We'll see how this goes.

REP. STRAMA: I asked a question a moment ago. Do you feel we should err on the side of inclusion and accessibility when it comes to this question; when
we weigh the ballots between the fact that fewer than 50 percent of eligible voters participate in our elections and we have some undocumented, unquantified amount of voter fraud that we can't really substantiate, don't you feel we ought to err on the side of inclusion and accessibility?

REP. DENNY: And I answered that by saying I think it's most important that we ensure the integrity of maintaining that you are the one that votes your ballot. I think that that is of the utmost importance.

REP. STRAMA: My last question. When this bill is implemented, we will have a lot of people going to the polls without the identification requirements in this bill, and I wonder if you have any plan for how we transition to the new requirement?

REP. DENNY: I don't think that -- I don't think that that will be the case, Mr. Strama. I think that there will be a huge voter education program in place to notify voters of the requirements of the ID so that no one will not know of this new requirement.

REP. STRAMA: Are we appropriating state fund for that voter education requirement?

REP. DENNY: The Secretary of State's office uses private funds. I have spoken with our new
Secretary of State and he is, has already embarked on an effort to raise private funds to do all the voter education necessary to improve voter turn-out, regardless of what bills we pass in this legislative session, to do the utmost to get 100 percent voter participation.

REP. STRAMA: Thank you for answering my questions.

REP. DENNY: Thank you, Mr. Strama.

REP. BROWN: Mr. Speaker?

SPEAKER: For what purpose?

REP. BROWN: Will the lady yield?

REP. DENNY: I certainly do.

SPEAKER: The lady yields.

REP. BROWN: Did I share with you the incident we had in one of my counties this past time with someone voting multiple times?

REP. DENNY: I don't believe so, Ms. Brown.

REP. BROWN: Well, I'd like to let you know about that because I think it has a great bearing on what you're trying to do today. Someone was in line and bragging about the fact that she had voted three times that day. She was going around and picking up the voter registration cards from different people that she
knew and then going to the polls and voting for that person, and she thought she was really doing a great service. But anyway, we stopped that, but we were only able to stop it after she had cast three or four votes, so this was to take care of it.

And one other thing I wanted to point out. Do you know how many of our judges and alternate judges and clerks at the polls are senior citizens?

REP. DENNY: Oh, many, many are senior citizens.

REP. BROWN: I was thinking I read somewhere over 80 percent are serving in that capacity. So I feel like that AARP didn't poll our election workers or they would have known, because those people who hold the elections know how difficult it is to make sure that the people who are voting are indeed qualified to do so. In fact, I know someone who worked as a judge that asked for ID one day and this lady started pulling out ID and she said, "Well, which one do you want?" She had about four or five identifications under different names in her purse.

REP. DENNY: Oh, my.

REP. BROWN: So it would solve that.

Thank you very much.

REP. DENNY: Thank you very much, and
thank you for sharing that story because that does point out exactly why we need this legislation.

REP. BROWN: I think this bill is long overdue. Thank you.

REP. DENNY: Thank you very much, Ms. Brown.

REP. WOOLLEY: Mr. Speaker.

SPEAKER: For what purpose, Ms. Woolley?

REP. WOOLLEY: Will the lady yield?

REP. DENNY: I certainly do.

SPEAKER: The lady yields. Just about one minute.

REP. WOOLLEY: Ms. Denny, I don't believe it's too much to ask people to be able to prove who they are if they're going to vote, do you?

REP. DENNY: No, ma'am, I don't.

REP. WOOLLEY: Wouldn't you say it's true that every time a vote is cast fraudulently, it disenfranchises those who have cast legal votes?

REP. DENNY: I certainly do, and I'm glad you brought that up.

REP. WOOLLEY: And isn't -- doesn't your bill have a provision for free picture voter IDs given by DPS?

REP. DENNY: Oh, there are many, many
forms of photo ID that are available, and certainly a
free one issued to anyone that shows need for that,
absolutely.

REP. WOOLLEY: Well, Ms. Denny, I think
you've got a fair bill, one that we all should be able
to support if we believe in legal voting and getting rid
of the fraud that's being perpetrated on our voting
system.

REP. DENNY: Thank you, Ms. Woolley. I
appreciate that.

SPEAKER: Mr. Kaufman raises a point of
order that the lady's time has expired. The point of
order is well taken and sustained.

REP. CHAVEZ: Mr. Speaker, I ask that the
lady's time be yielded. This is an important issue to
all of us.

SPEAKER: Ms. Chavez moves that the
gentle lady's time be extended. Is there objection?
Mr. Nixon objects.

REP. CHAVEZ: I'd like to raise it to a
vote.

SPEAKER: Members, there's a division
vote on Ms. Chavez's motion to extend time. All those
in favor, vote "I;" opposed, vote "Nay." Division
vote.
Strike the board. Motion carries. The time is extended. The lady yields.

REP. CHAVEZ: Thank you, Mr. Speaker.

Thank you, Chairwoman Denny. I appreciated our conversation.

A couple of questions. On page four of your bill, number 3, "A valid employee identification card that contains the person's photo and is issued by a employer of the person," would that also include a union card?

REP. DENNY: Only if it's issued by the employer.

REP. CHAVEZ: Okay. A union card is usually issued by the union, so a union card photo ID would not be acceptable.

REP. DENNY: I don't believe so, Ms. Chavez.

REP. CHAVEZ: Okay. Did you know that not all U.S. citizenship certificates contain the person's photographs; the ones from 20, 30 years ago may not have a photo?

REP. DENNY: Okay.

REP. CHAVEZ: Okay. And also, and I spoke to you about this on other acceptable documentation.
REP. CHAVEZ: Could you clarify for me that on page 5, line 7, "Identification card issued to a person by a governmental entity of the state," will include a federally qualified health center or an FQHC, that that would be acceptable?

REP. DENNY: Right, that is a federally issued medical card for benefits.

REP. CHAVEZ: Okay. So that would be eligible?

REP. DENNY: That would be, uh-huh. Whether it's a photo or non-photo ID, that would be covered.

REP. CHAVEZ: And are you aware that many elderly senior citizens don't have a driver's license and haven't driven in 15, 20 years?

REP. DENNY: Yes.

REP. CHAVEZ: That they're in public housing, high rises, and I've got -- I've got two public housing senior high rises in my district and these people have lived there 15, 20, 25 years, and they don't have photo IDs.

REP. DENNY: Right.

REP. CHAVEZ: They definitely don't have driver's license. They have a grocery store, you know,
within walking distance, they go and buy their
groceries, they come back, and their life --

REP. DENNY: Right, and Ms. Chavez, you
don't have to have that photo ID, you just need two
forms of the photo ID and they'll have a Medicare or a
Medicaid card or mail where they receive a benefits
check, and those would work.

REP. CHAVEZ: But don't you agree that
this is going to be an obstacle that they haven't had to
do and that some of them are going to consider this as a
act of intimidation?

REP. DENNY: Oh, I wouldn't think so at
all. You know, if you prize your right to vote and you
don't want someone to steal that vote from you, just
taking the envelope that has your name on it, and I'm
assuming that they would carry their Medicaid card with
them just like we carry our forms of ID in our wallet.

REP. CHAVEZ: When you go vote, the new
immigrants, especially Mexican Americans, new, first
generation immigrants, have been subjected to laws like
Proposition 187 in California, which created a huge
under class of people and also a fear of the government
and a fear to have to present anything other than what
they need to. So they would see this as a deterrent or
an obstacle, an obstacle to voting because, all of a
sudden, they want more information.

They're so fearful of losing their benefits, of losing what they have. They became citizens, they decided to play by the rules, and all of a sudden, they have to provide information. Because I had this situation when I worked on the John Kerry campaign in New Mexico, okay, and even though it was New Mexico, she was required to have a photo ID with her voter card and she didn't have a photo ID. She never drove in her life, and I asked her for -- in Spanish, she didn't speak English. I asked her, "Do you have your Medicare, your Medicaid card?" "No, no lo tengo." "Do you have your Social Security card?" "No tengo."

She said she didn't have a Social Security card. So when she ate lunch at her nutrition program, I asked her if I could go through her cards, and I said, you know, (Speaking in Spanish,) and in those cards, she had her Medicare, she had her Medicaid, but this is a perfect example of people who do not know that they have these things.

She doesn't run to the hospital, run to the health center to get benefits. She didn't even know she had a Medicaid card. So we are --

This bill, to me, definitely puts obstacles to people, especially first generation immigrants to this
country. You know, your elderly, elderly people, old people are not accustomed to having to present this thing and you are going to see them not coming to the polls.

REP. DENNY: Well, when the first generation Americans that are naturalized citizens go through the class that they have to take to become naturalized citizens, they are taught what is required of being a U.S. citizen, and part of that, in Texas, is when you vote, if this law becomes effective, in effect, will be that you have to show a form of identification, a photo ID or two forms of non-photo ID, just as you do to conduct any other type of business, and it will just become the way it is, and as you said, she had that form of ID with her.

REP. CHAVEZ: She didn't know it though, she didn't know.

REP. DENNY: She knew she had the --
REP. CHAVEZ: No, she did not know.
REP. DENNY: Oh, she didn't know.
REP. CHAVEZ: She did not. She said went back and she said (Speaking in Spanish.) "I couldn't vote, they didn't let me vote, I don't have the necessary documents," and I sat down with her and I said, "Let me go through your billfold," and I found
them, and I said, "Yes, you do," and I took her back
into vote, okay.

That's labor intensive, okay. When we passed
federal legislation that took away food assistance to
legal immigrants, legal immigrants, okay?

REP. DENNY: Right.

REP. CHAVEZ: Thousands of them became,
hundreds of thousands of them became U.S. citizens,
okay, because they had worked, they had the work
requirement and they now were being subjected to
something, and I am talking about old people.

One of the seniors in my district who college
educated his kids by shining shoes in El Paso, he
finally, at 78, got his citizenship. These are real
people.

REP. DENNY: Of course.

REP. CHAVEZ: Okay, he doesn't have, he
didn't have those kinds of forms of ID. He didn't ever
drive. He just shined shoes and sent his kids to
school, and now you're going to sit there and put this
obstacle and require more documents.

REP. DENNY: But he has to have forms of
identification to get along in this world. And so he
will have to, if this bill goes into effect, have to
have forms of identification to vote, so he can show
that he is who he says he is.

    REP. CHAVEZ: I believe that elderly
people, elderly people are qualified at age 50 to become
members of AARP, and I believe out of respect for the
more than 2 million AARP members and elderly, that we
should exempt them from this requirement.

    REP. DENNY: No, I disagree.

    REP. CHAVEZ: And I have an amendment to
do that, and I would also like to talk to you a little
bit about the poll judges. Okay, you also have judges
who are going to interpret this, and I know, because I
have it in my district, they're going to interpret this
as you don't have a photo ID, you can't vote.

    REP. DENNY: Ms. Chavez, let me refer you
to page 2, line 1 of the bill, where it says that the
voter shall be accepted. That means there is no subject
to interpretation by the poll workers. They will accept
every voter for voting.

    REP. CHAVEZ: Provisional, okay.

    REP. DENNY: For provisional. Yes; I
mean, we don't any longer have a challenged voter.

    REP. CHAVEZ: I'm glad you brought that
up.

    REP. DENNY: They can vote that ballot
provisionally.
REP. CHAVEZ: Okay. So I do discussed
this --

REP. DENNY: And if they have the forms
of ID that are allowed and they're on the voter list,
that vote will be counted.

REP. CHAVEZ: I spoke to you, but you had
to come and lay out your bill, about an amendment that
would require that all polling places to have a list of
the acceptable documents.

REP. DENNY: Yes. To have that posted,
and I told you I would accept that amendment.

REP. CHAVEZ: Okay, and I could I add to
that under the section that you just stated that a
provisional voting ballot will be provided to anyone who
comes to vote and presents --

REP. DENNY: Well, let me see your
amendment.

REP. CHAVEZ: Okay.

SPEAKER: For what purpose, Mr. Jackson?

REP. JACKSON: Will the lady yield?

REP. DENNY: I certainly do.

SPEAKER: The lady yields.

REP. JACKSON: Ms. Denny, Representative
Bernham testified earlier, correctly, that AARP has two
million members in Texas and they oppose this. Are you
aware I'm a member of AARP?

REP. DENNY: Yes, sir. Well, no, I'm not aware you're a member.

REP. JACKSON: Yes, yes. You know, I bet there are other members.

REP. DENNY: Assuming you're over 50, as am I.

REP. JACKSON: And I bet there are other people on the House floor that are members of AARP.

REP. DENNY: Oh, I bet there's one or two.

REP. JACKSON: And I don't believe AARP's position represents all of us. I know it doesn't represent me.

REP. DENNY: I know it doesn't represent me either, Mr. Jackson.

REP. JACKSON: And Representative Denny, isn't there a section of the bill where DPS will issue ID cards at no cost?

REP. DENNY: Absolutely, there certainly is.

REP. JACKSON: So this is not a poll tax. There's not any cost to doing this, qualifying to vote under this bill.

REP. DENNY: No, you're exactly right.
REP. JACKSON: Representative Denny,
let's think of some of the things you can't do without
an ID card. I rented a movie the other day and had to
to show my driver's license.

REP. DENNY: I know it. That's correct.

REP. JACKSON: Went to a clinic. I had
to show them my driver's license.

REP. DENNY: Yes, sir.

REP. JACKSON: Got on an airplane, had to
to show my driver's license. Drove a car and had to have a
driver's license. You know, us just have to have ID to
do near anything, don't you?

REP. DENNY: Yes, sir, you do.

REP. JACKSON: I think voting is so
important that it's not unreasonable to expect people to
ID themselves, don't you?

REP. DENNY: I do indeed.

REP. JACKSON: It's a good bill,
Mrs. Denny.

REP. DENNY. Thank you, Mr. Jackson. I
appreciate that.

REP. OLIVO: Mr. Speaker.

SPEAKER: Mr. Kaufman. I'm sorry,
Mr. Kaufman raises a point of order. The gentle lady's
time has expired.
REP. OLIVO: Mr. Speaker, I --

SPEAKER: The order is well taken and sustained.

REP. OLIVO: I request an extension of time on this. This is an important issue. We need more time on it.

SPEAKER: Ms. Olivo requests makes a motion to extend time. Is there an objection? There is objection.

REP. OLIVO: I'd like to vote on it.

SPEAKER: Okay. Members, this requires unanimous consent. Is there objection? Yes, there is objection. Following the amendment, the clerk will read the amendment. We have 11 amendments, members, and counting.

THE CLERK: Amendment by Chavez.

SPEAKER: The Chair recognizes Ms. Chavez.

REP. CHAVEZ: Mr. Speaker, members, what this amendment does is simply allows a voter over the age of 50 to present his or her voter registration card the way they always have. That's it. It's very simple.

The 50 years old is when someone is eligible to be a member of AARP, and out of respect for a
generation who has dedicated their lives to a spot in
the armed services, who has given and been part of laws
that have been anti-discriminatory against minority
communities, we should give them the right to be exempt
at age 50.

SPEAKER: The Chair recognizes Ms. Denny
against the amendment.

REP. OLIVO: Members, Mr. Speaker.

SPEAKER: Yes, ma'am, for what purpose?

REP. OLIVO: Will the gentle lady yield?

SPEAKER: Do you yield for a question?

REP. DENNY: I'll yield.

SPEAKER: The lady yields.

REP. OLIVO: Representative Denny?

REP. DENNY: Yes, ma'am.

REP. OLIVO: I'm very concerned about
this particular legislation. Do you know that there's a
lot of people out there, like my father and my mother.
My father is 86, my mom is 84, and if I look at my mom
and I look at the requirement you have, you require,
according to your bill, on some of the ID's, you require
a driver's license or personal ID, right?

REP. DENNY: A photo ID, yes.

Ms. Olivo, I'm speaking against the amendment. I'm up
here to speak against Ms. Chavez's amendment.
REP. OLIVO: Okay. Well, let me let you do that, then I'll come back on.

REP. DENNY: Okay.

REP. OLIVO: Thank you.

REP. DENNY: Ms. Chavez's amendment would exempt someone 50 years or older, and that defeats part of the purpose of the bill, and so I would move to table Ms. Chavez's amendment and ask you --

REP. URESTI: Mr. Speaker?

REP. DENNY: -- to vote yes on the amendment. I mean, vote yes on the motion to table.

REP. URESTI: Mr. Speaker?

REP. DENNY: We need to --

SPEAKER: Mr. Uresti?

REP. URESTI: Will the gentle lady yield for a question?

SPEAKER: Will you yield for a question?

REP. URESTI: On the amendment.

SPEAKER: The lady yields.

REP. DENNY: I do..

REP. URESTI: Thank you, Representative.

Denny. I have a question for you on the amendment.

Ms. Denny, did you read the HRO report that was put out on this bill?

REP. DENNY: Yes.
REP. URESTI: And did you disagree with any of the aspects that were in the HRO report?

REP. DENNY: Yes, I do disagree.

REP. URESTI: Did you agree with the portion of it that supports the bill?

REP. DENNY: No.

REP. URESTI: You didn't agree with the portions related to the --

REP. DENNY: I do agree with the portions that are supportive of the bill.

REP. URESTI: But you disagree, I assume, with the portions that oppose your bill, correct?

REP. DENNY: On some of them.

REP. URESTI: Okay. Did you read the part about, and this goes to Representative Chavez's amendment, because we're talking about our senior citizens, which, to me, includes a lot of our World War II Veterans, but did you read the part about where it reads, under the bill, the state of Texas could have the distinction of throwing out the vote of a World War II veteran on a technicality? Did you read that part?

REP. DENNY: Yes, I did, and I disagree with that because I don't see how anybody's vote would be thrown out?

REP. URESTI: So why would that be in
this HRO report?

REP. DENNY: I don't know. Sometimes HRO does not, I think, does not interpret the amendment correctly.

REP. URESTI: So Representative Denny, you do not agree that it's possible that somebody's vote could be thrown out on a technicality?

REP. DENNY: No, I do not, because anyone that shows up with the proper form of identification, their bill -- I mean, their ballots will be cast and voted and counted.

REP. URESTI: Last session, we worked on the HAVA bill in your committee. I'm sure you remember that well. And did you read in the part in this HRO that states that this bill is inconsistent with the federal HAVA laws? Do you agree with that statement?

REP. DENNY: It does go further. It's not inconsistent, and Representative Uresti, a veteran would have a government issued photo ID.

REP. URESTI: I'm sorry, I didn't hear you.

REP. DENNY: A veteran would have a photo ID.

REP. URESTI: Well, you're assuming they haven't lost their ID.
REP. DENNY: I'm sorry, I'm assuming what?

REP. URESTI: You're assuming they haven't lost their ID. And I think that's the whole problem.

REP. DENNY: Well, they can get another one.

REP. URESTI: But what if they lose it the day before the election? See, that's the whole problem, Representative Denny, respectfully, with this bill.

REP. DENNY: Well, they have other forms of ID.

REP. URESTI: There are a lot of assumptions made in this bill that everybody carries their wallet, everybody carries their purse, has all of their ID, they're all current, and I think that's a wrong assumption. In a perfect world, I think you're correct, but we don't live in a perfect world, and I think that's the problem that our Veterans all have their IDs.

I can name you a number of Veterans that have last their DV 214s, which is the most important record that they should have, and they've lost them. Would you agree with that statement?
REP. DENNY: That does happen, yes, indeed it does, but there are provisions for getting another one.

REP. URESTI: You're right. But the question then is, would they be able to get it in time to vote, and that's the problem.

REP. DENNY: Early voting goes on for a long period of time.

REP. URESTI: Have you ever tried to get a military ID, Representative Denny?

REP. DENNY: No, sir, I haven't.

REP. URESTI: Okay. Do you have any idea how long it would take to get a military ID?

REP. DENNY: But getting one from -- getting an ID from DPS, you can get the receipt that you have applied for that or you can get that online or you can get one in person, in one day, in a few hours.

REP. URESTI: How many senior citizens do you think can get on the computer and get online and order a DPS identification card?

REP. DENNY: Anyone that has computer access, and that's available free of charge at a library.

REP. URESTI: At the library, and that's assuming they have transportation and they're not
REP. DENNY: That is true.

REP. URESTI: And according to this HRO, it appears that this bill would strip away many of those opportunities that HAVA, the bill that you passed last session, provided to our disabled Veterans, do you realize that?

REP. DENNY: No, I don't believe that it does.

REP. URESTI: I understand the intent of your bill is to get to voter fraud, but do you not agree that the end result is going to actually have the adverse effect in that we're going to discourage or hinder or prohibit more voters, more people from exercising their most fundamental right?

REP. DENNY: I disagree with that.

REP. URESTI: Thank you, Representative Denny.

REP. DENNY: Thank you, Mr. Uresti.

REP. GIDDINGS: Mr. Speaker?

SPEAKER: Yes, ma'am, for what purpose.

REP. GIDDINGS: Will the gentle lady yield?

SPEAKER: Will you yield?

REP. DENNY: I yield.
SPEAKER: The lady yields.

REP. GIDDINGS: Chairman Denny, let me say from the very beginning that I have no doubt that your intention and what you're trying to do are good and honorable, but Chairman Denny, I think we have to not look at your intentions as it relates to this bill but that we have to look at the results of what this bill will do, and as it relates to this particular amendment before you, I do think that we ought to try and make it as easy as possible for the elderly to vote. Would you not agree with that?

REP. DENNY: Well, I think it's already quite easy for the elderly to vote, Representative Giddings.

REP. GIDDINGS: Well, you mentioned the fact, Chairman Denny, that one can get this free identification cards from the DPS. Many of our senior citizens, I'm not sure that you're aware, do not have the transportation and the where-with-all to get to the office of the Department of Public Safety to get this card. Are you aware of that?

REP. DENNY: I understand that it might be more difficult for some than for others, yes.

REP. GIDDINGS: I think there's a possibility that young people might be able to get
through what you're trying to do here, again, realizing
what your intentions are, but looking at the results, I
think the results in terms of elderly people attempting
to vote, and many of them are so passionate about this,
we don't want to discourage them.

I think the result of this is that a lot of
erly people are going to have great difficulty
voting, and may I just say, Representative Denny, as
much as you and I like to believe otherwise, there are
those people out there who would try to take away the
right of someone to vote. Are you aware of that?

REP. DENNY: I find that difficult to
believe, but I certainly will take your word for it.

REP. GIDDINGS: Well, I will tell you in
an upscale area where I vote, I have been in the line
with other people who have just had their voter
identification card and they have been allowed to vote,
and in that same line, upon occasion, in addition to my
voter registration card, I have been asked to present
photo ID, even though the person who was there at the
polls knew exactly who I was. Would you find that hard
to believe?

REP. DENNY: No, I certainly believe you,
if you tell me that, certainly.

REP. GIDDINGS: Well, those kinds of
things do happen, and Representative Denny, I'm going
back to saying I have no doubt about your intentions,
that they're good and that they're honorable, but I am
very concerned about the results of what this bill will
do, particularly to the elderly. Thank you.

REP. DENNY: Thank you, Ms. Giddings.
MS. OLIVO: Mr. Speaker.
SPEAKER: Yes, Ms. Olivo, for what
purpose?

REP. OLIVO: Will the gentle lady yield?
SPEAKER: Do you yield?
REP. DENNY: I do.
SPEAKER: The lady yields.
REP. OLIVO: This amendment,
Representative Denny, would allow people 50 years and
older not to present all this identification you're
talking about, is that correct?
REP. DENNY: I'm sorry, could you say
that again, please?
REP. OLIVO: This amendment that
Ms. Chavez has in front of you would allow people that
are 50 years and older not to have to comply with all
this different types of identification that you're
saying that they need to take now to vote.
REP. DENNY: Yes, that's correct.
REP. OLIVO: Well, you know, I mean, that
creates a real burden for people like my parents and
others that are in their 80s or older, or even 50 and
older, when they have to do, go through all this
rig-a-maroole. You know, my parents have voted, my
parents have voted all their lives, one is 86 and one is
84, and there's a lot of people like that in the state
of Texas that have been voting diligently, and let me
tell you, do you know that there's evidence out there
that shows that generally people stop committing crimes
as they get older, so maybe my question is --

SPEAKER: Mr. Crabb raises a point of
order. The lady's time is expired. The point of order
is well taken and sustained.

REP. OLIVO: I would request an extension
at this time.

SPEAKER: Ms. Olivo has requested that
her time be extended. Is there objection? There is
objection.

REP. OLIVO: So can we vote on it?

SPEAKER: Ms. Olivo asks for time to be
extended. It is a division vote.
The division vote, members, on time extension.
Strike the board. Time is extended. The lady
yields.
REP. OLIVO: Ms. Denny, this amendment, don't you agree, is something that will take the load off the people that you're trying to burden with your particular bill right now?

REP. DENNY: Well, I'm not trying to burden anyone.

REP. OLIVO: Well, that's what you're doing.

REP. DENNY: I don't feel that it's a burden, an undue burden to anyone to show who you say you are, to show ID, and I certainly think 50 is not elderly, even though AARP likes to open up their membership to young folks 50.

REP. OLIVO: Well, maybe if we're talking about ethics, we must be looking elsewhere. Thank you, Ms. Denny.

REP. DENNY: Thank you.

REP. BRANCH: Mr. Speaker, does the lady yield?

REP. DENNY: I certainly do.

SPEAKER: The lady yields.

REP. BRANCH: Thank you, Chairman. I am puzzled at some of the questions I'm hearing, and I just wanted to ask you, it seems to me whether we were talking about the same bill, we had questions about and
showing concern for the elderly and voting, and I've worked a lot of polling stations, as you know, and I think some of the best voters in terms of disciplined voters are senior citizens, and they are, to me, very concerned about voting on a regular basis. Has that been your experience?

REP. DENNY: Absolutely, Mr. Branch.

REP. BRANCH: And it seems to most concerned about the integrity of the ballot.

REP. DENNY: Absolutely. 

REP. BRANCH: And they are often the ones -- the best workers in terms of polling places are often our seniors that take this civic duty so passionately.

REP. DENNY: Absolutely, and I think it was Representative Jackson or someone previously stated that so many of our poll workers are senior citizens that work so hard and give so much to this system.

REP. BRANCH: And it seems to me that some of the questions out of this apparent concern, I'm sure it is a legitimate concern, for our seniors, that the questions seem to be, well, isn't this going to be an additional burden, and you've tried to answer those to suggest it's not.

REP. DENNY: Yes, I have tried.
REP. BRANCH: And I mean, right now, I guess it's a burden that one has to transport oneself to a polling station, whether you vote early or on the election day, isn't that correct?

REP. DENNY: It is.

REP. BRANCH: I mean, we don't allow people to vote at home or over the Internet.

REP. DENNY: Well, you can vote from home by mail if you're over 65.

REP. BRANCH: Right.

REP. DENNY: And this bill doesn't touch that provision in the least.

REP. BRANCH: Yes, if you choose an absentee ballot route.

REP. DENNY: That's correct.

REP. BRANCH: But if you're going to vote at the polls, you have to get up, you have to get dressed, you have to find transportation. You have to be responsible, right, you have to actually vote?

REP. DENNY: That's correct.

REP. BRANCH: In your bill, don't you just call for either a photo ID, which you explained to everyone that you can get free of charge.

REP. DENNY: That's correct.

REP. BRANCH: Or two other valid forms
REP. BRANCH: Thank you.

REP. DENNY: Thank you.

SPEAKER: For what purpose?

REP. GIDDINGS: Will the gentle lady

that are without photo.

REP. DENNY: That is correct.

REP. BRANCH: So if you don't have some
photo IDs, you've got other ways. If you don't have a
photo and you want one, you can get one free of charge.

REP. DENNY: That's correct, and the list
is extensive.

REP. BRANCH: But that actually takes
someone asking and thinking and being thoughtful and
responsible about their duty as a citizen so vote.

REP. DENNY: Right, but as you already
pointed out, you're dealing with the most responsible
and thoughtful citizenry that we deal with.

REP. BRANCH: And so therefore, they
would appreciate the fact that no one will be able to
defraud them of their vote because we have some sort of
minimal modest safeguards as to the integrity of
ultimately one of the highest rights in the democracy
that transfers powers to government.

REP. DENNY: That's the way I see it,
Mr. Branch.

REP. BRANCH: Thank you.

REP. DENNY: Thank you.

SPEAKER: For what purpose?

REP. GIDDINGS: Will the gentle lady
yield?

REP. DENNY: I do, Ms. Giddings.

SPEAKER: The lady yields.

REP. GIDDINGS: Thank you, Chairman Denny. I suppose I really want -- should have been asking this question of Representative Branch but it is a form of democracy, and let's just face it, one of the reasons that this debate is so heated and people take it so personally, I'm sure you're aware, are you not, that for many years, people of color were denied this right?

REP. DENNY: Yes, ma'am, I certainly am.

REP. GIDDINGS: Many people died for this right.

REP. DENNY: I know that, of course.

REP. GIDDINGS: And even women, for a long time, did not have this right.

REP. DENNY: You're so right.

REP. GIDDINGS: And because this right was such a hard fought battle, we take it very, very seriously; and I think we should, don't you?

REP. DENNY: You bet we do, and rightfully so.

REP. GIDDINGS: And as it relates to the fact that people get up and get out and they can't vote by the Internet, are you aware that in terms of senior
citizens, which is my biggest concern, many times we have rides to the polls for these senior citizens, do we not?

REP. DENNY: Yes, we do.

REP. GIDDINGS: Yes, we do. Thank you.

REP. MORENO: Mr. Speaker.

SPEAKER: For what purpose, Mr. Moreno?

REP. MORENO: Will the member yield, please?

REP. DENNY: I certainly do.

SPEAKER: The lady yields.

REP. MORENO: Ms. Denny.

REP. DENNY: Yes, sir.

REP. MORENO: Let me ask you some down to life questions.

REP. DENNY: Yes, sir.

REP. MORENO: How old do you think I am?

REP. DENNY: I have no idea.

REP. MORENO: I turned 74 years old.

REP. DENNY: Good for you.

REP. MORENO: How long do you think I've been voting?

REP. DENNY: How long have you been voting?

REP. MORENO: Yes, ma'am.
REP. DENNY: Since you were 21.

REP. MORENO: That's right. That's a long time ago.

REP. DENNY: Yes, sir.

REP. MORENO: You have read about the infamous poll tax.

REP. DENNY: Poll tax, yes, sir, of course. I remember the poll tax.

REP. MORENO: All right. You never had one in your life, did you?

REP. DENNY: No, sir.

REP. MORENO: I did, and did you know that that poll taxes, back in those days, cost $1.75, and we're talking about 50, 60 years ago, $1.75 was a lot, a lot of money.

You believe that, do you not?

REP. DENNY: I certainly do.

REP. MORENO: Do you know that the poll tax did not have a picture?

REP. DENNY: I don't know but I'll take your word for it.

REP. MORENO: It did not. It did not have a picture of the poll tax. Why, why don't you think it had a picture?

REP. DENNY: I don't know.
REP. MORENO: The reason is that the big boys in big cities used to go and buy poll taxes, buy them, and at that time, there was no question because the state or the county, whomever it was, was making money out of the poll taxes. That is the reason. All right. So now your objective is to have clean elections. I am correct, right?

REP. DENNY: Yes, sir.

REP. MORENO: All right. That is also my concern, to have clean elections. If that is the -- is your goal, why do you think that only us Mexican Americans, Chicanos, my black brothers and sisters, are asking you concerned questions about this? Why do you think we are?

REP. DENNY: I don't know, but I do know that there are some of you that are in support of this legislation.

REP. MORENO: The reason is that since some of you want and it is your desire and my desire to have clean elections, it is our belief, our belief that what you are doing with a bill like this, you are intimidating our voters into not voting. That is the reason that my black brothers and sisters and us brown folks are so opposed to this bill. Would you believe that?
REP. DENNY: Well, I'll believe that if that's what you say, but as I said, there are several of the minority members here, Mr. Moreno, that are supportive of this legislation.

REP. MORENO: Would you also believe that in all my years that I've been in politics, I can swear to you on my mother's grave, which is a very, very dear swearing that I do, on my mother's grave, that I have never, never seen a person that is not qualified to vote, vote; would you believe that?

REP. DENNY: Of course I would. If you say so, I believe you.

REP. MORENO: Do you have minority members favoring this bill?

REP. DENNY: I do.

REP. MORENO: I do. All right. Now let me ask you some other practical questions.

What are the ways that a person can prove citizenship?

REP. DENNY: Prove citizenship?

REP. MORENO: Yes, sir, right now.

REP. DENNY: With a birth certificate or naturalization papers.

REP. MORENO: Or a passport?

REP. DENNY: Passport, yes.
REP. MORENO: All right. Now to have something in you, you should have a wallet, shouldn't you?

REP. DENNY: Well, that's one way.

REP. MORENO: Do you believe I do not carry a wallet?

REP. DENNY: Sure.

REP. MORENO: Do you believe that I don't carry a wallet because of the fact that I'm in a wheelchair and it is very inconvenient to me to carry a wallet, and if I

SPEAKER: Mr. Crabb raised the point of order, the gentleman's time is expired. The point of order is well taken and sustained.

REP. MORENO: Mr. Speaker, I want to extend the lady's time.

SPEAKER: Mr. Moreno has requested his time be extended. This requires unanimous consent.

REP. MORENO: Just a few more minutes.

SPEAKER: Excuse me?

REP. MORENO: Just a few more minutes.

SPEAKER: I understand.

Is there objection? There is none. Time is extended.

REP. MORENO: All right. Three ways of
voting, of proving your citizenship; a citizenship certificate, passport, or birth certificate. Does a birth certificate have a picture on it?

REP. DENNY: No.

REP. MORENO: Does a passport have a picture?

REP. DENNY: Yes.

REP. MORENO: Does a naturalization certificate have a picture?

REP. DENNY: I understand that the newer ones does, yes, sir.

REP. MORENO: All right. Have you ever seen a naturalization certificate?

REP. DENNY: Yes, I have.

REP. MORENO: How big are they?

REP. DENNY: Not too big.

REP. MORENO: No, you're sadly mistaken.

REP. DENNY: Oh, they're large?

REP. MORENO: No, no, no.

REP. DENNY: They're tiny?

REP. MORENO: No, no, wait, wait, no, no, no.

If you say they're small, you have never seen a naturalization certificate.

REP. DENNY: Well then, maybe I'm mistaken.
REP. MORENO: No, no, they're huge. They're bigger -- they're bigger than this.

REP. DENNY: Okay.

REP. MORENO: All right. Now do you also know that it is illegal to copy a naturalization certificate, that you cannot have in your possession a copy of a naturalization certificate, that you must carry the original, the original document to be valid, do you know that?

REP. DENNY: Okay.

REP. MORENO: That is fact. That is fact, Ms. Denny.

REP. DENNY: Okay.

REP. MORENO: So you cannot carry a naturalization certificate because it is not -- it is not copied, it cannot be copied.

You cannot carry a birth certificate, and needless to say, a person in the barrio doesn't even know what a passport is. Do you agree with me?

REP. DENNY: This does say a certified copy of a birth certificate, but there are many, many forms --

This isn't for proving citizenship, Mr. Moreno, it's a photo ID or two forms of acceptable non-photo ID.
REP. MORENO: Right, I understand.

REP. DENNY: Okay, okay. I just wanted to make sure.

REP. MORENO: But I'm talking about barrio people. You see, that's the troubling with people that are backing this bill. You do not understand there are people in the barrio that have fear, that do not trust, that do not trust governmental entities and are afraid to go have a picture taken for any reason.

REP. DENNY: You don't have to have a picture taken, Mr. Moreno. This allows for a library card or your Medicaid card, a Medicare card, a hunting and fishing license.

REP. MORENO: Well again, do you know that I do not have a fishing license? I do not have a Medicaid card.

REP. DENNY: I bet you have a Medicare card.

REP. MORENO: I don't have a -- The Medicare card doesn't have a picture.

REP. DENNY: But you don't have to have a picture.

REP. MORENO: Oh, so that's --

REP. DENNY: You can have two forms of
REP. MORENO: Two forms; one has to have a picture?

REP. DENNY: No.

REP. MORENO: None?

REP. DENNY: If you do not have a photo ID, you can have two forms of non-photo ID.

REP. MORENO: So assuming I have a fishing license and assuming I have a Medicaid card --

REP. DENNY: You can have official mail addressed to the person from a governmental entity. There's quite a long list of non-photo IDs that are allowable.

REP. MORENO: Do you also know --

REP. DENNY: One being a utility bill, a bank statement, a government check, a paycheck or other government documents showing the voter's name and address.

REP. MORENO: But see, you're assuming, you're assuming sewage that everybody has these things. There are many people that have been in this country, in this state for hundreds of years, like Mr. Escobar's family. Mr. Escobar's family has been here since the 1700s.

REP. DENNY: I understand that.
REP. MORENO: They've been here for a long time.

REP. DENNY: Does he not get any mail?

REP. MORENO: Well anyway, just going back to my regular thing, the thing is that you're trying to make clean elections, and our objection is that what is happening is that by this process, you're intimidating some of our folks. That is our problem, but not to have crooked elections, I can assure you that, Ms. Denny.

REP. DENNY: Thank you, Mr. Moreno.

REP. MORENO: Thank you.

REP. DENNY: We're not trying to intimidate, we're just trying to make sure we're safeguarding the voter's vote.

REP. CASTEEL: Will the gentle lady yield?

REP. DENNY: I do.

SPEAKER: The lady yields.

REP. CASTEEL: Chairman Denny, it's my understanding that you're simply trying to protect the integrity of the ballot box.

REP. DENNY: That's exactly correct.

REP. CASTEEL: Not trying to prevent anybody. I know you're probably too young, but I happen
to remember box 22.

REP. DENNY: Well, yes.
REP. CASTEEL: And you're trying to
ensure that those kinds of things don't occur, is that
correct?
REP. DENNY: That is absolutely correct,
Ms. Casteel.
REP. CASTEEL: You're not trying to stop
anyone from voting.
REP. DENNY: Not at all.
REP. CASTEEL: Chairman, you may not know
this but I did go vote this past in Friday in my
election in New Braunfels, and I took my grandchildren
so they could see how it worked.
REP. DENNY: Good for you.
REP. CASTEEL: And I didn't have my voter
registration. So what do I have to show, some
identification?
REP. DENNY: Yes, you do.
REP. CASTEEL: I showed them a picture.
They let me vote.
REP. DENNY: Good.
REP. CASTEEL: So that's all there was to
it. I wasn't intimidated.
REP. DENNY: No.
REP. CASTEEL: And that wouldn't change.

Thank you.

REP. DENNY: Thank you, Ms. Casteel.

I move to table the amendment and urge you to vote "Yes" on the motion to table.

SPEAKER: Ms. Denny moves to table. The chair recognizes Ms. Chavez to close.

REP. CHAVEZ: Thank you, Mr. Speaker, members. I understand what the intent of Chairwoman Denny is trying to do because none of us want to see voter fraud. However, let's not throw the baby out with the bath water. This amendment simply allows a voter over the age of 50 to present his or her registration card to verify proof of identity in order to be able to vote.

REP. STRAMA: Will the lady yield?

SPEAKER: Mr. Strama, for what purpose?

REP. CHAVEZ: Not at this time, not at this time.

SPEAKER: Not at this time.

REP. CHAVEZ: Currently to register to vote, a person must supply a Texas driver's ID with the license number or an ID issued by the Department of Public Safety, the last four digits of a personal Social Security number or a statement that the person has
neither of these two items.

This information is in addition to the person's name, date of birth, address, statement of citizenship and county of residency.

I believe it is right for us to take into consideration the history of voting in our state and the fact that some of the older citizens in our state may think they will be ineligible to vote if this bill passes and the law is changed. I do not believe any of us want someone to be discouraged from voting simply because a change in the law might cause them confusion and leave them susceptible to intimidation during an election.

We need to balance the need for an accurate vote with the need to protect people's rights.

REP. STRAMA: Will the lady yield now?
REP. CHAVEZ: I will yield.
SPEAKER: The lady yields for a question Mr. Strama.

REP. STRAMA: With regards to the example that Ms. Casteel and Ms. Denny just discussed, current law already provides for ID requirements in the case that the voter does not have the voter certificate, isn't that correct?

REP. CHAVEZ: That's correct.
REP. STRAMA: So currently provided security and integrity in the electoral process, didn't it?

REP. CHAVEZ: Right.

REP. STRAMA: And it's also the case when you go to the polling place, that you have to sign in to vote, is that correct?

REP. CHAVEZ: That's correct.

REP. STRAMA: And in signing in, you're an affidavit that swears you are who say you are, aren't you?

REP. CHAVEZ: That is correct.

REP. STRAMA: And isn't it also the case that that signature is then available and is often used for verification against the signature on your voter registration form?

REP. CHAVEZ: That is correct.

REP. STRAMA: To verify that you are the person that you said you are?

REP. CHAVEZ: That's the current process.

REP. STRAMA: That's what I thought it did. Thank you.

REP. CHAVEZ: Thank you. So members, I ask that you vote "No" on the motion to table.

SPEAKER: Ms. Chavez sends up an
amendment. Ms. Denny moves to table. The question occurs on the motion to table. It is a division vote. Record vote has been requested. Record vote is granted. The clerk will ring the bell.

(Bell ringing.)

SPEAKER: Show Ms. Denny voting "I."

(Bell ringing.)

SPEAKER: There being 84 "I's," 59 "Nay's, the motion to table prevails.

Following amendment. The clerk will read the amendment.

THE CLERK: Amendment by Anchia.

SPEAKER: The chair recognizes Mr. Anchia.

REP. ANCHIA: Thank you, Mr. Speaker and members. I've had a really good working relationship with Chairwoman Denny and I'm here to help her improve her bill, and I really -- I don't want to see it go down in flames so I'm here to really improve it and really help improve opportunity for Texas voters.

What Ms. Denny's bill essentially does, it invalidates what have been years and years and years of the opportunity of Texas voters to bring their voter registration certificate to the polling place as proof of their identity, and a byproduct of the bill is that
people are going to be disenfranchised, whether they're
students, whether they're seniors and whether they're
disabled.

Now when we were in committee, I want to give
people a sense of the testimony we heard in committee.
We heard from seniors groups, we heard of groups that
are advocates for disabilities and we heard from groups
that were for enfranchisement of students. All right.
They talked about all of these things.

What we did not hear in committee, Mr. Speaker
and members, we did not hear one shred of evidence that
proved that there was voter fraud in this state. We
heard anecdotes loosely discussing it, but not one study
was presented. No metrics were presented. No evidence
was presented and no proof was presented to substantiate
it. So much so that I had to ask the question. I asked
the Secretary of State's representative to come on up
and I asked her, I said, "Do you have any proof that
people are fraudulently voting in this state," and you
know what the representative said? No.

All we have heard today, and if this was a
court of law, this case would be thrown out on its ear
for lack of evidence. What we do know is that people
will be disenfranchised. And let me tell you a story of
a student. You have a student from Texas who may go,
let's say, to an Ivy league school, let's say Harvard, and is still registered back in Houston. The student comes back to vote in a local election and comes to the polling place and presents their Massachusetts driver's license and their Harvard ID card.

Under this bill, that student would not be able to vote regularly. That student would have to cast a provisional ballot, and if anybody here thinks that's a good result, I would ask you to think otherwise, because you know what percentage of provisional ballots were counted during the 2004 election? Twenty-one percent. Twenty-one percent of provisional ballots were counted during the last election.

So that effectively, 80 percent of the people who cast provisional ballots were unable to cast a vote.

Let me tell you how this might effect seniors. There are many seniors in the district that I represent, many of whom do not drive and do not have regular forms of identification, but they still take their right to vote very seriously, and they're going to come to the polling place and offer their voter registration certificate, they're going to pull it out and it's going to be all crinkled up and they say, "You know, I've been voting here for the last 50 years, you..."
know me, I'm ready to vote," and the person at the location is going to say, "You know what? Do you have a piece of photo ID," and they're going to say, "No." And they're going to say, "Well, you can't vote regularly, you have to cast a provisional ballot."

So the byproduct of this is you're going to have thousands and thousands and thousands of provisional ballots that are not going to be counted, causing people to be disenfranchised. So what my amendment does is it says you can furnish either your voter registration certificate, like people have been doing for 50 years, or you can present some form of valid photo identification, because there are some good things about, about the Chairwoman's bill that I really, really like, and I'd like to highlight for you.

I like the fact that she has extended the list of eligible ID that can be presented. So what my amendment does is build on that strength and say, "You can present this form of ID or a voter registration certificate," and I know I can tell that I'm winning hearts and minds as part of my debate here, and I know that my discussion is resonating to people here.

REP. HODGE: Mr. Speaker.

SPEAKER. Ms. Hodge, for what purpose?

REP. HODGE: Will the gentleman yield for
just one question?

SPEAKER: Will you yield for a quick question?

REP. ANCHIA: Ms. Hodge, let me close real quick and I'll take your questions and, Ms. Hodge, I'll be happy to also have my time extended. I'll make that motion.

But let me talk to you about two more things, because I think this will be important to you. You know, we've recognized many people who are fighting in Iraq here and they're fighting in Afghanistan, and we recently had elections in Iraq and Afghanistan, and do you know that Mary Denning's bill would make it harder to vote in Texas than it would be to vote in Afghanistan and Iraq? Because people in Afghanistan and Iraq do not have to show photo ID in order to vote. So we are placing a higher burden. We say we're trying to promote democracy but we are hurting democracy when, in the United States and the state of Texas, it would be harder to vote than in a place like Iraq or Afghanistan, where our young men and women are seeking to promote democracy. I think that's a bad result. I yield for questions.

SPEAKER: Yes, Ms. Hodge.

REP. HODGE: Thank you, Mr. Speaker, but,
sir, you've already answered my question, because that is what I was going to ask you. Isn't it ironic that we are losing lives of young men and women in Iraq, and we did in Afghanistan, and our end and ultimate goal to that was for them to have freedom, democracy and the right to hold an election to vote, and we are taking from the people in this country what we're losing lives to have in others, and that was going to be my question to you.

REP. ANCHIA: Thank you, and this is a great amendment.

REP. OTTO: Mr. Speaker.

SPEAKER: For what purpose, Mr. Otto?

REP. OTTO: Will the gentleman yield for a question.

SPEAKER: Will you yield?

REP. ANCHIA: Yes, I yield to my freshman colleague, Mr. Otto.

REP. OTTO: You brought up Iraq. I'm just curious, would you change your amendment to have where we use a purple indelible ink stain on our fingers on election day, just as they did, so we know who has only voted once?

REP. ANCHIA: You know, that amendment is not on the table. It would require extra funding.
You'll note that there's no fiscal note on this deal. If you want to find money for that, I'm not sure that that's a bad result. I would be happy to take it if you would vote for this amendment, and if I could get a guarantee from this body, you know, you can offer the amendment up and I'll support you on it.

REP. OTTO: Do you know how many people in Iraq have driver's licenses?

REP. ANCHIA: I have no idea, nor do I know how much photo ID is available in Iraq, but I do know that, like in Iraq, there are a lot of people here in the United States that don't have those same resources, don't have the resources to go out and get them, and they're going to show up, Mr. Otto, on election day, and they're going to say, "I've been voting here for 50 years, I'm 90 years old, I don't drove any more, I don't have a photo ID, but here's my voter registration card and I fought to get this and I want to vote today." And you know what they're going to say? "Cast a provisional." Only 20 percent of those are counted, and I don't think that's a good result for people who are legitimately here, especially Mr. Otto, when we don't have any evidence in the record, Mr. Otto, we don't have any record, any evidence in the record to support this restriction on Texan's right to vote.
REP. OTTO: Thank you.

SPEAKER: For what purpose, Mr. Strama?

REP. STRAMA: To ask the gentleman a question?

SPEAKER: Do you yield?

REP. ANCHIA: Not to Mr. Strama. No, I yield, I yield, I yield.

REP. STRAMA: I'm Patrick (Inaudible.) I'm just kidding. In South Africa, they used a form of indelible ink to make sure people didn't vote more than once as well, isn't that correct?

REP. ANCHIA: I don't know that but I'll take your word for it.

REP. STRAMA: Do you know that I was asked actually by some international foundation to go be an election observer at the Iraq election?

REP. ANCHIA: I think you mentioned that.

REP. STRAMA: Do you know that they allowed you to register to vote at the polling place in those elections?

REP. ANCHIA: I did not know that.

REP. STRAMA: And in the South African elections as well, because if the indelible ink is there to protect against anybody voting more than once would solve the problem, would you support a indelible ink
marker on same day voter registration, would you support that?

REP. ANCHIA: Oh, absolutely, I think same day voter registration is a good result.

REP. STRAMA: So would I.

REP. ANCHIA: I move adoption of my amendment.

SPEAKER: Mr. Doorkeeper, do we have any good news from the Senate?

NEW SPEAKER: Mr. Speaker, I have a message here from the Senate to the door of the House.

SPEAKER: Messenger?

DOORKEEPER: Mr. Speaker, I'm directed by the Senate to inform the House the Senate has taken the following action. The Senate passed the following measure: HCR 136, Kemple, Sponsor Wentworth, May, 2000.

SPEAKER: The Chair recognizes Ms. Denny in opposition to the amendment.

REP. DENNY: Thank you, Mr. Speaker. Members, I know Mr. Anchia means well but I don't want to restrict in any way the intent of this bill. Members, students in Massachusetts that would go to the trouble to change their driver's license to a Massachusetts driver's license would probably already have thought to change their voter registration to
Massachusetts as well, so I don't think that that would be an issue that would be a big problem here.

Yes, Mr. Strama.

REP. STRAMA: Mr. Speaker.

SPEAKER: For what purpose, Mr. Strama?

REP. STRAMA: Will the lady yield for a question.

SPEAKER: Do you yield for a question?

REP. STRAMA: I certainly do.

SPEAKER: The lady yields.

REP. STRAMA: Do you accept the long line of jurisprudence that says that a student in Massachusetts whose residence is Austin, Texas is allowed to vote in Austin?

REP. DENNY: Yes; if they want to vote in Austin, Texas as a student and retain their voters registration here, of course, that's not a problem.

REP. STRAMA: But they might still have a Massachusetts driver's license, right?

REP. DENNY: They might, but there are many other forms of ID that are available under this bill.

REP. STRAMA: Well, of course, a lot of forms of those ID might be in their parents' name.

REP. DENNY: No, they have their own ID.
REP. STRAMA: Let me just make clear something you just said. You just said that if students in Massachusetts who have gotten their driver's license in Massachusetts would probably have gone ahead and changed their voter registration.

REP. DENNY: They probably would have.

REP. STRAMA: But they are not at all required to do that by this bill.

REP. DENNY: No, they're not at all by law required, but they're going to have, under this list that this bill allows for, plenty of ID under this bill that will allow them to vote in either Massachusetts if they change their voter registration there, not that this bill would apply to Massachusetts, but in Texas, if they want to keep it here.

REP. STRAMA: And would you believe that we ought to allow them --

The purpose of the ID is to ensure that the person's whose name is on the list is the person who is presenting themself to vote, is that correct?

REP. DENNY: Absolutely, that's correct, Mr. Strama.

REP. STRAMA: Okay. And the signature is not enough any more. Now we have to have some form of paper that proves that they are who they say they are.
That's the purpose of bill.

REP. DENNY: That's correct.

REP. STRAMA: And so it can either be one photo ID or two forms of paper ID.

Why can't it be their out of state student's ID? If you accept that they're legal voters in Texas, why can't their student ID be sufficient to prove that they are who they say they are?

REP. DENNY: Because it may not be that they're a student there any longer.

REP. STRAMA: I'm sorry?

REP. DENNY: They may not -- It might not have been a current student ID.

REP. STRAMA: What if it is a current student ID and they are presenting themselves to vote and it's a student ID from outside the state but they're legal voters on Texas, they're on the list, they've got a residence address, they meet all the jurisprudential standards for residency, shouldn't they be allowed to vote here?

REP. DENNY: Yes, that is a possibility; however, there are many other forms of ID that are on the list, and being from an out of state, an ID from an out of state college is not one of them.

REP. STRAMA: Okay, so I just want to
make very clear on intent; that there is no intent to
change residency requirements for purposes of voting in
this legislation?
REP. DENNY: That's correct.
REP. STRAMA: Thank you.
REP. DENNY: Thank you. I move to table
the amendment, and the list is quite extensive. You
have it in front of you and I hope you will stick with
me. Please vote "Yes" on the motion to table.
SPEAKER: Ms. Denny moves to table. The
Chair recognizes Mr. Anchia to close.
REP. ANCHIA: Thank you Mr. Speaker,
members, I really do want to help Chairwoman Denning's
bill. I mean, I think -- I think it does have quite a
few redeeming qualities.
I think by voting for my amendment, you're
voting for the side of enfranchising people, you are
voting on the side of making it easier to vote in
connection with and consistent with the Help America
Vote Act.
Keep in mind that the Help America Vote Act
did not take this position. We are making it more
restricted. This is not the Hurt America Vote Act, this
is the Help America Vote Act, and this amendment expands
the ability of people to vote in this state. I think
that's a good result.

I think you should be on the side of helping people to vote, and our chairwoman made an interesting observation, at 2:59 p.m., because I was looking at the clock and I noticed it. She said that this bill will be more difficult for some people than others to comply with. She made that admission at 2:59 p.m., that it is going to be difficult for some people to comply with this bill, so if we are consistent with the spirit of Help America Vote Act, we are consistent with the spirit of enfranchising people, then we will vote to adopt this amendment.

I will also point out one thing, one further thing. Chairwoman Denning's bill will not stop fraud. If a person wanted to commit fraud, they would simply have forged documents. If a person wants to vote illegally, the laundry list of documents that she presents offer easy opportunities for forgery, and we know how well poll workers are trained. We know what their abilities might be in discerning a fraudulent document from a real document, so the red herring here or the straw man here is that Chairwoman Denning's bill will stop fraud. It will not stop fraud. The fact that we have no evidence of fraud in the record, I think, should weigh heavily --
REP. THOMPSON: Mr. Speaker?

SPEAKER: For what purpose,

Ms. Thompson?

REP. ANCHIA: -- to adopt my amendment.

REP. THOMPSON: Will the gentleman yield?

SPEAKER: Will you yield?

REP. ANCHIA: Yes, he will.

SPEAKER: Yes, the gentleman yields.

REP. THOMPSON: Are you on this

committee?

REP. ANCHIA: I'm sorry?

REP. THOMPSON: Were you on this

committee?

REP. ANCHIA: I was on this committee,

Madam Chair.

REP. THOMPSON: And you heard this bill?

REP. ANCHIA: We heard this bill. I

heard the testimony.

REP. THOMPSON: Okay. Do you recall when

you first arrived here, that there was a contest on the

Vo election and it was based on fraud?

REP. ANCHIA: Yes. You raise a very

interesting point. The Vo/Heflin election is probably

the best evidence that we can have of whether or not

there was voter fraud.
Like we have heard today, we heard wild allegations that voter fraud existed. We heard of people who are dead who had voted in that race. We heard about people who may have not been the persons that voted. We heard wild allegations about voter fraud. You know what, you know what happened, Madam Chair.

REP. THOMPSON: What did the evidence show?

REP. ANCHIA: I'm sorry?

REP. THOMPSON: What did the evidence show?

REP. ANCHIA: The evidence showed quite to the contrary.

REP. THOMPSON: No fraud.

REP. ANCHIA: No fraud.

REP. THOMPSON: Are you aware of the fact that this is the same bill that was filed in the state of Georgia?

REP. ANCHIA: I am aware of that.

REP. THOMPSON: Are you aware that this was the same bill that was filed in the state of Wisconsin.

REP. ANCHIA: That the Governor vetoed, I am aware of that.
REP. THOMPSON: And this is the same bill that has filed in several states around the United States?

REP. ANCHIA: Yes I'm aware of that.

REP. THOMPSON: And is all sponsored by the Republican party.

REP. ANCHIA: I'm not aware of the sponsors. I think it's bad policy whether it's in Georgia, Wisconsin or anywhere else. I think we should be -- Texas is a special state. We should be on the side of voters here and we should be on the side of enfranchising and not disenfranchising people.

REP. THOMPSON: Are you aware that -- Do we have any laws that punish people for voter fraud?

REP. ANCHIA: Absolutely, and quite stringent laws. In fact, there have been quite a few penalty enhancements that I've supported while I've been on the committee in order to punish those bad actors. I think what you have here is a ghost that people are trying to shoot at.

REP. THOMPSON: You mean we have something in place that would punish people now?

REP. ANCHIA: Absolutely.

REP. THOMPSON: You're kidding us?
REP. ANCHIA: No, I'm not.

REP. THOMPSON: This body doesn't know that, I'm sure.

REP. ANCHIA: Mr. Speaker and members, I ask that you help improve this bill, that you stand with me on this vote and you stand on the side of making it easier in Texas to vote, making it easier for the elderly, for the disabled and for students to vote in this state. Please support my amendment.

SPEAKER: Mr. Anchia sends up an amendment. Ms. Denny moves to table. The question occurs on the motion to table. It is a division vote. Those in favor of the motion to table, vote "I," those against, vote "No."

SPEAKER: Record vote has been requested and granted. The clerk will ring the bell.

(Bell ringing.)

SPEAKER: Show Ms. Denny voting "I."

(Bell ringing.)

SPEAKER: Show Mr. Anchia voting "Nay."

(Bell ringing.)

SPEAKER: Have all voted? There being 75 "I's," and 62 "Nay's," the motion to table prevails. The following amendment. The clerk will read the amendment.
Mr. Uresti for recognition.

REP. URESTI: Thank you, Mr. Speaker, members. Representative Denny and I would like to introduce some folks from the Bexar County Deputy Sheriff’s Association with their president, Aubrey Walker, and the chairman Hector Garcia Delgado.

Gentlemen and ladies, would you all please stand up and be recognized. Members, would you please help me welcome our sheriff deputies, and it's acceptable the author. Thank you.

SPEAKER: The following amendment. The clerk will read the amendment.

CLERK: Amendment by Ramond.

SPEAKER: The Chair recognizes Mr. Raymond.

REP. RAYMOND: Thank you, Mr. Speaker, members. Members, this would simply insert the language between Department of Public Safety and that by inserting, "Or the equivalent agency of another state," and this would primarily be for the benefit of out-of-state students, and it's acceptable to the author at this time.

SPEAKER: Mr. Raymond sends up an amendment. The amendment is acceptable to the author. Is there objection to adoption?
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<th>Hearing none, the amendment is adopted.</th>
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<td>The following amendment. The clerk will read the amendment.</td>
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<td>CLERK: Amendment by Strama.</td>
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<td>SPEAKER: The Chair recognizes Mr. Strama.</td>
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<td>REP. STRAMA: Thank you, Mr. Speaker.</td>
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<td>I'm going to give Representative Chairwoman Denny a minute to take a look at what this one does. I'm hoping this one will be acceptable. We had a discussion a moment ago about students who go to school out of state but who are, of course, eligible and entitled to vote here in Texas.</td>
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<td>I used to manage a national voter registration campaign called Rock the Vote, which particularly focused on the registration of college students and other young people to participate in our elections. They are the demographic group with the lowest rate of voter turnout. There's been some trending in the right direction on this. What we need to do is to make sure that these students are not disenfranchised by this bill. We need to make sure that out-of-state students, students who go to school out of state but who are allowed to vote in Texas because their residency is here in Texas, their parents are here in Texas, they have the...</td>
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