THE SPEAKER: Have all voted? Being 125 ayes, 11 nays, House Bill 1900 passed engrossment. The Chair lays out on third reading House Bill 1706. The clerk read the bill.

THE CLERK: HB 1706 by Denny, relating to require a voter to present proof of identification.

THE SPEAKER: The Chair recognizes Ms. Denny.

REPRESENTATIVE DENNY: Thank you, Mr. Speaker, Members. This is the bill we passed yesterday requiring proof of identification when offering to vote in person.

I move passage and we do have a couple of Amendments.

THE SPEAKER: The following Amendment. The clerk will read the Amendment.

REPRESENTATIVE VEASEY: Mr. Speaker.

THE SPEAKER: Mr. Veasey, for what purpose?

REPRESENTATIVE VEASEY: Does the gentlelady yield?

THE SPEAKER: The lady does not have the floor. Do not have an Amendment.

THE CLERK: Amendment by Leibowitz.

THE SPEAKER: The Chair recognizes Mr. Leibowitz.
REPRESENTATIVE LEIBOWITZ: Mr. Speaker,

Members, my Amendment simply says that if someone is

85 years or over as of the day that they go to vote,

that they should be exempted from having to deal with

the two proofs of identification issue.

And let me tell you briefly why I'm

proposing this Amendment: My mother's 85 years old.

She raised 12 children. She's never driven in her life.

She made a lot of sacrifices for us, and I oftentimes

say that she's already earned her halo for all the

sacrifices she's made for us.

When my dad passed away in the mid '80s

everyone wanted her and she went to live with one of my

brother's in Houston. She doesn't have a utility bill.

She doesn't have a phone bill. She has no credit cards.

She has no driver's license. And she has no picture ID.

So she's been voting all of her life and

this bill says that she's going to not be able to do

that.

Secondly, my father was a veteran of World

War II. He's buried at the Port Sam Houston National

Cemetery. And I can assure you that when he went to

volunteer to fight in World War II, that they didn't

tell him, "No, son, you need to present two proofs of

identification before we're going to let you join to
fight against the Nazi Germany and against Japan."

What I'm saying is we have 85-year old folks that are elderly, they're febrile. Some of them have to catch a ride from a neighbor in order to get to the polls and, you know, the veterans who shed they're blood and died for us on Omaha Beach. And the ones who died at Normandie -- they didn't have to present two proofs of IDs before they were allowed to make that sacrifice.

Lastly, if you look at some of the rural counties in the state of Texas, I asked my Chief of Staff to look at this and to tell me if there's some cities that are far away in terms of mileage from the county seat.

And they came up with one, and coincidentally it was Brewster County La Morita, a town in Brewster County is 95 miles from Alpine, which is the county seat.

So if there's an elderly person who hitched a ride to the polls to vote in an election, then they're going to have to go back home. They're going to have to get some proofs of ID and travel 95 miles to Alpine in order to get their provisional ballot to count.

And my point respectfully is: When these guys went, these gentlemen fought in World War II, we
didn't ask them for proofs of ID before they joined and now we're going to question their honesty? We're going to question their integrity? We're going to question their character? And if they don't have two proofs of ID, they're going to be turned away?

And I respectfully request that you all give due consideration to allow anyone who's 85 years of age and over to not have to abide by this new obligation of coming up with two proofs of identification.

THE SPEAKER: The Chair recognizes Ms. Denny.

REPRESENTATIVE DENNY: Thank you, Mr. Speaker. I respectfully move to table this Amendment. We're not discriminating in age in any way anybody by separating any age group out here.

We're going to require an ID of every voter, whether it be the photo ID or two forms of non-photo ID. I don't think it's asking too much of any voter to show us that they're who they say they are.

The requirements are in place for people that are over 65 to be able to vote-by-mail and that does not change.

So I move to table this Amendment.

THE SPEAKER: The Chair recognizes Mr. Leibowitz to close.
REPRESENTATIVE LEIBOWITZ: Thank you, Mr. Speaker.

Members, I sincerely believe that we do not have the right to change the rules in the middle of the game with respect to veterans in World War II who may not have all of these different IDs that are required in order to come and vote. And we're only going to allow them a provisional ballot.

If they had not done what they did and made the sacrifices that they did in World War II, we would not have the vote as we know it today to debate in the first place.

And respectfully I ask you to consider to vote against the motion to table.

THE SPEAKER: Members, Mr. Leibowitz sends up an Amendment. Ms. Denny moves to table. All those in favor vote aye. Those opposed to vote no. It's a Motion to table, members.

The clerk will ring the bell. Have all voted? Have all voted? Being 72 ayes, 67 nays, the motion to table prevails.

The following Amendment.

The clerk will read the Amendment.

THE CLERK: Amendment by Edwards.
THE SPEAKER: The Chair recognizes Mr. Edwards.

REPRESENTATIVE EDWARDS: Thank you, Mr. Speaker, Members. You know a lot of folk who vote and they vote late, and in this bill we don't have provisions for those without the identification that they need.

And if it is at the last minute, the question really would be: What do they do? And right now, it would be nothing.

So my Amendment says that the county would be open on Saturday for persons who work or come in late and continue -- well, they wouldn't have the time to do it.

And this Amendment is accepted by the author.

THE SPEAKER: Mr. Edwards sends up an Amendment. The Amendment is acceptable to the author. Is there an objection? The Chair hears none.

The Chair recognizes Ms. Olivo for an introduction.

REPRESENTATIVE OLIVO: Mr. Speaker, Members, I'm very proud today to introduce the 6th graders from the Fort Bend County Yes Prep School in
Richmond, Texas, and if the students and the parents from Fort Bend County would please stand and be recognized.

Please stand and help me welcome them to the House.

Thank you, Mr. Speaker.

THE SPEAKER: The Chair recognizes Ms. McClendon for an introduction.

REPRESENTATIVE MCCLENDON: Thank you, Mr. Speaker.

In the south gallery we have some wonderful, wonderful students from San Antonio, from Cameron Elementary School from District 120 in San Antonio, which is my district and my neighborhood. And they're here with their teacher, Kim Baird and Paul Williams, Michelle Hearn and Vera Lewis. They're here for a field trip.

Would you please help me welcome them to their State Capitol. Thank you.

THE SPEAKER: The following Amendment. The clerk will read the Amendment.

THE CLERK: Amendment by Hochberg.

THE SPEAKER: The Chair recognizes Mr. Hochberg.

REPRESENTATIVE HOCHBERG: Thank you,
Mr. Speaker and members.

This Amendment does two things: First of all in Ms. Denny's bill yesterday, we discovered that the voting board was not obligated under the bill to vote those votes where people had taken their identification down during the five-day period after the election.

This Amendment requires the voting board to do that if there are no other reasons that the challenge is before them or the provisional ballot is before them. Secondly, it allows that information to be delivered by mail, in addition to being delivered in-person.

I believe it's acceptable to the offer author and I move adoption.

THE SPEAKER: Mr. Hochberg sends up an Amendment. The Amendment is acceptable to the author.

Is there an objection?

The Chair hears none.

The Amendment is adopted.

The Chair recognizes Ms. Denny to close.

REPRESENTATIVE DENNY: Thank you,

Mr. Speaker. I move passage.

REPRESENTATIVE VEASEY: Mr. Speaker.

THE SPEAKER: Mr. Veasey, for what purpose?
REPRESENTATIVE VEASEY: Will the gentlelady yield?

THE SPEAKER: Ms. Denny, do you yield?

REPRESENTATIVE DENNY: I do.

THE SPEAKER: The lady yields.

REPRESENTATIVE VEASEY: Ms. Denny, I know that you're a good person, and when you filed this bill that you didn't think that it would have the consequences that I believe that it's going to have, and I have a couple of questions for you.

If you had filed this bill knowing that minorities and African Americans were less likely to have certain forms of identification, would you have been as likely to file this bill?

REPRESENTATIVE DENNY: Mr. Veasey, I don't believe that anybody, regardless of race or ethnicity, is going to be less likely to have one of any form of identification.

And because this bill, specifically, has a provision in it for DPS to provide a state-issued ID free of charge to someone that will fill out an Affidavit. For someone not able to afford that -- I think that provision is taken care of.

REPRESENTATIVE VEASEY: If you thought that this bill would have an adverse impact on African
Americans voting overall, would you still have been in favor of the bill?

REPRESENTATIVE DENNY: I don't believe that to be the case, sir.

REPRESENTATIVE VEASEY: I have a document here from the Justice Department.

Not too long ago the State of Louisiana tried to pass, basically, the same law that we're passing here. And the document that I have shows that their finding said back then that black persons are 4 to 5 less times likely than white persons to possess driver's licenses or other forms of identifications, such as picture identifications. That was in their bill and the bill is almost exactly the same as ours.

And then, also, the Justice Department found that this imposition requirement would have a disproportionate impact on African American voters.

REPRESENTATIVE DENNY: Yes, this bill, bills very similar to this have been passed in several states that are voting rights states. The latest that was just passed into law was Georgia last week. Several have already passed Justice Department muster and I have that up here. And I do yield to my friend --

REPRESENTATIVE BURNAM: Mr. Speaker.

THE SPEAKER: Mr. Burnam, for what purpose?
REPRESENTATIVE BURNAM: I raise a point of order against further consideration of HB 1706 under Rule 6 Section I All, Rule 6 Section 7(b), and Rule 6 Section 15 and Rule 6 Section 17 of the rules of the House on the grounds that consideration of HB 1706 violates the daily order of business and the proper order of consideration.

THE SPEAKER: Bring it down front.
STATE OF TEXAS:

COUNTY OF HARRIS:

I, Kateri A. Flot-Davis, Certified Shorthand Reporter in and for the State of Texas, hereby certify that the foregoing transcript is done to the best of my ability and reflects proceedings heard on video recording.

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this ___ of ________, _____.

__________________________
Kateri A. Flot-Davis
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**Case 1:12-cv-00128-RMC-DST-RLW Document 215-5 Filed 06/20/12 Page 217 of 862**
House Floor Debate, 3rd Reading - Volume II

THE SPEAKER: Members, Representative Burnam raises a point of order against further consideration of House Bill 1706 on the grounds that it violates Rule 1A11, Rule 6, Section 7B, Rule 6 Section 15, Rule 6, Section 16A and Subsection E, Rule 6, Section 17 of the House Rules.

These rules require that bills printed on the daily calendar be taken in the proper order of consideration.

The chair has reviewed the calendars in the rules and sustains the point of order.

I turn to the circumstances surrounding the point of order and the eligibility of the whole calendar itself is at issue, and therefore, further consideration of the bills on the Supplemental Calendar is not in order at this time.

Under Rule 6, Section 16A, a Supplemental Calendar must be printed and distributed, at least, two hours before the House convenes.

Because it is clear that Mr. Burnam's point of order impacts the entire calendar and that numerous bills in the calendar were not in their proper order, a corrected Supplemental Calendar has been printed and distributed in your mailboxes.

The calendar's time is time stamped at

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12:57 today which makes it eligible for consideration at
2:57 today.

As a point of clarification,
Representative Thompson asked before lunch about how
long a calendar is supposed to lay out before the House
considers.

The chair answered Ms. Thompson's question
based on Rule 6, Section 16 Sub A, which requires a
calendar to lay out for 36 hours before it is eligible
for consideration. But the chair also notes that under
Rule 6 Section 16A, a House may print and distribute a
Supplemental Calendar which requires a two-hour lay out.

Accordingly, the point of order is well
taken and sustained and Representative Wooley moves that
the House stand in recess until 3:00 o'clock p.m. and
will properly convene at the time that the Supplemental
Calendar is eligible.

REPRESENTATIVE GALLEGO: Mr. Speaker,
Parliamentary inquiry.

THE SPEAKER: State your inquiry.

REPRESENTATIVE GALLEGO: Mr. Speaker, you
are referring to Rule 16, Section A, which indicates
that the deviating from the calendar as printed and
distributed shall not be permitted except at the
calendar's permission shall be authorized to print and
distribute not later than two hours? Is that the section that we're relying on?

THE SPEAKER: That's correct.

REPRESENTATIVE GALLEGO: And, Mr. Speaker, in that case, another Parliamentary, what time did the House convene this morning?

THE SPEAKER: 10:00 a.m.

REPRESENTATIVE GALLEGO: Mr. Speaker, I believe the rule says that the Committee -- that phrase is not later than two hours before the House convenes.

And, therefore, if we go to 3:00 p.m., that does not cure the issue. The rule says that the calendar must be printed, the Supplemental Calendar must be printed two hours before the House convenes.

THE SPEAKER: We're going to convene at 3:00 and that's when the calendar will be eligible and that's what we've done in the past.

REPRESENTATIVE GALLEGO: So we're adjourning now and reconvening on a new legislative day?

THE SPEAKER: We're going to recess, Mr. Gallego.

REPRESENTATIVE GALLEGO: Well, is there not a difference, Mr. Speaker, between a recess and a --

THE SPEAKER: The rule does not define what the word "convene" means.
REPRESENTATIVE GALLEGO: The rule indicates -- so any time we recess or adjourn, that could be convening, Mr. Speaker?

THE SPEAKER: For the purposes of this rule, a "convene" means for when we come back in and that's going to be when we come back at 3:00.

REPRESENTATIVE GALLEGO: Mr. Speaker, can you -- further Parliamentary Inquiry, Mr. Speaker.

THE SPEAKER: State your inquiry, Mr. Gallego.

REPRESENTATIVE GALLEGO: With respect to the bills that are on third reading today, the rule require that they maintain that through the process; is that correct? They maintain their order through the process?

THE SPEAKER: That's correct, Mr. Gallego.

REPRESENTATIVE GALLEGO: It's my understanding that the particular bill that Mr. Dunnam raised his point of order on has already been considered, Amendments have already been debated with respect to that particular bill and votes have already been taken.

Is it the chair's ruling then that all of that is a null and void and is of no effect or is there no reconsideration --
THE SPEAKER: No. Mr. Gallego, we're going
to pick up where we left off. Those things have already
been done and the point of order was not raised until
after the Amendments were either adopted or defeated.

REPRESENTATIVE GALLEG: So, in essence,
the only thing that happened as a result of that point
of order, Mr. Speaker, is a delay of two hours is your
ruling?

THE SPEAKER: That's correct.

REPRESENTATIVE GALLEG: And the chair is
reducing his ruling to writing and placing that in the
journal?

THE SPEAKER: We'll be more than glad to do
that, Mr. Gallego.

MR. GALLEG: Thank you, Mr. Speaker.

REPRESENTATIVE THOMPSON: Parliamentary
inquiry.

THE SPEAKER: State your inquiry

Ms. Thompson.

REPRESENTATIVE THOMPSON: Mr. Speaker, the
calendar that has been distributed on our desk -- is
that considered the Supplemental Calendar that we are
addressing at this time?

THE SPEAKER: That is correct,

Ms. Thompson.
REPRESENTATIVE THOMPSON: And when did the Calendars Committee get authority to print and redistribute?

THE SPEAKER: The rules allow the Calendar Committee to print and distribute a supplemental --

REPRESENTATIVE THOMPSON: What rule is that, Mr. Speaker? I just want to be acquainted with it myself.

THE SPEAKER: Hold on, Ms. Thompson.

REPRESENTATIVE THOMPSON: Thank you. Did they post?

THE SPEAKER: They don't have to post. It's Rule 16.

REPRESENTATIVE THOMPSON: Mr. Speaker.

THE SPEAKER: Rule 6, Section 16, Ms. Thompson.

REPRESENTATIVE THOMPSON: Rule 6, Section 16. Subsection what?

THE SPEAKER: Just a moment, Ms. Thompson.

REPRESENTATIVE THOMPSON: Thank you.

THE SPEAKER: Subsection A.

REPRESENTATIVE THOMPSON: Is it Subsection A1, 2, 3 or 4?

THE SPEAKER: The whole subsection.

REPRESENTATIVE THOMPSON: Well, now, this
says that the calendars will be placed in our mailboxes. It says that deviation of the calendar --

THE SPEAKER: It was put in mailboxes, Ms. Thompson.

REPRESENTATIVE THOMPSON: Pardon me?

THE SPEAKER: It was put in the mailboxes.

REPRESENTATIVE THOMPSON: It was on my desk.

THE SPEAKER: Well, maybe --

REPRESENTATIVE THOMPSON: Is that considered a mailbox now?

THE SPEAKER: Why don't you go check your mailbox, Ms. Thompson. I think it's there, also.

REPRESENTATIVE THOMPSON: So you don't -- they don't have to meet the set of supplementals?

THE SPEAKER: No, ma'am.

REPRESENTATIVE THOMPSON: Okay. Thank you, Mr. Speaker.

THE SPEAKER: Mr. Burnam.

REPRESENTATIVE BURNAM: Parliamentary inquiry.

THE SPEAKER: State your inquiry.

REPRESENTATIVE BURNAM: Mr. Speaker, I'm wondering if we're reading from the same rules book. I'm having a hard time understanding the ruling.
When I'm looking at Section 16A, the last sentence of that reads, "Deviations from the calendar as printed and distributed shall not be permitted except that the Committees on Calendars" --

THE SPEAKER: Could you back up from the microphone, Mr. Burnam, because we can't understand a word. You're rumbling back there.

REPRESENTATIVE BURNAM: I'm sorry.

THE SPEAKER: Thank you.

REPRESENTATIVE BURNAM: Is that better?

THE SPEAKER: That would be great.

REPRESENTATIVE BURNAM: I'm reading the last sentence, the first paragraph of Section 16, where it says, "Deviations from the calendar as printed and distributed shall not be permitted except the Committee on Calendars shall be authorized to print and distribute no later than two hours before the House concludes."

THE SPEAKER: Mr. Burnam, they've never met a Supplemental Calendar. They don't do that.

REPRESENTATIVE BURNAM: But the rule then simply does not apply because we've followed it before?

THE SPEAKER: It's House practices which we've done for years, Mr. Burnam.

REPRESENTATIVE BURNAM: Okay.

THE SPEAKER: Mr. Wooley moves that the
House stand in recess till 3:00 o'clock.
    Is there an objection?
The Chair hears none.
    So ordered.
STATE OF TEXAS:

COUNTY OF HARRIS:

I, Kateri A. Flot-Davis, Certified Shorthand Reporter in and for the State of Texas, hereby certify that the foregoing transcript is done to the best of my ability and reflects proceedings heard on video recording.

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this ___ of __________, __________.

Kateri A. Flot-Davis
Texas CSR No. 8462
Expiration Date: 12-31-13
House Floor Debate, 3rd Reading - Volume II

May 3, 2005

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May 3, 2005
TEXAS HOUSE OF REPRESENTATIVES

MAY 3, 2005

PART III
REPRESENTATIVE DUNNAM: Mr. Speaker.

THE CHAIR: Mr. Dunnam for what purpose?

REPRESENTATIVE DUNNAM: Parliamentary inquiry.

THE SPEAKER: State your inquiry, Mr. Dunnam.

REPRESENTATIVE DUNNAM: It's my understanding that a revised, Supplemental Calendar was printed and distributed prior to our recess and was put in our boxes.

THE SPEAKER: That's correct.

REPRESENTATIVE DUNNAM: My question is this: The bill that was before the chair at the time, 1706 I think was the number, was live before the House, and the point of order had not been sustained. It was still pending business before the House. Yet, the Calendars Committee, evidently, put it on a new calendar.

And my question is: If we have a bill before the body, how does calendar have jurisdiction over that bill to do anything? Because the rules are very clear about that in Rule 6, Section 16 and 17 and also 19 in regards to the placement of bills on a calendar.

So the question is: How did the Calendars
Committee have jurisdiction to do anything with the bill prior to the point of order being sustained?

THE SPEAKER: Mr. Dunnam, why don't you bring your point of order down front.

REPRESENTATIVE DUNNAM: I'm not making a point of order, Mr. Speaker.

THE SPEAKER: Why don't you bring your question down front.
STATE OF TEXAS:

COUNTY OF HARRIS:

I, Kateri A. Flot-Davis, Certified Shorthand Reporter in and for the State of Texas, hereby certify that the foregoing transcript is done to the best of my ability and reflects proceedings heard on video recording.

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this ___ of ____, 20__.

______________________________________________
Kateri A. Flot-Davis
Texas CSR No. 8462
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REPRESENTATIVE DUNNAM: Mr. Speaker.

THE SPEAKER: Mr. Dunnam, for what purpose?

REPRESENTATIVE DUNNAM: My understanding is the chair has considered the question and that the discussion of this, that I brought to the chair's attention is going to be placed in the journal for future reference but we're going to proceed, notwithstanding this argument?

THE SPEAKER: That's true.

Is there an objection?

REPRESENTATIVE DUNNAM: Thank you.

THE SPEAKER: The chair hears none.

So ordered.
STATE OF TEXAS:

COUNTY OF HARRIS:

I, Kateri A. Flot-Davis, Certified Shorthand Reporter in and for the State of Texas, hereby certify that the foregoing transcript is done to the best of my ability and reflects proceedings heard on video recording.

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this ___ of _______ ,______.

Kateri A. Flot-Davis
Texas CSR No. 8462
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TEXAS HOUSE OF REPRESENTATIVES

MAY 3, 2005

PT. V
THE SPEAKER: The chair lays outs on third reading HB 1706. The clerk will read the bill.

THE CLERK: HB 1706 by Denny relating to requiring a voter to present proof of identification.

THE SPEAKER: The chair recognizes Ms. Denny.

REPRESENTATIVE DENNY: Thank you, Mr. Speaker.

This is the bill we started earlier today that requires the voter ID or two forms of ID for persons voting, and I'm going to move passage in a minute, but I believe there's an Amendment.

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

THE CLERK: Amendment by Veasey.

THE SPEAKER: The chair recognizes Mr. Veasey.

REPRESENTATIVE VEASEY: Mr. Speaker, members, this Amendment simply would encourage election workers to encourage voters to go and find their proper place to go and vote by providing a penalty, a Class A misdemeanor if the election judge fails to knowingly let the voter know that there are other acceptable forms of documentation if the voter does not bring the proper documentation with them.
And also that the voter may leave the polling place and return to the polling place at any time before the polls close. Then they'll be able to cast the ballot.

And also that the voter may cast the provisional ballot if the voter executes the ballot under the bill.

THE SPEAKER: The chair recognizes Ms. Denny.

REPRESENTATIVE DENNY: Thank you, Mr. Speaker.

I'm going to leave this Amendment up to the will of the House. There is a pretty severe penalty on election judges and clerks if they, for some reason, should fail in this attempt to not inform a voter of one of these forms of ID.

Also, it will be difficult if they have to return to the poll on election day in getting that provisional ballot out and dealing with that again.

But I'm going to leave this up to you here on the floor.

THE SPEAKER: The Amendment's been withdrawn.

The chair recognizes Ms. Thompson to speak against the passage of the bill.
REPRESENTATIVE THOMPSON: Mr. Speaker,

Members, thank you for letting me speak in opposition to this bill.

I think that one of the most valuable things that we hold dear is the right to vote. And during our campaign of democracy, whether we're doing it by ambassadors of goodwill or doing it by individuals or even by presidents, we always parade the right to vote, the democratic process and democracy here in America.

I'm really not in a habit, as I'm sure most of you all are not, in the habit of packing around your utility bills as some of my colleagues may be.

But personally, I just can't wait to here some hear some of the old persons in front of me become agast at the fact that they'll be asking, come again, you asking me for what?

For a long time we have had the Voter Registration Form after the abolition of the poll tax. And I thought that once we had the 13th Amendment, the 19th and the one deal with race, sex and age covered, that we had really resolved the problem with voting in this country.

And this is really just not the elderly that I'm concerned about in House Bill 1704 that intimidates them. But minorities, particularly,
minority voters, are what's intimidated by requiring
them to provide a driver's license, a potter's license,
which nobody in my district probably own gun license,
when they arrive at the polls.

And we would just like the election judges
to create two lines: People of color with three forms
of ID to the left, wealthy white people to the right,
and everyone else can go home and pray.

Just as elections on a special day makes it
harder for minorities and working class voters to make
it to the polls, this is another attempt to
disenfranchise voters less likely to support the
priorities of this legislature.

A Voter Registration Card should be all you
need to vote. If not, why are we forced continuously to
spend millions of dollars to print and to mail them?
And if there's so much fraud in printing these
certificates, why are we locking up county clerks of the
state?

Instead, we are punishing the voters to
people who still think they have a voice in this
government. Are you afraid to let the voters decide?
That's the real question here.

And I thought that protecting the right to
vote was an important goal, and I thought that making it
easy to vote was an important goal. But I've learned
that the most of my colleagues do not share these goals.
I've learned that many of my colleagues are afraid the
wrong people will vote.

And we learned that last week in Mr. Kiel's
speech, rebutting arguments that hadn't been made,
calling out Members who hadn't spoken, and he carefully
prepared a well-written comment against the Ethics Bill
he co-authored.

And, Members, it doesn't take much to
discourage people from voting. But we have been doing a
great job of this succession, just like we did last week
when we approved a bill last special session, when we
approved a bill to let Tom DeLay choose the voters in
300-mile Congressional District.

In this session, the leaders want to
determine who is worthy to vote. And we talked about
this bill earlier, the right of this bill coming to the
floor.

But I want to remind you, Members, that
last special session the Redistricting Bill was filed in
the Clerk's Office. It was brought to the floor. It
never went through the committee process. The rules
were suspended and it was passed.

Mr. Speaker, I'd like to be shown as voting
no against this bill.

THE SPEAKER: The chair recognizes Mr. Strama to speak against.

MR. MORENO: Mr. Speaker.

THE SPEAKER: Mr. Moreno, for what purpose?

REPRESENTATIVE JOE MORENO: I'd like to show that we reduce Ms. Thompson's remarks in writing and placed in the journal.

THE SPEAKER: Why don't you come down front while Mr. Strama's speaking.

The chair recognizes Mr. Strama.

REPRESENTATIVE STRAMA: Thank you, Mr. Speaker.

Members, I know we talked about this a lot yesterday. I went home last night and I was still thinking about it, and I talked to my fiancee about it and she said, "Wow, I'm surprised. I thought you would be for that bill, as much as your life and work has been spent securing the integrity of elections." She thought I would be for this bill.

And so I realized that we hadn't done a very good job yesterday of explaining what the problems are with this bill and I'm going to ask you to indulge me for a moment.

Let me start by commending Chairwoman
Denny. Yesterday you did a great job keeping your cool under a lot of difficult questioning.

I know that as Republicans, those of you who support this bill, probably take as much offense at the implications of the political process as we Democrats take offense at the implication that we don't believe elections should be secure from fraud.

Let's assume that both of us want fair, free elections in which everyone has access to the ballot and no one is allowed to vote improperly or twice.

If we assume that, then we can talk about what are the right ways to guarantee that procedurally?

Because at the end of the day, this is a bill about election procedure. And we have to make sure that those procedures are fair to everyone. And I think at the end of the day we have to err on the side of inclusion when we know we have a problem with voter turn-out in this state and we are not able to document any specific evidence of actual fraud that would be deterred by this legislation.

Mr. Keel, we voted for two of your bills in this past month that try to safeguard the integrity of the election process from fraudulent voting by mail, which is probably the most vulnerable part of our
It's widely agreed among election administrators and security experts that voting by mail is the part where it is easiest to defraud an election.

You have to realize that election fraud is a high risk, low reward endeavor in our system because the risks and the consequences are high. We cannot always deter election fraud before it happens but it is pretty easy to find it after it happens.

And only one vote at a time can be cast fraudulently, not in a way that generally changes the outcome of an election. But it does get caught, and there is an Election Crimes Division at the United States Department of Justice. There is the Attorney General's Office. There are local District Attorney's Office and there are competent election administrators around this state who look for that kind of fraud all the time.

But let me tell you what the practical effect of this legislation will be. No. One, it will cause a significant increase in the number of provisional ballots that are cast on election day. This should be of significant concern to all election administrators.

In the Help America Vote Act there are very
short timeframes during which provisional ballots have to be vetted and determined whether they will be cast, whether they will be count or discarded.

By increasing the number of provisional ballots that get cast, and Representative Anchia told you yesterday only 21 percent of provisional ballots got counted in the 2004 election.

If we increase that number, we do two things: One, we increase the work load on election officials at a time when they're already extremely busy.

Two, we decrease their ability to do thorough due diligence on all of the provisional ballots that they have to review. That is a significant new burden to put on election administrators. It is an unfunded mandate on them, and it is something that not only effects the votes cast under this legislation, but effected all the other provisional votes that are cast in an election period.

Second practical problem with the bill: It gives an extraordinary amount of new discretion to the volunteer poll workers who work at the polls on election day.

The most difficult challenge election administrators face is the challenge of getting competent volunteers to the polls on election day. It
is extraordinarily difficult, and you will notice it when you go to the polls, they have a very hard time getting people in my generation and younger to work the polls.

At a time when the polls are getting increasingly technologically sophisticated, it is very difficult to get poll workers who can meet the requirements of the 21st-century voting booth.

So what we are doing in this bill is requiring something entirely new for poll workers. They not only have to review and check the list and say yes, the docket, the standards have been met. The clear documentation requirements have been met. They have to make a discretionary judgment about whether the ID being presented to them is the ID of the person that is presenting it.

That is a whole new level of discretion and I predict there will be pockets of problems where poll workers turn voters away using this new discretion that they've been granted. And there will be lawsuits that result from it.

Members, the 2000 election in Florida is the most closely scrutinized election we've ever had. And that election, after the fact -- every single vote in that election was looked at with a microscope. They
did not find examples with the type of fraud that this
legislation is designed to prevent.

But they found countless examples of people
who were denied the right to vote who should have been
allowed to vote, all of which are well documented.

I happen to have a little bit of experience
with this. My company won a contract with in the state
of Florida to fix their voter registration database
after the 2000 election. And I spent a lot of time
going through the problems that occurred in the 2000
election in Florida. This was not the problem. The
problem that this bill is intended to address is not
what went wrong in Florida.

We've done a lot to fix the problems that
went wrong in Florida with the elections. What I
addressed is the problem of legitimate voters being
turned away from the polls due to errors by the election
administrators. That problem is worse and worse.

And the third practical problem with this
bill: This bill should necessitate the creation of a
split voter registration roll which should significantly
(inaudible) the administration of the Voter Registration
Database.

In 1995 Congress implemented the Federal
Motor Voter bill, and it required states to allow people
to register to vote by mail and at driver's license agencies. Two states refused to comply with the law and said we're not going to let our voters register at driver's license agencies and by mail.

In those two states, Illinois and Mississippi, because federal law required it for federal elections, they had to maintain a split Voter Registration Database.

People who registered by mail were on one list and were allowed to vote a federal ballot. People who registered to vote under the old Mississippi and Illinois procedures were on the list of people who got to vote the entire federal and statewide ballot.

Because this bill deviates from federal standards, it necessitates that election administrators maintain two lists of federal voters. It required that we have primary voters who do not meet the state requirements but do meet the federal requirements and that we allow them to vote the federal ballot because that's what federal law says.

I was there in Washington when the Help America Vote Act was negotiated. And the identification requirements in the Help America Vote Act were the most hotly contested part of that bill. And they settled on the ID requirements that we have in the Help America
Vote Act because that is what is necessary to create security in the electoral process.

Let's not diminish what those ID requirements are. No one is ever allowed to vote in this country if they have not been ID'd with Photo ID or with another form of ID and with the last four digits of their Social Security number or with a driver's license number, either at the time that they register to vote or on the first occasion of their voting.

It is not allowed for you to go vote by mail --

THE SPEAKER: Mr. Jones, what's your question?

REPRESENTATIVE DELWIN JONES: Mr. Speaker, would the gentleman yield for a question?

THE SPEAKER: Do you yield?

REPRESENTATIVE STRAMA: Mr. Jones, if you'll give me a minute and a half.

THE SPEAKER: Not at this time, Mr. Jones.

REPRESENTATIVE STRAMA: Am I out of time?

THE SPEAKER: No.

REPRESENTATIVE STRAMA: Okay.

We have security that requires first-time voters to vote in-person if they did not register to vote in-person. We authenticate the individuals
Security experts that worked in the technology field for five years. Security experts will tell you that is the level of authentication that is appropriate to this enterprise. To go beyond that gets into the area where it cuts people out of the process.

I know that is not the intent of the chairwoman, but she acknowledged in Florida bay yesterday, that this bills requirements will be harder --

THE SPEAKER: The point of order has been raised. The gentleman's time has expired. The point of order is well taken.

REPRESENTATIVE STRAMA: Thank you. Members. I hope oppose this bill.

THE SPEAKER: Mr. Jones, for what purpose? Unfortunately, Mr. Jones, he yields the floor.

Ms. Davis?

REPRESENTATIVE DELWIN JONES: Mr. Speaker, can I move to extend the speaker's time so he might respond to questions?

THE SPEAKER: Members, you've heard the motion. Mr. Jones moves to extend the gentleman's time.
Is there an objection?

Members, it is a division vote.

All those in favor to extend the
gentleman's time vote aye. All those opposed vote no.

5, 2, vote. The gentleman's time is extended.

REPRESENTATIVE STRAMA: I do yield.

REPRESENTATIVE DELWIN JONES: Let me see if
my farmer's ears understand what you said in that
dialogue.

I believe you said that this bill would
discourage voter participation; is that correct?

REPRESENTATIVE STRAMA: I believe it could
cause some voters to be turned away from the polls.

REPRESENTATIVE DELWIN JONES: Also, I think
you said it would discourage workers from working at the
polls because of the various documents and/or rejecting
someone from the voting process. Was that a part of it?

REPRESENTATIVE STRAMA: Mr. Jones, that's
correct.

REPRESENTATIVE DELWIN JONES: And would you
agree with me that the less people who participate in an
election, the less fraudulent votes would have on that
process?

REPRESENTATIVE STRAMA: I would agree with
REPRESENTATIVE DELWIN JONES: Thank you.

REPRESENTATIVE VILLAREAL: Mr. Speaker.

THE SPEAKER: Mr. Villarreal, for what purpose?

REPRESENTATIVE VILLAREAL: Will the gentleman yield for a question?

THE SPEAKER: Mr. Strama, do you yield?

REPRESENTATIVE STRAMA: I will.

THE SPEAKER: The gentleman yields.

REPRESENTATIVE VILLAREAL: Can you explain your third point a little more simply.

My understanding is that we're creating two different standards, and I'm interested in how this impacts my County Elections Department.

What I heard you say is that we are creating, sort of, a split roll in terms of voting. My precinct judge is going to have to maintain two sets of ballots, one for federal elections, one for all other elections, and federal elections, and that a voter who may not meet our state, stricter standard cannot (inaudible) election.

REPRESENTATIVE STRAMA: I think you understand it correctly. The background that you need to know is that when the federal government makes laws
regarding elections, it does so only as a regard to conduct the federal elections. It has no authority over the conduct of state elections.

So when it passed the Help America Vote Act, it enacted standards that governed the administration of federal elections.

When we deviate from those standards, we create a dual-administrative process at the local level. One, for the conduct of the federal election. One, for the conduct of the state elections.

And a voter who does not meet the ID requirements in Representative Denny's bill should be allowed to vote on federal elections by meeting the requirements in the Help America Vote Act.

REPRESENTATIVE VILLARREAL: You said should be allowed. Aren't they required to be allowed?

REPRESENTATIVE STRAMA: Under the law they should be.

REPRESENTATIVE VILLARREAL: My understanding is we can't override federal law.

REPRESENTATIVE STRAMA: You're correct about that.

REPRESENTATIVE VILLARREAL: So we're creating a dual-election process where voter (Inaudible) way voters aren't turned away if they fail to meet our
standard but they meet the federal standard?

REPRESENTATIVE STRAMA: And I'll tell you
when this was it done in Illinois and Mississippi in
1996 it quickly collapsed of its own weight.

REPRESENTATIVE VILLARREAL: Thank you.

REPRESENTATIVE STRAMA: Thank you, Members.

THE SPEAKER: The chair recognizes
Representative Davis.

REPRESENTATIVE YVONNE DAVIS: Thank you,
Mr. Speaker, Members.

I'd like to take a moment just to suggest
that we really ought to review what we're doing here.

House Bill 1706 has the effect of taking
fundamental rights away. We are a country of a
democracy. We are we encourage. We should be
encouraging participation.

What 1706 will have the effect to do is to
suppress voter participation and have the ability to
have fewer people make decisions for our state and our
country.

We ought to be creating bills for the
people. To support the people, not to hinder them. And
when we pass a bill like this, it's punitive in nature.

If we're trying to fix voter fraud, I think
we have rules and laws on the books to address voter
fraud.

Why are we imposing these standards on voters who just wish to participate in this governmental process, that we say that the 26th Amendment gives 18-year olds and older to vote in our state and our country.

And now we're coming up with these different kind of standards which have the effect of saying that you have to prove yourself worthy of a vote instead of being able to enjoy that constitutional right we've been given once we reach or turn the age of 18.

I'm concerned that when we talk about the provisional ballots, when we talk about having two ballots, the regular ballot will be counted and then its provisional ballot.

There's no question a provisional ballot would be very difficult to count. We're now going to create a separate class of ballots. We know when we do separate ballots, separate classes, we know that inherently creates an inequity.

So now we're going to have this provisional ballot that people are going to go with votes, thinking they're going to cast their votes for a particular issue or a candidate and not know if it gets counted.

We are going to impose those kind of
standards that have the effect of eliminating people's
participation in this process.

I think that in 1706, we are being punitive
to those voters who have a right to vote, and I don't
think it does anything to address fraudulent voters.

None of us want elections based on a
fraudulent vote. All of us run under elections and for
voters to vote for us. So we know how important or
significant it is that we have fair elections.

The question is: Do we penalize and
suppress votes by creating these barriers?

I would submit that HB 1706 is creating
barriers. Instead barriers, instead of creating
opportunities to encourage, to increase voter
participation, it creates barriers. It has an effect of
setting up standards that make it difficult for many
people to vote.

We've seen Dallas County, when they want to
suppress elections, they come out with rules and
standards and post signs. And this is just another way
of doing it to suppress voter participation.

Why are we going to ask senior citizens to
bring in their utilities if they don't have IDs? To
bring in two utilities bills with their names and
addresses? I mean, we're creating a barrier that we
should not be imposing on the citizens of our states. And I will tell you that I think HB 1706, it does not help the folks of the State of Texas. It creates and hampers their right to vote and we ought not be doing that this legislative session.

So I ask you, Members, to think about how would you feel if someone came out and prevented you from casting your vote? How would you feel if there were these artificial barriers created in this house that created a difficulty for you to vote?

That's the question: Are we willing to do the same thing to ourselves as we're doing to others? HB 1706 will have the effect of suppressing voter participation.

REPRESENTATIVE HODGE: Mr. Speaker.
THE SPEAKER: Ms. Hodge, for what purpose?
REPRESENTATIVE HODGE: Will the lady yield for a couple questions?
THE SPEAKER: Ms. Davis, do you yield?
REPRESENTATIVE YVONNE DAVIS: Yes.
THE SPEAKER: The lady yields have.
REPRESENTATIVE HODGE: Representative Davis, have you ever heard the saying, you cannot understand the plight of my walk unless you've walked a mile in my shoes?
REPRESENTATIVE YVONNE DAVIS: I have heard that Representative Hodge.

REPRESENTATIVE HODGE: Have you ever had any idea what's really meant by that?

REPRESENTATIVE YVONNE DAVIS: Representative Hodge, unfortunately, I know exactly what's meant by that.

REPRESENTATIVE HODGE: Well, let me ask you: Are you concerned a lot about this bill, not as it being a minority bill, but a bill that restricts the rights of all voters to vote?

REPRESENTATIVE YVONNE DAVIS: That's why it is so offensive. This bill has the effect of suppressing people in their government. It doesn't matter what color they are. It doesn't matter what neighborhood they live in. It will have that effect. And any time it has an effect in any neighborhood, the entire system is effected by it.

REPRESENTATIVE HODGE: Now, let me ask you about the plight of walking in your shoes that may give you a different concern about this bill. During your lifetime, are you familiar at all with any of your grandparents having to pay poll tax?

REPRESENTATIVE YVONNE DAVIS: Yes, ma'am.
REPRESENTATIVE HODGE: To have the right to vote?

REPRESENTATIVE YVONNE DAVIS: Yes, ma'am.

Yes, ma'am. I remember my dad having to pay poll tax, Ms. Hodge.

REPRESENTATIVE HODGE: Anywhere in your lifetime do you remember, members of the African American community having to take a Litmus Test to have the right to vote, even being told that they failed the test when they passed it?

REPRESENTATIVE YVONNE DAVIS: Yes, ma'am, Representative Hodge. I'm very familiar with that.

REPRESENTATIVE HODGE: Now, when I talk about this walk a mile in my shoes, we've got other people in this room. Do you think that maybe they don't understand our plight about voting because they've never walked that mile in these shoes?

REPRESENTATIVE YVONNE DAVIS: Representative Hodge, I hope it's based on just not understanding. I would hate to think that this bill is designed to suppresses voter participation. And I would hope that they would listen to (Inaudible) that would suggest that this would have that effect in our community so that they would not think that this is just some discussion about it. This is
They do differently in our communities. They handle elections differently in our communities than they do in any others. So this is real for us. This is what people have to experience coming into our communities to execute their right to vote.

REPRESENTATIVE HODGE: So are you familiar with women suffrage?

REPRESENTATIVE YVONNE DAVIS: Yes, ma'am.

REPRESENTATIVE HODGE: Where women who were not of color did not have the right to vote?

REPRESENTATIVE YVONNE DAVIS: That's correct, Representative Hodge, I am.

REPRESENTATIVE HODGE: But would you think that our colleagues in this room may not understand that plight because that was over in 1920, and there are very few women in this room that was born in 1920 or before?

REPRESENTATIVE YVONNE DAVIS: That's right.

REPRESENTATIVE HODGE: So do you think they're not being selfish to us, but do you think they just do not understand the plight since they themselves have never personally experienced it the way you and I have, that we have such a great respect for the right to vote is?

REPRESENTATIVE YVONNE DAVIS: I think
that's one of the challenges for us is that people don't understand how much blood, sweat and tears passed on before we were given the right, before we were able to execute our right.

And then to put these artificial boundaries in place to suppress and barriers to prevent us from participating. We've seen it before. It might be neater, or it might be cleaner, but it is, in fact, a means in which to suppress our votes and our participation.

And we ought to be all offended by it as Members who are elected by the vote. We ought to have a greater appreciation for one's right to vote.

REPRESENTATIVE HODGE: So are you telling me that what you think of when you think of this is the fact that you had to overcome poll tax? You had to overcome the Litmus test? These are all trying to obtain the right to vote?

You had to demonstrate and protest? If you may remember the death of Caney, Swina and Goodman who lost their lives in the south fighting for the right of people to vote? Would you remember that?

REPRESENTATIVE YVONNE DAVIS: I do remember that, Ms. Hodge. That's why Texas is under the Voting Right Act because we know, we know that we have put in
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1 laws that have suppressed and discouraged participation
and that's why these things, this 1706 represents that
kind of turning the clock back.

   REPRESENTATIVE HODGE: Do you think that
your colleagues here are even aware of the fact that
African Americans in the south is the reason, basically,
the Voting Rights Act was created and that we are the
only people in this country who have to have
Congressional Certification every ten years to maintain
the right to vote?

   Now, I know when President Bush was asked
about this just a month or so ago, he was not familiar
with the Voting Rights Act. So do you think that maybe
that's something our colleagues are not familiar with,
also?

   REPRESENTATIVE YVONNE DAVIS: Well, let me
just assure you, Ms. Hodge, the fact that we have Voting
Rights Act has been a tool to prevent this kind of bills
and legislation, which would have the effect of
suppressing and discouraging voter participation,
particular folks, because everyone is guaranteed the
right to vote when they become 18 or older.

   And so this, in my judgment is another
means in which to turn the clock back, try to discourage
participation in a form of intimidation and a form of
creating artificial requirements to suggest that a person shows up with two utility bills as an address, makes them a proper voter.

I mean, the whole theory is voters should not have to prove they're legitimate. We should deal with the fraudulent voters. Everyone should be able to freely come in and vote. We should not penalize those that have a right to vote based on what someone else did. Let's penalize the fraudulent voters. Or the crime --

THE SPEAKER: The point of order is well taken. Thank you.

REPRESENTATIVE YVONNE DAVIS: Thank you, Representative.

I'd ask Members to vote no on this bill.

THE SPEAKER: The chair recognizes Mr. Burnam.

REPRESENTATIVE BURNAM: Mr. Speaker,

Members, I think you all know that I think that this is a really bad bill. I think this is one of those bills that points out the hypocrisy of what goes on in this legislative body, and I want to talk about that a little bit.

But, first, I want to remind you where we opened this discussion yesterday on the second reading.
when the author of the bill was laying out the bill.

I read to you then and I'm going to reread
to you one or two sentences from the AARP letter which
says, "HB 1706 will impose the modern version of a poll
tax, as it will force elderly, retired and disabled
voters to purchase and furnish official documents, such
as birth certificates, passports, driver's licenses or
government identity cards as a prerequisite to
registering or casting a ballot. An artificial obstacle
to voting.

"Voter Identification requirements will
negatively impact thousands of AARP Members, especially
those who have voluntarily given up the right to drive."

REPRESENTATIVE HODGE: Mr. Speaker.

THE SPEAKER: Ms. Hodge, for what purpose?

REPRESENTATIVE HODGE: Will the gentleman
yield for a question?

THE SPEAKER: Mr. Burnam, do you yield?

REPRESENTATIVE BURNAM: For a question.

REPRESENTATIVE HODGE: No, I have two.

REPRESENTATIVE BURNAM: Two questions.

Yes, I yield.

THE SPEAKER: The gentleman yields.

REPRESENTATIVE HODGE: REPRESENTATIVE

BURNAM, are you speaking against this bill because you
think it is a bad bill?

REPRESENTATIVE BURNAM: Absolutely.

REPRESENTATIVE HODGE: Then let me ask you:

After all the work we've done on this side on this bill, are you aware that 11 senators on the other side have already voted to block the passage or the hearing of this bill in the Senate?

REPRESENTATIVE BURNAM: I have heard that 11 senators have signed a letter saying that no way would they allow this bill to come to the Senate floor because it is such a bad bill.

And so if those 11 senators hold true to their commitment, this bill will not become law, which is a good thing.

But I think it's an important thing that we are all reminded that in addition to the letter from the AARP, we have a letter cosigned by the NAACP, LULAK, the American Civil Liberties Union, MALDAV, the United Farm Workers, the State AFL, PRO, and People for the American Way all raising objections saying that this bill relating to requiring a voter to present proof of identification which will create one of the most restrictive voting laws in the nation.

Now, I want to talk about hypocrisy. I can read letters. You can read letters. We can talk about
what all the third-party people are talking about. But I want to talk about hypocrisy.

Since the 1870s, corporations in this country have had way too much influence in power and control over our democracy in the election process.
STATE OF TEXAS:

COUNTY OF HARRIS:

I, Kateri A. Flot-Davis, Certified Shorthand Reporter in and for the State of Texas, hereby certify that the foregoing transcript is done to the best of my ability and reflects proceedings heard on video recording.

I further certify that I am neither counsel for, related to, nor employed by any of the parties or attorneys in the action in which this proceeding was taken, and further that I am not financially or otherwise interested in the outcome of the action.

Certified to by me this ___ of __________ ,_____.

Kateri A. Flot-Davis
Texas CSR No. 8462
Expiration Date: 12-31-13

ESQUIRE
DEPOSITION SOLUTIONS

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