THE SENATE OF TEXAS

SENATE COMMITTEE ON STATE AFFAIRS

APRIL 30, 2007

(HOUSE BILL 218 PUBLIC HEARING)

Transcribed by Jean Thomas Fraunhofer, CSR

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CHAIRMAN DUNCAN: Next bill is -- let's see -- House Bill 218 by Brown. Fraser is the senate sponsor relating to requiring a voter to present proof of identification. Senator Fraser, you're recognized. I believe you have a substitute. You want to go ahead and lay the substitute out first? Or just lay it out and then you can --

SENATOR FRASER: If we could, there is a substitute. I'm going to talk a minute about the -- the original bill --

CHAIRMAN DUNCAN: Okay.

SENATOR FRASER: -- and then we'll talk about the substitute.

CHAIRMAN DUNCAN: Go ahead. Senator Fraser sends up a committee substitute and will explain the original bill and the differences between the original and the committee substitute.

SENATOR FRASER: Thank you, Mr. Chairman. I'm going to reverse this. I will now lay out the committee's substitute and then I'll be -- testimony will be describing the substitute.

Mr. Chairman, in the 1960's Americans filed a civil rights battle to ensure the right of everyone to vote, but every American has an equal civil
right not to have their ballot canceled out by someone who shouldn't be voting or is voting twice or in some cases has long since died.

A current Wall Street Journal/NBC news poll was last April found that 80 percent of Americans favored a photo ID requirement with only 7 percent opposed. However, a more recent poll was conducted by Royal Masset finds that 85 percent of Texans regardless of income level or race favor photo ID.

Americans are frequently asked to show identification for even the most mundane activities, to rent a DVD, check out a library book, board an airplane, to buy alcohol or to belong to a bulk retail club such as Sam's Club or to purchase cold medications such as Sudafed. In each of these instances, the right to vote trumps all importance. A worker in a polling place should be able to identify the identity of the voter.

The issue is not only in Texas. These safeguards now are in a host of countries, two bordering the United States. Canada and Mexico both have the safeguards, but we're joined by France, Germany, Italy, Poland, Britain, India and south Africa in requiring a photo ID.

House bill -- France -- France -- House

Bill 218 requires that in offering to vote, a voter must
present either one form of photo ID or two different forms of non-photo identification. If the person fails to meet these standards, they must still vote upon the completion of a provisional ballot affidavit.

The committee substitute difference from the gross version in that it eliminates exceptions to the law, and instead of requiring the county voter registrar to mail each voter notice of the change of law, that notification must be placed on the Secretary of State's website and the website of the county registrar, if they have one, and that is the bill.

CHAIRMAN DUNCAN: Thank you. Members, also, I think if you'll look at your interim report that was done over the -- that our committee did over the interim, there's an excellent brief that stands in on this with regard to the law as it has evolved, and I think it's pretty current. I think there's been one extra case that's some new case that's come out since that brief was prepared, and it basically discusses the attempts by other states to use voter ID and kind of gives you a good outline of where the law has progressed with regard to the use of voter ID.

And I think, Senator, it's my understanding that the substitute that you've developed here reflects those changes or at least the principles
SENATOR FRASER: Mr. Chairman?

CHAIRMAN DUNCAN: All right. Are there any questions of Senator Fraser? All right. We've got a few witnesses on this more or less, and we will go ahead and -- let's go ahead and call up panels of three. Again, recall that your time limits are 3 minutes. Members, if you'll refrain from asking questions until the witness has had a chance to complete their testimony, that will be helpful, and then you can ask all the questions you need.

Skipper Wallace, Jose Garza, Amanda McCluskey. And please don't read to us. If you can talk to us, we'd appreciate that very much. And you've got 3 minutes, members, so -- I call, I think, first Skipper Wallace. Mr. Wallace. Mr. Wallace is not here? Okay. Let the record reflect that Mr. Wallace is the -- represents the Republican County Chairmans Association, State Legislative Chair, registered in favor of the bill.

Okay. We have Mr. Garza, Amanda McCluskey, and let's go ahead and get David Sanchez up here too. Okay. Please state your name and who you represent.

SENATOR FRASER: Mr. Chairman?
CHAIRMAN DUNCAN: Senator Fraser?

SENATOR FRASER: Skipper Wallace just came in.

CHAIRMAN DUNCAN: Oh, okay. Okay.

Mr. Wallace, why don't you -- you can come -- Well, come up. We've already called you and we'll -- okay.

Mr. Garza?

MR. GARZA: Yes my. Name is Jose Garza, and I'm here on behalf of LULAC. I'm their voting rights counsel, and I'm here to speak against the -- the bill.

CHAIRMAN DUNCAN: Let me -- The bill or the committee substitute?

MR. GARZA: The committee substitute and the bill, either one or both. It is LULAC's position that the voter ID bill would not pass muster under the Voting Rights Act. It would be illegal under Section 5 of the Voting Rights Act. As the committee is aware, any bill -- any law that is passed in Texas that impacts on the right to vote must be reviewed by the Department of Justice under Section 5 of the Voting Rights Act. That review entails a requirement that the bill not be retrogressive in its application to minority voters.

In making that assessment, the Department of Justice will review a number of items to make that
determination, including that is a benchmark law that is what is in place now. In comparison then to the law as it is now, this bill places a burden on minority voters and to a greater extent, other voters of the state. The requirements that are in place because of the status of minority voters in Texas makes it more difficult for them to comply with this bill.

I came today with Mr. George Korbel who's done an analysis of a number of things, and he'll testify as we proceed with hearing evidence in which we have -- we'll be able to show the number of items that are required by this bill do weigh -- place a heavier burden on minority voters, and, therefore, in our assessment of the bill, this bill would not pass muster under Section 5 of the Voting Rights Act and would dampen voter participation in the minority community. We urge the Senate to reject the bill and the substitute.

CHAIRMAN DUNCAN: Okay. Members, any questions? Senator Fraser?

SENATOR FRASER: Just clarification, members. The voter identification laws that are more strict in House Bill 218 have already passed preclearance by the Department of Justice under the Voting Rights Act in Arizona, Louisiana, Florida and
South Dakota. Secondly, a US District Court has recently affirmed that voter identification laws are not an unconstitutional poll tax and its rulings are based on Indiana 2007, Georgia 2006, relying on the Supreme Court's decision and verdict. Both cases noted the imposition in general burden does not transform a regulation to a poll tax.

CHAIRMAN DUNCAN: Senator Ellis.

SENATOR ELLIS: Can you give me some input on what has happened around the country when the laws have been put in place?

MR. GARZA: Well, a number of them have been challenged, and as the senator indicated, a number of them have been successful in securing preclearance and/or securing approval in court challenges. However, the circumstances of Texas are unique. The voting history -- the election laws have been applied to minorities in Texas is unique.

One of the things that Mr. Korbel is going to show, for example, is one of the -- if you don't have a driver's license, you can get a voter ID from a Department of Transportation outlet. One of the things Mr. Korbel has done is to show the accessibility of those substations where you can get those IDs, and they're in such -- in locations such that they are
extremely difficult for the minority community to --
to -- to access. So the facts of Texas are going to be
unique, and it is our opinion that once the Department
of Justice reviews these unique facts that this bill and
this substitute will not comply with the Voting Rights
Act.

SENATOR ELLIS: Of course, you are aware
of the criticism with the Department of Justice in the
last several months with political activity that has
been going on in the justice department.

MR. GARZA: That's right. That's
another -- In order to compare what's happening now with
things that have occurred in the past, you can't divest
yourself of the history that the Department of Justice
has had in being politicized. We believe that that
scrutiny that has been placed on the Department of
Justice will allow the Department of Justice to have a
more independent view from the staff when this bill, if
it passes, is reviewed by the Department of Justice.

CHAIRMAN DUNCAN: Thank you. Senator Van
de Putte?

SENATOR VAN DE PUTTE: Thank you,
Mr. Garza, for being here. Can you tell me of the
states where this has been, I guess, upheld, how many of
those states are under both Section 5 and Section 2 of
the Voting Rights Act?

MR. GARZA: Well, a number of them -- I'm not familiar with the precise number, Senator. A number of them have had challenged Section 2 of the vote --

SENATOR VAN DE PUTTE: Right.

MR. GARZA: -- of the Voting Rights Act, and a number of them have been reviewed under Section 5 and secured preclearance under Section 5. In all of those circumstances, however, comparing those bills to the bill in Texas, is I don't think that's a fair comparison. The facts in Texas are going to be different regardless of what their -- each of the features of the bill are the same or not.

The minority community in Texas has had a different experience from the minority community in Arizona, for example. The minority community in Texas has a different socioeconomic situation than in other states. One of the states in which this has been very contentious and very controversial is in the State of Georgia. The State of Georgia's minority population is just slightly larger than the minority population in Harris County. In one county, we have almost as many minorities as the entire State of Georgia. So the review by the Department of Justice under Section 5 is going to be unique to the facts in Texas.
SENATOR VAN DE PUTTE: Thank you for that clarification. My other question is the studies that you've seen, what sort of percentage can we expect on decreases on voter turnout in the minority community?

MR. GARZA: Well, again, I think that the -- there's going to be a substantial reduction. This is essentially setting up a reregistration for the minority community, and in a number of situations where laws have been passed in Texas to require, for example, the -- the -- the cleaning of the roles. The Department of Justice has been very skeptical about those -- about those bills, and in this situation that's essentially what we're going to have with the great number of people who don't have driver's licenses, who don't have voter ID, and are having --

The other thing that's important in terms of analyzing this is a lot of studies have shown that you don't make a decision to go vote until election day and the minute that you decide to go vote, within that time frame. So if you don't have a driver's license, if you don't have a voter ID, then it's -- and you don't live in an area where a substation for getting a voter ID is located, that's not going to be an option. So you are going to have to make a determination about what kinds of alternative identification you are going to be
able to secure in that sort of time frame.

Again, all of those things that are — that are listed as alternatives forms of identification are going to be less available to poor citizens of — of Texas than to other folks, and our studies show that minority community is over-concentrated in those socioeconomic levels.

SENATOR VAN DE PUTTE: Thank you, Mr. Garza. I don't have any other further questions.

CHAIRMAN DUNCAN: All right. We have Amanda McCluskey, AARP Texas. State your name and who you represent.

MS. McCLUSKEY: Sure. Thank you. Good morning, my name's Amanda McCluskey. I represent AARP Texas and our 2.3 million members here in the State of Texas. I'm the manager of Advocacy for Texas, and I'm here to talk with you about our opposition to House Bill 218. We're very concerned that this bill he -- it hits right at the most basic rights, and one of those most basic rights is the right to vote. We should be doing more to encourage people to participate in the voting process, not creating barriers that keep voters away from the polls and make it more difficult to cast their vote and participate in our — in our democracy.

Specifically, we think this is a major
concern for our members, particularly our older members
because those are the voters who have less access to --
to important documents. They have less ability to
access the facilities that are needed to get -- if they
don't have a driver's license, they have less ability to
gets the ID cards that were mentioned earlier. They are
also the largest voting block. In the last election
more than half of the voters were over age 50, and we
believe that this raises serious issues for this
population to have access to the voting booth.

Simple paperwork is often complicated and
difficult for our more elderly citizens. Also,
documents like a birth certificate, expired passport,
these are all often difficult for our older members of
society to purchase -- to produce and/or purchase. They
may be lost due to fire, due to moving, due to papers
being misplaced. All of these make it difficult for
someone to produce the necessary documentation outlined
in House Bill 218.

One other thing I'd like to share with you
to give you kind of a sense of the concerns of this
population is that 18 percent of Americans over age 65
do not have some form of government issued photo ID. So
if we think about disenfranchising, essentially
18 percent of our 65-plus population with this kind of
piece of legislation raises serious concerns for them. So I thank you for your time, and I urge you to vote against House Bill 218.

CHAIRMAN DUNCAN: Senator Ellis?

SENATOR ELLIS: What's the source of that percentage of people who don't have any form of ID?

MS. McCLUSKEY: It comes from the New York School of Law, a study done by the Center for Justice there, and I have this document and copies --

SENATOR ELLIS: It's a nationwide study?

MS. McCLUSKEY: It's a nationwide study of Americans --

SENATOR ELLIS: So in some states it may be even higher.

MS. McCLUSKEY: It's possibly. Doesn't have the data.

SENATOR ELLIS: So in your opinion -- if you can speak for your organization, do you see this bill as voter suppression measure?

MS. McCLUSKEY: We're absolutely concerned that this is going to discourage people from going to the polls and make it harder for them to cast their vote.

SENATOR ELLIS: Now, in your work have you had any instances in which any of your members have been
accused or found guilty of voting with the wrong ID?

MS. McCLUSKEY: Yes. And, in fact, one of
the things that -- that I didn't get a chance to
mention, but wanted to, our understanding is that in
fact there's no data to support the problems that this
bill is purporting to try and address. Testimony --

SENATOR ELLIS: Go ahead.

MS. McCLUSKEY: -- before -- before the
House Elections Committee, by both the Secretary of
State and the Attorney General's Office said there
actually have been no reports since 2002 of any
individuals impersonating someone at the voting booth,
and so we think in fact that this bill is potentially --
it's potentially a solution in search of a problem.

SENATOR ELLIS: Now, and under this
bill -- I wasn't here when he laid out the substitute --
I assume that it does not apply to people who are voting
by mail ballot. Senator Fraser, does your bill apply to
folks voting by mail ballot or just people show up -- I
wasn't here when you laid out the substitute.

SENATOR FRASER: I'm asking the same
question to clarify is that --

SENATOR ELLIS: By setting up a dual
system so you'd have to have a ID to vote in person, but
if you didn't have to have it if you were voting by
mail. Is that the same thing?

SENATOR FRASER: Same.

SENATOR ELLIS: Okay. So that means for the older AARP members who would vote by mail, they would not have to have ID, but if they show up to vote, get a little exercise, have somebody to take them. There's never been a case in which anybody's been prosecuted by not being who they said they were. So this would also have, I guess, an unintended effect of your members not having friends who would take those of us over 50 who can't -- who in AARP can't get vote, can't get to a polling place on our own. Nobody would take them because they'd say stay in the house, figure out how to get somebody to do a mail ballot for you.

MS. McCLUSKEY: It certainly would encourage those to do the mailing ballot.

SENATOR ELLIS: Do you happen to know of other things that some of your members can do when they don't have to have an ID? I know the example came up sometime ago, a couple of my colleagues said to me you have to have a ID to rent a video. Then they found out you don't. Some people have used that voter's registration card to get the video, and I'm sure if you walk in there to a video store and look like Osama Bin Laden, maybe they won't give it to you. But, you know,
if you go in there threatening somebody with a gun, you may not get it, but can you give examples of other things members can do -- Like Meals on Wheels, do you have to show your ID to participate in Meals on Wheels?

MS. McCLOSKEY: For those programs you do not, beyond your initial eligibility screening, and I don't know that eligibility for those programs actually requires you to produce that documentation.

I think that the thing to keep in mind with a lot of our folks is we're talking about older more frail folks who spend a lot of time in their homes. They don't really even rent movies in a lot of cases. These are people who don't get on planes, who don't -- if they travel, they tend to travel sometimes on bus trips. We're talking about really, really modest and middle income folks who are not jet setting around the world or around the country, but who are good tax paying voting citizens and who want to continue to participate in that process.

SENATOR ELLIS: And so they get on these buses. You know, when my mother was alive, they could even go to -- to Louisiana to sing in a choir and gamble, and as long as they have that money, they can go in. There's no question that they are at the right age and they can walk into the casino --
MS. McCLUSKEY: That's right.

SENATOR ELLIS: -- and participate. I think it will be helpful for the committee if AARP were to give us just a list of things that elderly people can do. You know, all of us on this committee are over 50. I'm not sure about the chair.

CHAIRMAN DUNCAN: I'd be happy to see that, but I'd also think it would be helpful to have a side by side list of things that they cannot do without an ID.

SENATOR ELLIS: I think it will be helpful, and it would be helpful to see the instances in which each of those categories there have been prosecutions because somebody was not who they said they were. Now, obviously, you have to have an ID when you go cash a check, and I'm sure there are instances where people have been prosecuted. Even someone -- Maybe even a AARP members who cash a check, and it was not that check, but it would be good to see where it has been an issue.

MS. McCLUSKEY: And I would point out on your check example, if you get a preferred card at a grocery store, once you get that preferred card, you often don't have to produce a driver's license because you've already proved who you are to them when you cash
that check.

SENATOR ELLIS: At my grocery store, I mean -- I don't know if I paid my dues to AARP. I'm 53. But I go in and I want to get my discount at Kroger, Randall's or whatever it is, I just plug in my little number and they don't check and see if that's me or not, but I get my -- I get my discount, but those are casual things.

MS. McCLUSKEY: We'd be happy to take a stab at putting some kind of a list like that together.

SENATOR ELLIS: Just a breakdown of your AARP members, if you know, in Texas. If you don't --

MS. McCLUSKEY: You know, I can -- I can tell you that we are predominantly Caucasian. We do have a significant African-American membership, a significant Hispanic membership, but we are certainly majority Caucasian.

SENATOR ELLIS: And the point that I'm trying to make by raising the question, obviously, is clear that we think about suppression that this will have with African-Americans and Hispanics, but, obviously, age knows no color, no ethnicity, and with your organization, most of them are Anglos, the elderly people who have served our state well and paid their taxes and still want to participate in the process. And
this will have a chilling impact upon their ability to vote. And a lot of them older people want to -- think it's sort of a rare passage, when they could still -- they can't get out of their home to do anything else. If they can, they want to get out of their home to go vote. It's like religion with them to be able to go exercise that right. Thank you.

SENATOR VAN DE PUTTE: Chairman?

CHAIRMAN DUNCAN: Senator Van De Putte.

SENATOR VAN DE PUTTE: Thank you. Thank you very much. I know that I'm extremely concerned about particularly what happens to your constituency at AARP, but the majority of them are women. And if you look at the committee substitute on Page 6, and I think the same line, which is in the House, says an agency -- if you don't have -- you've got to have your voter ID and a photo identification, and if you don't, you've got to have two other forms, and it says that you could use some sort of a document as issued by an agency, institution or a political subdivision of the state.

And I'm thinking about my grandma because like many women in that age, they never learned how to drive. Two-car families just were not the case, and her husband had the car and she was a homemaker, never worked outside the home. Her job was taking care of her...
family and her children and then her grandchildren. She never learned how to drive, but her children and grandchildren would take her where she needed to go, but she lived in the neighborhood that a lot of them were walking, but in her later years, she wanted to maintain some independence, and she got a bus card, and the bus card -- I don't know, Mr. Chairman, that would be helpful if you could figure out if that is one of the IDs that you could use because, first, you have a little -- they have a little piece of paper that says, you know -- you just write your name on this, and she was a -- she got a discount from the transit company for being a senior. But then in later years they had the effort where they did take a picture. They would have -- maybe go to the senior centers and that would be one of the documents.

But I'm extremely concerned, particularly for women, and women who were homemakers all their lives, who did not work outside the home, who did not drive, and although my mother used to drive, she no longer, and so many of them didn't. But if you could help us by figuring out exactly who we're talking to about here because I understand the majority of the seniors that would be affected are actually, I think, women and elderly women -- and elderly Caucasian women
more than anything else.

So I'm extremely concerned about that, but that would be helpful to us to know what sort of things were we're talking about. Certainly, I know that my grandma never had a hunting license, and she never -- her birth certificate -- she didn't have a birth certificate. She was born at a ranch home, and so they had church records of their baptisms, and that was how they kept records back then. But this says -- according to this, it is a birth certificate that's issued by a county or a city or a state, and to my knowledge, I see my grandma's birth certificate, there is none. It's a baptismal certificate because back in those times the churches held the records. She didn't --

MS. McCLUSKEY: I have the same situation with my --

SENATOR VAN DE PUTTE: How does that work?

MS. McCLUSKEY: -- own father who has a similar situation, and we don't actually have an official birth certificate, and so for those kinds of individuals, it's a real challenge here, and it's -- and it's posing challenges in other places, and places in society who may not be able to produce those documents, but we would be happy to go ahead and try and get a little bit -- save some of those kinds of documents that
people particularly possessed. We think of -- You know, I think your baptismal certificate is a good example, but that don't necessarily fit into the criteria here and are substituted sometimes --

SENATOR VAN DE PUTTE: Again, her marriage certificate I think it was filed somewhere, but what we have is a church copy. Thank you.

SENATOR FRASER: Just for the record, I think there was a question asked a while ago in our report with regard to mail in ballots, and I'll just read from you -- read to you from our committee report that we had in the interim. This is as within person voting between -- between January 1st and 2000 -- January 1st, 2004, January 1st, 2006, if vote by mail -- if the requesting voter registered to vote by in their application was for the first election following registration, they must include a copy of appropriate identification with their ballot when it is returned to the clerk, and that's section -- that's Texas Election Code Section 1805(a)(4). That is a HAVA requirement. That expired on January 1st, 2006, but we're continuing it in accordance with HAVA, and legislation I think is already moving through the --

CHAIRMAN DUNCAN: Could you repeat that?

SENATOR FRASER: Paraphrasing that if
you're voting for the first time by mail, you have to include with your ballot an ID, identification. I think there was a question about that a while ago. So we already -- we do require -- we're not running -- we are running a dual system now because we're requiring on mail in ballots --

CHAIRMAN DUNCAN: Which is current law.

SENATOR FRASER: Which is current law, but --

SENATOR ELLIS: First time, right, you have to send in your ID, but if you are a (inaudible) ballot by mail, you don't, so the first time you send it in.

SENATOR FRASER: Right. First time --

CHAIRMAN DUNCAN: And I don't believe we're attempting to change that old mail in ballot --

SENATOR FRASER: No. Well -- Well, that -- that sunset -- that basically sunset in the HAVA -- in our HAVA law, and we are reinstating it in -- in Senate Bill 1647.

SENATOR ELLIS: What does that mean? The new bill that is passing, it will apply to every mail in ballot the first time only --

SENATOR FRASER: Right.

SENATOR ELLIS: -- or are we looking to
see if you voted --

SENATOR FRASER: We're not changing that concept. We're just extending it.

SENATOR ELLIS: So it still is dual because under this interim, I didn't get the distinction between the bill and the substitute, unless your bill is saying the first time you go vote in person, you show ID, but the next time you go, you don't show ID, it is a dual system.

SENATOR FRASER: Well, not -- not -- not necessarily it's dual as it is today.

SENATOR ELLIS: It's a little less dual.

SENATOR FRASER: It's a little less dual, whatever that means.

SENATOR ELLIS: I see.

SENATOR FRASER: As the bill mentions.

SENATOR ELLIS: Yeah, I see.

SENATOR FRASER: A little less dual, a little more dual, but it -- the -- at least from a policy standpoint at least with regard to -- you know, I wouldn't be concerned it will go any further than that, but I think that's -- I want to clarify that -- there was a question about that a while ago, and I wanted to clarify what the state of the law was.

SENATOR ELLIS: If you want to make it
consistent, I mean, that's problem -- in my mind, from my background and things that I've seen that suppress votes in Texas over years, you don't have a problem with it period, but you could -- at least if you want to be consistent, you could require them to do it every time they send in a mail in ballot or say that somebody shows an ID the first time, they go vote in person, then they don't have to show it again.

CHAIRMAN DUNCAN: Well, that would be get you to vote?

SENATOR ELLIS: No. It's a bad deal period, but I'd like --

SENATOR FRASER: You wouldn't (inaudible) would you?

SENATOR ELLIS: I'd have to see the impact of it, but I'm just -- I'm making a point it is a dual system. I mean, what's --

CHAIRMAN DUNCAN: (Inaudible) It is a dual system today, and we're continuing that dual system.

SENATOR ELLIS: Okay. So my point is under your bill, your bill will apply to people when they go and vote. They're being required first time, Houston, Texas, to show ID, but -- every time they vote, but your bill will not require people who are voting by mail to show ID every time they vote. That's the
question, true? Okay. But that's not dual system to you.

CHAIRMAN DUNCAN: All right. Members, any questions? Senator Lucio?

SENATOR LUCIO: Thank you. First of all, I'd like to apologize for being tardy. We were in finance casting votes.

CHAIRMAN DUNCAN: Hope you cast one for me.

SENATOR LUCIO: I cast everything with your name on it. Thank you, Mr. Chairman. Senator, I guess these are the witnesses for Chairman Fraser. Have we taken into consideration the impact of legislation it's going to have on poll workers in terms of how these volunteers are going to know what types of ID documents are acceptable or invalid?

SENATOR FRASER: The -- The bill requires that there be a posting as you come in, and it would be posted, so they would know what was available. It's no different than it would be if you are cashing a check and you have a photo ID. You have a list forms that are available, and several things that they can offer up, and, yes, it would be -- that would have as much.

SENATOR LUCIO: Yes, sir. I guess Mr. Wallace, I'd ask you a question or two or anyone in
the panel that would like to address this --

    CHAIRMAN DUNCAN: He hasn't testified yet.

If you want --

    SENATOR LUCIO: Oh, I'm sorry.

    CHAIRMAN DUNCAN: Why don't you let him --

    UNKNOWN SPEAKER: (Inaudible) your question, sir.

    CHAIRMAN DUNCAN: Why don't you let him testify and then you can -- then that way the full panel can be --

    SENATOR LUCIO: I didn't know who had already testified.

    CHAIRMAN DUNCAN: Mr. Wallace, go ahead and state your name and who you represent.

    MR. WALLACE: I'm Skipper Wallace, and I'm the state legislative chairman for the Republican County Chairmans Association. I appreciate the opportunity to address this panel today. We in the County Chairmans Association, our main goal is to improve the election process by making it fair and on a level playing field for everybody. We feel like that the voter ID as stated would be one of the most significant things we could do to make elections more honest and above board.

    In the process of developing our legislative program, we took testimony from county
chairs from all over the State of Texas, and one of the main complaints -- in fact, I've identified this as their number one priority -- was that they felt like that they had incidences of voter fraud in their elections. Having been an election judge and worked on elections for 16 years, I have run across some of the same problems.

And there's been some testimony given that there are no documented cases that we have of convictions of where this is the case. That is true. We -- We do not have documented cases. There are a couple of reasons for that. First, an individual case, an election worker -- if you ever worked as an election judge, you understand the hectic nature of the -- of the balloting process itself. It's very hurried. There's people waiting in line. You want to move them through as fast as you can. You think this guy's impersonating somebody else, but you don't have a lead pipe to prove stench, so you go ahead and let it ride. Well, then later you find out, well, you didn't. Well, you don't have any proof to be able to go to a DA with to document that. There is a significant amount of evidence that you have to take to actually prove up one of these cases which makes it very difficult.

Also, DAs in these local communities,
local counties, this is not high on their priority list. Murders, rapes, drug cases, all these kind of things are way up here on the pecking order. Voter fraud, impersonation is way down here. They do not place a very high importance on voter fraud cases. Therefore, it's extremely difficult to get a local DA to even look at one of these cases. That's one of the reasons that we do not have any cases filed or any cases completed on this.

We feel like once the voter ID is implemented, then we will cut down this. In fact, our feeling is an ounce of prevention is worth a pound of cure. We can't prove through cases that we have a problem. The opposition side can't prove that we don't have a problem.

CHAIRMAN DUNCAN: You need to wrap up. Your time has expired.

MR. WALLACE: Okay. Anyway, the Texas Republican County Chairmans Association very much supports the voter ID legislation, and we'll be glad to answer any questions.

CHAIRMAN DUNCAN: Senator Lucio?

SENATOR LUCIO: Mr. Wallace, do you have any -- any information or any kind of proof of a DA, anyone in Texas, that cared not to take up a voter fraud
complaint from anyone in our state?

MR. WALLACE: Do I personally have a specific instance? I do not. I might can get you some. They came from county chairs to me --

SENATOR LUCIO: That would be extremely important, I think, for the members of this committee to know that there's -- there's evidence out there, there's proof of some district attorney in our state who failed but didn't want to prioritize, you know, a vote of fraud. I think I would really like to know that. I really would. I think that would make it an issue for me to -- to possibly look at this piece of legislation in a different tone.

I have certain questions. I'll try to be as brief as possible. At this point why -- I mean, I guess you told us why you felt you needed legislation now, but it seems if this measure was really needed, we would have passed it decades ago. Do you recall who started to push this legislation and when in the years past?

MR. WALLACE: I think the major push was two years ago. The County Chairmans Association supported it then, testified for it then. Representative Mary Denny, from Denton, I believe, was the main -- was the carrier of the bill. We got it
passed in the house. We got it to the senate, and we got a point of order, I believe, which killed the bill. We since tried to re-look at it and reorganize it and reintroduce it and have been able to get it back in the house, and now here we are in the senate at the State Affairs Committee and would like to see it moved on from here. Does that answer your question, sir?

SENATOR LUCIO: Yeah, that's fine. I'm going to be quoting from this document that was given to us by Royal Masset, Republican Political Consultant. Actually, it was published in the Quorum Report, and we asked him if we could have permission to quote it, and he obviously approved it. And there's several -- several (inaudible) to -- to -- or subtitles to, The Voter ID Will Kill My Mother's Right to Vote is the title. And he says he agrees with David Dewhurst -- obviously, Lieutenant Governor David Dewhurst's comments that we should ensure that we maximize the number of votes which in all -- which is all in our best interests, but that we limit our elections to American citizens. I think all of us agree to that. He also goes on to quote the lieutenant governor. I can't imagine anyone who could be against the concept. I agree with David 100 percent, he says, and if he -- and if he is a man of intelligence and integrity, he will --
he's saying he will not support HB 218. It goes on, there's no evidence on the record that non-American citizens have voted in past elections in a manner that would have stopped -- have been stopped by House Bill 218. Under voter fraud is a problem, it says, however, voter fraud by individual voters is extremely rare. Under voter fraud, it's rare -- it goes on to say it is 100 times easier to get a legal voter to the polls than it is to get someone to illegally register and then talk to them into voting for your candidate and getting them to vote. I think right here on reports show absence of misuse, registration cards, it's ready where I have a star. The most credible recent study on illegal voting in Texas was done by Attorney General Greg Abbott. Abbott last year says, as best as I can determine, he says he found no cases of illegal aliens casting voters -- votes with fraudulent registration cards. I think this is a very important statement.

He goes on to the Burka Blog where he quotes many asserted that the impersonation of voters is probably the least frequent type of fraud, and so on and so forth. In other words, it goes -- it goes the direct opposite of what you testified -- just testified on that there's -- there are -- there are, I don't know, frequent cases or cases where there has been voter
fraud. And my question I guess, number one, is have those been documented? Have we already -- Are we able to see something and some things in writing where, you know, heck, if there is so much that voter fraud is going on? I'm all for making whatever adjustments needs to be -- need to happen to be able to do it. But the final page on this, he says, how does one verify the genuineness of nonvoter IDs almost all of which can be computer generated in seconds? And, finally, millions of Americans citizens whose parents have been here for generations don't have birth certificates and are undocumented.

I'm going to say that my dad passed away in September, but for the longest of time -- he was born in Brownsville, and thank God there was still a few old-timers around to -- to sign on to the late birth certificate request, but he was a veteran of foreign wars, disabled American veteran, worked for the sheriff's office for 30 years. He was an American citizen, yet technically he had never really taken care of his birth certificate, and I know that there's still a lot of people out there, thousands and thousands of people possibly, especially along the border -- border states that, you know, is kind of parallel to what my dad's problem was. What do we do with them?
MR. WALLACE: Senator, I don't -- I'm not sure that I have the perfect answer for that, but I know that voting is -- is not only a right, but a privilege, and I think it's worth the effort --

SENATOR LUCIO: I go on its a responsibility.

MR. WALLACE: It also is a responsibility, yes, sir. And I think it deserves the effort that it takes to -- to identify and prove up that -- that you have a photo ID that really you are a citizen of the United States. That's not in this bill, but -- but I really feel like that -- that's not asking too much of someone.

SENATOR LUCIO: Well, if we wish to do a study, I think probably the ones that most -- most frequent or so anxious to vote are those that just became naturalized and become American citizens. Those are people that want to be in the front line when it comes to voting, and they don't take -- they don't take it for granted because wherever they come from in this world, they've a harder time. I just want to make sure that no one's left out of the process.

I certainly respect the fact that, you know, we -- we certainly want to make sure that there's no voter fraud, but in this case, if someone could show...
me that there's an outbreak, that I would very much join
my -- my -- I want to say favorite, but my one of my
favorites of all time chairmans, Chairman Fraser.

SENATOR ELLIS: Well, wouldn't you able --
(inaudible).

CHAIRMAN DUNCAN: He is my committee.
Chairman Ellis?

SENATOR ELLIS: Mr. Wallace?
MR. WALLACE: Yes, sir.
SENATOR ELLIS: Thank you for coming.

Which county are you from?
MR. WALLACE: I'm actually chairman in
Lampases County.

SENATOR ELLIS: And you said that in your
experience -- your career as election judge, you have
seen instances of voter fraud.

MR. WALLACE: I've seen instances where
I've suspected it to be voter fraud.

SENATOR ELLIS: Did you report it?
MR. WALLACE: No.
SENATOR ELLIS: Do you know of any of the
precincts judges at the grassroots level have seen it
and they reported it.

MR. WALLACE: Well, and did report it and
they reported it to me. We didn't carry it any further
SENATOR ELLIS: Do you think that if this could have a chilling impact on some people showing up with this voter ID requirement?

MR. WALLACE: Well, you know, anything can have a chilling impact on some people. If we changed the polling location has a chilling impact on some people, but I really think that the -- the requirement to produce a -- a photo ID -- I had to produce a photo ID to pick up my grandson at the elementary school the other day, and maybe at your video store, you don't have to, but I did have to present a photo ID to get a video.

SENATOR ELLIS: But you do agree this could discourage some people from voting.

MR. WALLACE: Anything could discourage people.

SENATOR ELLIS: Anything. If you all were going to move a polling place as a party leader, do you take into account whether or not if it's higher wait, it's more difficult, it's a lot of traffic? Do you try to accommodate things to encourage more people to show up to vote or are you pretty happy with the voter turnout in your county?

MR. WALLACE: Well, I don't think anybody can say that we would be happy with the voter turnout as
low as it is. However, I'd like to have people who know
what they're voting for to come vote.

SENATOR ELLIS: So you try to do things to
figure out how to get more people to go vote.

MR. WALLACE: We try to make things as
easy as we can to vote within a reasonable nature of
having the folks that are supposed to vote vote.

SENATOR ELLIS: Yeah. You mentioned you
all have processes and this was your top priority. I
assume you all have hearings or meetings around the
state or something?

MR. WALLACE: We have -- We have a hearing
here at the capital.

SENATOR ELLIS: What other issues are in
your agenda?

MR. WALLACE: There are --

SENATOR ELLIS: Related to election
matters.

MR. WALLACE: Proof of citizenship to
register to vote, papertrail, where a two county
chairmen have a dispute, one runs against the other and
the other gets elected and won't turn over the records,
transition of county chairs, notification of county
chairs for election meetings. I have a -- can give you
a copy of my agenda if you want.
SENATOR ELLIS: Was there any discussion when you had your hearings or meetings around the state about whether or not this provision would have more impact on one group or one party than another? Did you have any discussion on what impact it would have on your base voters?

MR. WALLACE: I don't think we really looked at it from the perspective of would it benefit us anymore than it would the democratic party or the green party or the Libertarian party. No, I don't recall any discussion like that. I think what -- what our concern was that it would improve the election process.

SENATOR ELLIS: Any discussion on whether or not it would have more impact on the elderly or on the party groups?

MR. WALLACE: Well, when you look at the situation that there are over 14,000 driver's licenses issued. There's over 2,000 ID cards issued by the DPS, and there's a little over 12,000 registered voters. We really couldn't figure out, you know, how many people we were really putting out to go get a picture ID. Every -- We were talking about the senior citizens and maybe indigent and folks on welfare and stuff. They have to prove at some point in time to be able to get those benefits.
SENATOR ELLIS: You all didn't focus on whether or not it would have additional impact on any particular party, the elderly, minorities. Just didn't hit the radar screen.

MR. WALLACE: Well, I can't say that somebody might not have mentioned it, but it wasn't a high priority.

SENATOR ELLIS: How did the issue come to you all? I know this is a national movement around the country. Was this sort of home grown or was this something that has been in discussions around the country as --

MR. WALLACE: An issue came to my committee presented by several county chairs that they said that they had problems, and they were very adamant that this should be one of our high priorities, and, of course, having been a priority two years ago, it was not hard to convince the committee that we should make it high priority this year.

SENATOR ELLIS: Thank you.

CHAIRMAN DUNCAN: I will note for the record that in 1948 Coke Stevenson had a little trouble proving fraud too. Senator Fraser?

SENATOR FRASER: Just --

SENATOR ELLIS: In 1948 my base was not
voting.

CHAIRMAN DUNCAN: You are aware of that as well.

SENATOR ELLIS: They had a poll tax month other things.

CHAIRMAN DUNCAN: We have come a long way, haven't we? Senator Fraser?

SENATOR FRASER: Senator Ellis, just for your clarification, last Thursday -- last Thursday you voted on three different bills that were brought to me by the Republican party, but endorsed by the Democratic party, so they have a long list of things that they did of which this was one issue that was brought with them. I don't represent the Democratic party endorsed that -- this particular issue, but the other three you voted on Thursday I think were all joint -- they were all joint programs --

SENATOR ELLIS: Let the record reflect I've been trying to help this grand old party. You know, Lincoln was one of my favorites. I don't know if you are aware of that. I stated that many times.

SENATOR FRASER: We appreciate your support.

MR. WALLACE: Senator, of the 21 --

SENATOR ELLIS: Which we have overcome. I
want you to be aware that.

MR. WALLACE: Of the 21 issues that I had as a legislative agenda, we met with the Democratic party and they agreed with 14 of them, and we have mutually supported those issues through the process this year.

SENATOR FRASER: So there was a long list of things that they brought forward, several they asked me to carry, and we've got three of you voted on --

CHAIRMAN DUNCAN: I will say this too from my perspective, that the county chair organizations of both parties really try to do a really good job of -- I mean, there are some issues that are partisan based. That's just natural, but by in large on fundamental issues, they try to come up with some reasonable vote --

MR. WALLACE: What's good for us is good for them, so --

SENATOR ELLIS: But did they -- did they agree on this one that (inaudible).

MR. WALLACE: No, they didn't agree on this one. We disagreed to disagree on a few of them. (Inaudible).

CHAIRMAN DUNCAN: Let the record be clear, I'm sure they didn't agree on this one.

MR. WALLACE: No, sir.
SENATOR FRASER: And if I could, I need to
clarify, Royal Masset is a good friend, known him
forever, and I just -- I'm assuming probably he hasn't
seen the new committee substitute, but in just
clarifying, you know, Senator Lucio, if there's someone
that has voted by mail before, nothing changes. If they
haven't voted by mail, all they got to do is just send
in any type of identification.

And it comes to mind -- My mother's in a
retirement center, and I'm -- you know, what -- our
adventure everyday is to go take her cart down and get
her to the mailbox. She gets mail, you know, weekly
from some governmental entity, her Social Security
check. She gets -- You know, any time we do Medicare
and have to go to the doctor, she's got a little
Medicare card. We cannot go to the doctor unless we
have that Medicare card.

So any of those forms of identification if
they want to vote by mail still is in effect. Well, the
same thing applies if they want -- if -- if I can help
my mother on that day to take a field trip, I'm going to
try to get her out of the retirement center and we're
going to go down and vote. I know just -- she has
probably five different types of photo ID, you know,
military ID, her past driver's license and all that.
But let's say that she didn't, the mail that she received the last three weeks will probably have some communication from the government which would be Medicare, Social Security check, something -- you know, income tax, something that came in. So any of those will work.

And I can't imagine any elderly person -- I guess, Skipper, I think you're probably aware. I've heard it numerous times, but the district that I represent, I understand is the oldest age -- average age district of any district, senatorial, state, because we are in a retirement community.

MR. WALLACE: I couldn't testify to that, but I've heard that a couple of years.

SENATOR FRASER: You know, almost my whole area are retirement places, and I think I probably represent the oldest average age of anybody in the state. I find it interesting, if that's the case, and AARP -- AARP, the people that I represent, I would suspect most are members including -- you know, how to get their mail -- and I don't want to represent your answer, but you might get mail from them.

MR. WALLACE: I'm 62, Senator.

SENATOR FRASER: So the people that I represent -- And I think the fact that you brought this
bill forward representing the people of this -- my senatorial district, I'm not being overrun with people that are retirement age people saying they're being disenfranchised is that I think we have a very, very easy mechanism that is on the -- not only ongoing, but it's easy to comply with and things they've been doing for years. And I -- I would, I guess, ask you, are you hearing an outcry from the people our age or older that they've got a problem and not going to be able to vote?

MR. WALLACE: No.

SENATOR FRASER: I would -- I know that's being brought forward, and I guess -- I'm sorry, I'm having trouble with that concept and more especially the fact that I am in and around a retirement home virtually if I'm home daily and visiting with people, and I just -- I know the mail that comes in to an elderly person, it's going to be real easy for them if -- and probably my mother will vote by mail, and I'll probably help her do that, and if she had qualified it will be easy to do, and that is current law today.

SENATOR ELLIS: When you are in a retirement home and you want me to take you to vote and you don't have your ID, in a (inaudible) will arrive and will you take me?

SENATOR FRASER: Well, I would hold the
point that I take my mother to the doctor all the time, and she cannot go to the doctor unless she has her Medicare card. You have to have that, and they have to make a copy of it, otherwise, you can't go to the doctor, and you also -- your -- your revenue that you get from the government, and almost everybody still gets Social Security, I think, and they get mail, so that's all they have to have for identification.

CHAIRMAN DUNCAN: Senator Lucio has a question. Members, I really -- I think this back and forth dialogue is absolutely what we need to be doing on this, so I'll recognize two at a time.

SENATOR LUCIO: Thank you, Mr. Chairman. Chairman Fraser, so what you're saying is all the senior citizens that are in nursing homes will have the ability to make copies through the main offices. You think there will be an expense for that -- in doing that for them? This is an expense. I'm sure that they are not going to be --

SENATOR FRASER: Senator, I can't represent just blanket that it does. All I know is looking at the ones that my mother's in and my grandmother's in, and those are --

SENATOR LUCIO: But, you know, the State of Texas is so diversified, but I won't make that an
issue. If it is an issue, I won't make it this morning.
I just very briefly set up a scenario for you,
Mr. Wallace or Senator Fraser or me or Chairman Duncan
or anyone in this committee, anyone that's here. You go
down to your polling place you voted for many years, and
there are people that know you. Under this legislation,
if you forgot your voter registration at home or an ID,
I've done that many times. As a matter of fact, I do it
90 percent of the time, and I sign information or I sign
my name. Under this legislation, you're going to have
to go back home or go get a ID. You won't be able to
vote, correct?

MR. WALLACE: I -- I believe you are still
able to vote provisional ballot -- provisional ballot,
which you get the opportunity -- if you forgot your
identification at home, you can still get identification
to the voter registrar's office and then your vote will
be counted. I believe that's the way the bill works.

CHAIRMAN DUNCAN: We do have a resource
witness here, Ms. --

SENATOR LUCIO: Let's talk about that for
a minute.

CHAIRMAN DUNCAN: From the Secretary of
State's office. Senator Van De Putte?

SENATOR VAN DE PUTTE: Thank you,
Mr. Wallace for being here and certainly appreciate it.
If all the data and statistics suggest that if we do
have voter fraud, that it's not voter -- where they try
to do the -- misrepresent who they are at the polls.
And I would say to you being involved in the process,
there's probably a certain amount of some sort of maybe
not fraud, but where the processes aren't adhered to.
This is impersonation. So I don't know how many cases,
and it doesn't seem in questioning -- and we'll have the
Secretary of State's office up here and the Attorney
General's office, but they have not been made aware
of -- and no cases have ever been prosecuted -- of voter
impersonation because I think all of us want to have the
strongest most protected system, but not at the expense
of voter suppression.

And so my rationale in looking at this is
knowing what it's going to do and what it's done in
other states to lower the percentage when the
misrepresentation of who you are isn't -- doesn't really
occur or if it does, it's in so small cases.

Can you tell me what -- I know that you
stated that your -- that you would like to see more
voter turnout as we all would. What does your party
platform have in it that pertains to voter registration
and voter ID?
MR. WALLACE: Well, our voter party platform does promote voter ID. It specifically promotes this kind of legislation to improve the voting process.

SENATOR VAN DE PUTTE: And does your -- your platform also include -- And the reason I did it is because I used to chair the platform committee on the Democrat side. I looked at the document on the Republican side is basically tried to have as few words as we could to get the point across, and I understand the platform that the Republican party has, which I'm sure you support being a county chair. It also calls for registration every two years -- for voter registration every two years.

MR. WALLACE: I don't have that document in front of me and I'm afraid I'd be --

SENATOR VAN DE PUTTE: Well, I think it is, and so my question is if you had supported a document that calls for registration every two years, doesn't that kind of limit or suppress voter turnout?

MR. WALLACE: I don't -- I don't know that I could -- if that is in the platform.

SENATOR VAN DE PUTTE: I think it is.

MR. WALLACE: I don't know that I could support that particular plank of platform.
SENATOR VAN DE PUTTE: Thank you for being honest. The second thing is if this is voter impersonation, and that's what we're talking about in this bill, it's a way to make sure that the people say who they are, and if somebody wanted to steal an election, I'm going to tell you I don't think this is the way to do it because it would really call attention to who that person is to get a whole group of people to go and vote for a certain candidate, not saying -- trying to falsify who they are. So it's not a very big problem, voter impersonation, and that's what the bill's about.

But the cost on the fiscal note to the state is it $1.4 million from my Texas Mobility Fund, and I know it's as a conservative how can you support this costing us almost a million and a half dollars when the problem of voter impersonation is so very rare. It seems to me kind of out of balance, and I'd like your thoughts on that since it does cost us out of our Mobility Fund, 1. -- about a million and a half dollars.

MR. WALLACE: I'm not -- For me with the specifics of how that number was generated, I've not seen those details. I would like to see that. I'm sure there would be some additional cost to the state since in the bill we have provided in that anyone that came
and needed a photo ID, there would be no cost to them.

SENATOR VAN DE PUTTE: That's correct, and that's what the cost is.

CHAIRMAN DUNCAN: For the record, the methodology of that would be that the DPS assumes 100 percent -- that the methodology seen on Page 2, it just depends on how many card holders would choose to use their ID cards as voter ID, the DPS assumes 100 percent of those are 536,888 card holders would use the card for voting purposes only. So that's -- And it's a $15 -- the fee would be waived, and so it's about how they get there in the fiscal note.

SENATOR VAN DE PUTTE: And maybe we could get your help, but, you know, normally, we -- even if -- if this was a huge, huge problem, I think there's other methodology if we've got significant voter fraud to get it, but this only deals with voter impersonation.

MR. WALLACE: Senator, one of the things that keeps it from being thrown out is there are no documented cases. If you'll look at the whole scenario of voter fraud cases, there are very few documented cases of voter fraud that have gone through the AG's office in the courts, period. And, you know, there's lot of different reasons for that, as I went into some of those earlier. But I -- I just feel like that -- and
it's not something I've got some hard evidence on.

SENATOR VAN DE PUTTE: Okay.

MR. WALLACE: And it's unless the county chairs from all over this state are lying to me, which I don't think that they are, they perceive that there is a problem.

SENATOR VAN DE PUTTE: Well, and I'm concerned about that because --

MR. WALLACE: And am too.

SENATOR VAN DE PUTTE: -- as far as I know, any time that there is a problem, I know that -- and I don't know about Republican county chairs, but I know Democratic county chairs don't go to the DA. They go straight to the Secretary of State's office to either file a complaint or to notify the Secretary of State's office, and maybe when they get them up here -- I think that's kind of the proper route rather than you don't go to your district attorney or to your police officers. I think that you go to Secretary of State, and as far as I know I think they do go, but it hasn't been for that -- and I think one reason why the elections run so smoothly is because county officials are dedicated to a clean verifiable process. I think our election judges do a great job in training, and I think one of the reasons things go to sweet, when you think about the millions of
votes that are cast and the numbers of, I guess, voter impersonation cases that we have -- I think that -- that's because I think they're doing a good job. I think our county chairs are going a good job. Certainly there's always room for improvements, but why when we have such a miserable voter turnout compared to other -- even third world countries, we have such a small voter turnout compared to other countries, I just don't understand why we wouldn't be doing everything we can to increase voter turnout rather than to knowingly suppress, particularly, the elderly population when there's very few cases of it.

MR. WALLACE: Well, there's considerable difference of opinion as to whether it would suppress the voter turnout.

SENATOR VAN DE PUTTE: Well, the data shows us that it does and I (inaudible) look at the data.

MR. WALLACE: I just telling a scenario that says the reason that the voter turnout is less is because there's no fraud, so I -- you know, I can't prove that one way or the other. So we can't prove, you know, why the voter turnout goes down. We -- You got to assume that -- that it's because we make it more difficult. Other side assumes because we don't have the
fraud anymore, so, you know, those are some of those
things that are out in the gray area that you or I will
probably never be able to prove one way or the other.

SENATOR VAN DE PUTTE: I just don't think
that 3 to 5 percent of all voters today are coming in
and impersonating other voters. I just cannot believe
that.

MR. WALLACE: I have no idea.

SENATOR VAN DE PUTTE: And having to work
an election, and that's what the -- the strategy -- we
would adopt this. We know that it's going to
disenfranchise at least that many folks, and I just
can't brief in my heart the good job that they do.

CHAIRMAN DUNCAN: Let me add this because
I -- I've tried to just kind of listen because I hasn't
been a -- this hasn't been a number one target of
priority on my agenda, but I'm compelled by a couple of
things. One thing I think Senator Fraser laid out a
good argument in the beginning, and he says that, well,
if one voter votes illegally or fraudulently cancels out
the vote of another person who voted legally.

No. 2, I mentioned the Coke Stevenson
issue a while ago, not just trying to be funny, but for
a reason. There was -- I don't think anybody disagrees
there was voter fraud in that election. But that man
couldn't prove it. I think that, you know, our poll
workers and election judges are not law enforcement
officials. They don't have protection. They don't have
any way to question or detain. All they can do is
suspect and turn it in or just -- you know, it's kind of
like there's a hassle to it. So the notion here is --
is that, well, it seems like there are -- I mean, the
bill -- I think Senator Fraser's done a good job of
trying to meet the requirements of law and then there is
the option of the provisional ballot, if someone forgets
their voter ID or whatever.

And I'm not sure how I understand how that
is so oppressive as opposed to the part -- as opposed to
the scenario of when someone votes fraudulently, a legal
vote is canceled, and that seems to me to be an
overriding policy principle in this whole issue.

SENATOR VAN DE PUTTE: And I think so,
Senator. It's just that if there's voter fraud going
on, I just don't know that it's in impersonation, that
people are pretending to be someone that they aren't for
the purpose of voting. Now, maybe mail ballots, maybe
other parts, but this -- this is just about voter
impersonation, and I don't know that that's a huge, huge
part of -- what we do know -- and you're right, and
Senator Fraser asked is it too much to ask? Well, no,
it's not too much to ask, but what I'm doing is weighing what's the problem that we're trying to correct? And so I don't buy that we have a problem in voter impersonation. We may have a problem in other areas, but to me it's not --

SENATOR LUCIO: Votes twice.

SENATOR VAN DE PUTTE: -- not a problem that surmounts to the type of suppression that we know is going to happen.

CHAIRMAN DUNCAN: Thank you, Senator.

Senator Ellis?

SENATOR LUCIO: I thank Senator Van de Putte is on the right track. I think there might be a problem and I've heard where people might want to vote twice for is for you, Senator Duncan. Since you've done such a great job people go out to the courthouse and voted early and then they go, you know, election day or --

CHAIRMAN DUNCAN: I haven't had that problem yet.

SENATOR LUCIO: I want to ask you a question, Senator Fraser, and it's relative to our conversation this morning in terms of voter fraud and cases and statistics that we are trying to ascertain so that we can, you know, have no doubt that it truly
exists, and I don't know what the law says, but if
there's a -- there's an election judge or anyone,
election officials break the law, in our books today, if
they don't report what they feel might be voter fraud --

SENATOR FRASER: No.

SENATOR LUCIO: If that is not the case,
then I think we should have it and that way we can make
sure in the future we have the statistics necessary, how
will file, how many are ex-prosecutors, how many came
out guilty, et cetera, and that way this wouldn't be a
problem in terms of readily debating an issue as such.
If there is a major problem, I don't think we'll make it
(inaudible) --

CHAIRMAN DUNCAN: Let me turn it around --
Let me turn it around the other and look at it this way.
There's one way we can try to enforce it and that's
repressive tactics like questioning people or detaining
them for the purpose of proving voter fraud. That's
what you would have to do in the current system if you
are really going to make a case. I mean, you've got to
actually detain the person so that you can identify who
they are and force the case, and not many of our
election judges are ever willing to do that.

So what this is, this is the least
restrictive means to be able to verify voters, it seems
to me, and not put our election judges and officials in
the position of having to be law enforcement officers.

SENATOR LUCIO: Sooner or later we are
going to come up with systems -- when we have the money
and when somebody goes in to vote, they're going to take
a picture of them, cameras going to go off. Every
voter -- It takes money and, obviously, that's going
to -- that's going to have the biggest check and balance
ever. We'll come to that. I don't think we're ready
for that because I don't think people are wanting to put
up the money for such a system, but all of those things
will happen in the future. I understand what you just
said --

CHAIRMAN DUNCAN: Let me ask -- Let me ask
kind of an rhetorical question on this too. Is it --
what -- Two years or in a year the Real ID Act, or what
I call the George Orwell special -- the George Orwell
Act, will come into being, and everyone will have an ID.
Would the objection -- Would the same objection when the
Real ID Act comes aboard, would -- and this is a
partisan issue to a certain degree. I think it's pretty
clear the lines are drawn on this pretty much, but would
the issue be any different if we had the Real ID Act?
That's a question we need to debate.

SENATOR VAN DE PUTTE: I would love to
have the department here -- DPS here to explain how
that's going to rule out and what that does -- and maybe
the Secretary of State to figure out how do these work
congruently.

CHAIRMAN DUNCAN: But if every person had
to have an -- if every person had to have an ID, how
would that impact the opposition to this legislation?

SENATOR ELLIS: Mr. Chairman, from my
standpoint, I would say that we need to see how that
rolls out. I mean, we are talking about a
constitutional right here, which is different from
renting a movie or getting welfare is not
constitutional, right? It will be interesting to see if
on the Federal level some provisions are put in or
changes are put in to make sure that we don't do
anything to infringe on somebody's right. I mean,
obviously, we have to spend money -- we have to spend
money in terms of educating people because they are just
not accustomed to having had that.

CHAIRMAN DUNCAN: If the -- if the most
compelling argument -- The most compelling argument I've
heard in opposition to this today is the fact that some
people may simply not have an ID because of their age or
their poverty level or forget to bring it or not get the
information that you need to have it, and they show up
to vote and they're rejected because they don't have the ID, so that's an alleged disenfranchisement. So if everybody has to have an ID, then doesn't that argument go away?

SENATOR ELLIS: No, not completely. I think it diminishes that argument but the difference is -- You know, I left my wallet in Austin last week and drove home. And you talk about a awkward feeling because I have to fly -- I do things where I'm accustomed to having my ID, if I'm riding my bicycle to Austin. I mean, I'm accustomed to that, but we have to see, first of all, whether or not they have a problem. I mean what concerns all of us, there have been no instances in which somebody's been prosecuted or to my knowledge someone has been turned in so that you could make the case.

CHAIRMAN DUNCAN: Let me ask you this. How would that occur? Tell me how -- Walk me through a real life situation at an election poll about how that would occur.

SENATOR ELLIS: Robert Duncan goes to vote. He does not have any ID. He signs this sheet of paper saying that he's Robert Duncan, but as it turns out, he's not Robert Duncan. He's Karl Duncan. He committed voter fraud.
CHAIRMAN DUNCAN: You bet. And how are you going to prove it?

SENATOR ELLIS: Well, you prove it because it will be pretty easy to go look at that signature and see that the person that signed that was not Robert Duncan.

CHAIRMAN DUNCAN: How easy would it be? What would you have to do to prove that?

SENATOR ELLIS: Well, if you were the precinct judge, you'd turn it in to the Secretary of State or you'd turn --

CHAIRMAN DUNCAN: What if you didn't know? You don't know everybody that comes in there, do you?

SENATOR ELLIS: Well, hey, if you don't know about a crime -- I mean, there are crimes that are committed everyday that people don't know about, but before I think we all to leave my judgment into doing something that some of us feel may have a chilling impact, particularly on certain groups, on the elderly, probably on the minorities, you know, probably more on a partisan -- at least the vote is that it would have voter impact, maybe what would amount to 3, 4 percent. I mean, some people have said to me privately, well, so what? When I thought the number was 1 percent vote (inaudible) people would say so what? Well, that's when...
the argument is made sort of like a solution looking for
a problem. I mean, on most things we do, we just don't
go past things because we have official instinct that
some problem is going to happen. Here's what we want to
documented before particularly -- You know, in our
state, with all due respect, we have had a rather noble
history when it comes to encouraging people to vote in
the state, and we have such low turnout. I mean, you
and I talked privately about some states. Some
countries give you a ticket. If you don't vote in
Brazil, you get a one dollar ticket to encourage people
to turn out to vote.

So I state with so few people are voting,
and you talk about something that impacts minorities, I
mean, you know, we have history. It's not a regular.
Lots of things have been done to -- to discourage people
in Texas from voting. It's always been one of those
states that have embraced this notion, and even
(inaudible) partisan advantage. Usually we like
everybody to vote, but we particularly like the voters
that are going to come vote for us. So that's -- You
know, I think that's sort of -- But I was going to say,
Mr. Chairman --

CHAIRMAN DUNCAN: I know you have a lot of
dialogue. I think it's very interesting --
SENATOR ELLIS: You've got a lot of experts here, a lot of witnesses. These two just get the brunt of coming up first --

SENATOR VAN DE PUTTE: Thank you.

SENATOR ELLIS: -- so, alphabetically, you must have ended up in the shuffle first, but I know there are a lot of others out there that probably have even more experience than us on some of those issues.

CHAIRMAN DUNCAN: Senator Lucio has a question and then we'll move to the next panel.

SENATOR LUCIO: Mr. Chairman, I think we started a dialogue here on one of the most important issues, obviously, that -- that as citizens of the state we care to be involved with and that's the political process. I think that at one point or another, Mr. Chairman, I know that you'll agree with, we're going to have to start bracketing some of these counties, probably take the top counties first. In my opinion, that's -- that's where most of your heavy voting takes place, and start requiring people to reregister, just like when they go get a driver's license and they have their picture taken, have that in the computer so when people show up to vote, it comes out in the computer.

At least every 10 years -- I know you still use your 10-year photos in the senate. And we
still recognize you, the fact that you haven't aged.
But seriously speaking, I think that's the system that
had -- is going to have to take place sooner or later,
and we are not going to have to worry about voter fraud.
We're going to know that it's you right there in front
of us.

CHAIRMAN DUNCAN: It would serve if you go
get a new photograph.

SENATOR LUCIO: But, seriously, I think --
I think we're going to have to look at that. That way,
we're not going to have -- make this in any way a
partisan issue. It wouldn't be a partisan issue. It
isn't a partisan issue, but, frankly, if I could get
documentation that would show me that there's a
tremendous amount of voter fraud even in my district, I
would gladly sign off on this legislation.

CHAIRMAN DUNCAN: Thank you. Okay. Let's
bring up -- Thank you, Senator Lucio. Let's bring up
our next panel, and then -- but before everybody kind of
moves around, let's go ahead, and the clerk will call
the role.

THE CLERK: Duncan.

CHAIRMAN DUNCAN: Present.

THE CLERK: Williams? Corona? Ellis?
SENATOR VAN DE PUTTE: Present.

CHAIRMAN DUNCAN: All right. A quorum is present. Okay. Members, we have the following witnesses, David Sanchez, Helen Carvell, and Carolyn Galloway. If you'll come up and state your name, who you represent. Remember, you have 3 minutes. Please don't read to us. And then we will not ask questions until you finish your testimony. Go ahead and state your name.

MR. SANCHEZ: Good morning. David Sanchez for the record. I am the chairman of the Cameron County Democratic party. Good morning, chairman, senators.

Thank you for allowing me a few moments today to address you on this important issue, and I think it's clear that most of the compelling arguments have already been laid out. Rather than go over those, I'll just maybe ask a few rhetorical questions. One, when you senators go to vote, how many forms of ID do you have to show just here on the senate floor or even the committee? You know, if you only have rules for yourself, why? Because the purpose of that is to make sure that there's no voter fraud. That's what we're looking at here. I think it's very clear that when each senator's here, they're obviously recognized, so there's no issue.

With regard to deterring these folks from
committing voter fraud at the polls, I think it's important to take into consideration the fact that there are minuscule cases out there, perhaps not. Even it sounds like from hearing the group before me that there weren't any traces of actual cases of convictions or so forth. But in the case where somebody believes there is voter fraud going on, where did that belief foster from? Is it just the wrong party affiliation or perhaps they think that person is voting for the other party.

I think instead of passing legislation with regard to -- to tampering with someone's right to vote, I think there are other safeguards that can be put into place that can correct it. One of the -- One of the things I heard, I think it was Senator Fraser saying he couldn't imagine people not having documents that would fulfill the obligations here. Well, to this day there's still people that live maybe 5 to 10 adults under one household, and they are not all going to have their name on a utility bill. They might not all have a library card. There's going to be documents that they might not receive. They might not qualify for government benefits. To this day, there are still people who live in a home with no electricity, no running water, and, nevertheless, they're still United States citizens and they have a constitutional right to
vote.

I think that as you sit here as a committee and as a group of senators you need to keep in mind the fact that you're representing all the individuals that are out there, not just the ones that are privy to some of the documentation that we presume and take for granted every adult out there has.

Lastly, one of the other things I heard coming up was how do you -- how do you deal with the fact that someone that's voting fraudulently cancels out a legal vote? Well, I mean, now you're presuming that all the fraudulent votes are going on one side of that ballot, and I would assume that they perhaps could go both ways. Thank you.

CHAIRMAN DUNCAN: Senator Lucio?

SENATOR LUCIO: Mr. Chairman, first of all, thank you for making the 700 mile trip one way, and I appreciate you being my chairman down in Cameron, but I -- I really respect chairmans of both parties. I know they work very hard to represent their membership. It was mentioned a little while ago that there was a poll taken on several issues dealing with elections and all. Were you part of that -- that survey or that poll?

MR. SANCHEZ: No, I wasn't. And I am a county chair, so I wasn't included in that group.
SENATOR LUCIO: Do you know who was?

MR. SANCHEZ: I don't. I would presume that it perhaps was just the other party since it wasn't specifically stated, but that would just be presumption on my part.

SENATOR LUCIO: In Cameron County that you've been involved with, what -- what -- what -- what is the percentages of those registered to vote and who -- how many do you think are still not registered to vote?

MR. SANCHEZ: What percentage? Registered voters --

SENATOR LUCIO: The reason I ask that is a lot of people feel it's still a very hard thing to do is to get involved in the political process, even though they believe in government, they're interested in governmental affairs and the access of government, but as you mentioned, and I said it a while ago, the state is so diversified that there's still people living in certain areas of the state that still have a lot of trouble even getting to the polls and making it a little tougher on them in case they don't have proper documentation at the time they are going to vote will keep them away from the polls, and I'm sure that's the way you feel.
MR. SANCHEZ: That's exactly right, Senator. As far as numbers, I will say less than half the constituency -- probably half the population registered. Of course, that doesn't take into consideration the number of minors that there may be living in the county. Other than that, the voter turnout as Senator Van de Putte had said earlier, it's very sad news because it's very low. It's not just in south Texas, but I think around the state, and I think this really deter people from coming out and vote because, as you said, there are lots of rural areas even in our county where people have to travel to be able to vote, and if they have to make more than one trip, they might not make that trip just because of the means that it requires.

SENATOR LUCIO: I just received this, and I just thought of interest, Travis County had received an award, I believe, for the second year in a row for being the highest voter turnout in Texas, 40 percent, 10 percent higher than any other county. I can't remember that kind of voter turnout. I know that when John Kennedy ran in the early -- in the '60s, we had something similar to that, and just across the river, I understand as Senator Van De Putte was referring to, people coming here from other countries are used to