HB 218 - VOTER I.D.

MAY 15, 2007

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By Rhonda Howard, CSR
Chair recognizes Senator Fraser for a motion to suspend (inaudible) order of business and take up and consider Committee Substitute for House Bill 218.

SENATOR FRASER: Mr. President, Members, I would move to suspend the regular order of business and take up Senate House Bill 218.

Senate Bill 218 is the photo I.D. bill -- bill that would protect the integrity of voting. The bill simply clarifies that someone is voting that they would show photo I.D. in order to vote. I would move suspension of the order of business.

THE PRESIDENT: Questions of the author.

SENATOR SHAPLEIGH: Can I ask a few questions?

THE PRESIDENT: Senator Fraser, will you yield to Senator Shapleigh.

SENATOR FRASER: I will.

SENATOR SHAPLEIGH: Senator, you walked through this very slowly. Can you go back through exactly what this bill is doing, how it came over from the House and what is your goal in House Bill 218.
SENATOR FRASER: Senator Shapleigh, the -- the issue, as you know, has been out there for a while. It was a bill that passed the House and came over. And this is -- this is not an -- a unique issue. Photo I.D.s are being used in a host of countries across the -- the world including Canada, Mexico, France, Germany, Italy, Poland, Britain, India and South Africa, and there's about half the U.S. states. And it's clearly just an issue to give the ability of someone's voting that -- it's a basic right. They just have to identify who they are.

SENATOR SHAPLEIGH: Now, let's go into the history of this issue in this country. And I want to go back into the 1940s and all of the history around forwarding the right to vote and ask you how this fits into that history.

Recently we had at the national level really as a strategy developed by Texans, I'm talking about Karl Rove, a strategy, in my view, from suppress the vote. And that was built around this issue -- so-called issue of voter fraud, which has been launched in various states. And this is the solution to voter fraud, which is to require a photo I.D. or some I.D.
Can you tell us how many cases nationally we've had on voter fraud issues in the country?

SENATOR FRASER: Ask -- ask the question again. You said the number of states?

SENATOR SHAPLEIGH: No. Here's -- here's what I want to know. This theme is now a national theme. And it's launched, frankly, by Karl Rove. And basically what this one is is a suppression idea. The idea is to suppress the vote, not guarantee the vote. And the premise of it is is that you've got voter fraud going on around the country and we need to step in and stop it.

In my own part of the country up there near New Mexico, Pete Dominici wrote a letter to David Iglacias, who's the United States Attorney up there and said, "Are you going to bring these voter fraud cases here in New Mexico?" And the answer was, "Senator, we don't have any voter fraud to prosecute, because we don't find any."

None of these cases meet the criteria for federal voter fraud. So my question to you is if the purpose for passing this bill is to guarantee that you've got a right to go vote or guaranteeing who's showing up and too many people are violating that with fraud, how many cases of voter fraud do we
have in this country?

SENATOR FRASER: Well, Senator, you're making a lot of assumptions here. You're the -- make -- the one laying out the premise. I don't believe that I laid out anything having to do with Karl Rove and all these others things. My -- my premise is very simple is that if someone's going to vote they should be able to prove who they are.

SENATOR SHAPLEIGH: Well, I'm asking you what's the reason for this? In my view, the way this is articulated in any state is we're going to combat this rising issue of voter fraud. How many cases are pending in this state, how many are being investigated by the Secretary of State or Attorney General on voter fraud today? How many?

SENATOR FRASER: You're going to -- if the -- you're making the issue on the voter fraud. And I -- you know, I -- I'm not making that issue.

I'm very simply saying that if someone's going to vote they should have the response -- responsibility to show who they are. It's a very -- it's a pretty simplistic issue is that you walk in,
you're going to vote, you show them who you are, prove who you are, you vote.

SENATOR SHAPLEIGH: Well, let me give you the answer since you didn't get to it: Zero. There's not one pending case. There is no voter fraud that's a national --

SENATOR FRASER: Okay. You are asking me a question --

SENATOR SHAPLEIGH: -- nor is it happening here in Texas. I'm going to ask you another question, but I want to lay the basis for why this bill is not needed and what the real intent is behind this bill.

The answer nationally is that in all 50 states there are 89 pending cases. So the answer is there is no voter fraud. It is not a national issue. And rising to make this an issue in the State of Texas, in my view, is really another basic goal which is voter suppression.

So let me ask you this, when you look at the guts of this bill and you look at the costs involved in what came over from the House, exactly how does this work?

Walk us through how you get this identification, what are the costs and how a
SENATOR FRASER: Okay. We -- are we off the questions about fraud? Because as you were talking, I was given multiple issues of voter fraud issues in Howard County in a voter fraud plot. But do you want to now talk about how the -- how this will be done?

SENATOR SHAPLEIGH: Yes, sir.

SENATOR FRASER: Okay. The -- the -- you know, the simplest way to do it would be any photo identifications that someone has proving who they are like a driver's license, that would be sufficient or if someone does not have that, they can do any two of the following in a -- in a -- a polling place. If they have a utility bill, a bank statement, a government check, a paycheck or a government document with their name and address, any official mail from a government entity, a -- a certified copy of a birth certificate, U.S. citizenship papers. Any of those things would show that they're who they are.


SENATOR FRASER: Now, you're going to
have to hold a second. What page you on?

SENATOR SHAPLEIGH: I'm on Page 1 of what's here in our billbook.

SENATOR FRASER: And Line 14?

SENATOR SHAPLEIGH: I'm on line -- I'm on Line 14. And the question I have for you is can you tell us what Section C's about and what it does?

SENATOR FRASER: Okay. My bill doesn't -- the bill that I have is the engrossed version. And on Page 1, Line 14 is Section C is what you're talking about?

SENATOR SHAPLEIGH: Yes, sir.

SENATOR FRASER: The training standards?

SENATOR SHAPLEIGH: Yes, sir.

SENATOR FRASER: They -- adopted under Subsection A refers back, "Must include provisions on acceptance and handling of identification presented by the voter to an election officer under Section 6301."

There is another reference here that says that, "The type of identification that they will have to have shall be posted as they walk into the voter registration place, and there will be a very
clear poster signifying what identification is acceptable."

SENATOR SHAPLEIGH: Okay. But I'm talking about the training. "The training standards must include provisions on the acceptance and handling of the identification presented."

Who's going to be doing this training and how does it work and who's going to pay for the training? Is this a mandate to the counties?

SENATOR FRASER: Well, the -- the elections judge for the State of Texas is Attorney General. Attorney General -- I mean, I'm sorry, the Secretary of State.

Secretary of State would set up the standards for the counties. And who's running the election then would transfer making sure whoever's working the polling place would have that information.

SENATOR SHAPLEIGH: All right. Let's look at -- let me ask you some questions about Section 2 in this bill.

"Each election clerk shall complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election officer under
Section 63.001."

How does that work?

SENATOR FRASER: Ask your question again.

SENATOR SHAPLEIGH: I am asking you a question with respect to Line 26.

SENATOR FRASER: Okay.

SENATOR SHAPLEIGH: Going down to Line 29.

My question is this, it says, "Each election clerk shall complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to the election officer under Section 63.001."

What does that require them to do?

SENATOR FRASER: Senator, I think, you know, this -- this is not anything new that an election official -- all election officials are trained for the running of elections and things that they would do. And this is just one more responsibility. It would be posted on the front door. It's just -- it's just training they would have under normal election procedures. We -- we do this all the time, and they would be trained. They would give them -- they would explain what is
acceptable identification, and they would show the
identification. It's a -- it's -- it's not any
different than when you go to the grocery store to
cash your check, that --

SENATOR PATRICK: President.

Mr. President. Point of the order, this is not a
debatable issue.

THE PRESIDENT: Senator Patrick,
could you restate your point of order?

SENATOR PATRICK: This is not a
debatable issue suspending of the rules. Make a
motion. This is exactly what occurred to me last
week in my discussion with Senator Ellis. Senator
Carona called a point of order on me, not debatable.

THE PRESIDENT: Sustained.

SENATOR VAN DE PUGH: Mr. President.

THE PRESIDENT: Senator Van de Putte,
to what point do you rise?

SENATOR VAN DE PUTTE: Need to rise
to let the Chair know my intention to speak against
passage of this bill at this time.

THE PRESIDENT: Ma'am, we're on a
motion. It's not debatable at this time.

SENATOR VAN DE PUTTE: Mr. President,
parliamentary inquiry.
THE PRESIDENT: State your inquiry.

SENATOR VAN DE PUTTE: When is notification of a filibuster going to be recognized by the Chair?

THE PRESIDENT: On a debatable motion, which would be either on second reading going to third reading or --

SENATOR VAN DE PUTTE: Thank you, Mr. President.

THE PRESIDENT: Thank you.

Please --

SENATOR FRASER: Now move to suspend regular order of business with Substitute to House Bill 218.

THE PRESIDENT: Heard the motion by Senator Fraser. The secretary will call the role.

THE SECRETARY: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hegar, Hinojosa, Jackson, Janek, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van De Putte, Watson, Wentworth, West, Whitmire, Whitmire, Williams, Zaffirini, Hegar, Uresti. I'm not -- (inaudible). Whitmire.

THE PRESIDENT: There being 19 ayes
and nine nayes, the rules are suspended.

Chair lays out on second reading the Committee Substitute House Bill 218. The secretary will read the caption.

THE SECRETARY: Committee Substitute House Bill 218 relating to requiring a voter to present proof of identification.

THE PRESIDENT: Senator Van De Putte, do you intend to read on -- going to second reading or going on third reading?

SENATOR VAN DE PUTTE: Wherever I can stop this bill, Mr. President.

THE PRESIDENT: The Chair recognizes Senator Fraser for a motion.

SENATOR FRASER: Members, I'd move passage of Committee Substitute for House Bill 218 to engrossment.

THE PRESIDENT: The Chair recognizes Senator Van De Putte. For what -- for what purpose do you rise, ma'am?

SENATOR VAN DE PUTTE: Thank you, Mr. President. To notify the President of my intention to talk against this bill.

THE PRESIDENT: You're recognized.

SENATOR VAN DE PUTTE: Mr. President,
part -- part -- parliamentary inquiry,

Mr. President?

SENATOR WEST: Mr. President,

parliamentary inquiry. Parliamentary inquiry.

THE PRESIDENT: Senator West, state

your inquiry.

SENATOR WEST: In terms of -- it

appears as though the machine was broken or

something. It's my understanding that -- consulting

with Senator Whitmire that he voted against

suspension, and that would be ten nayes -- that

would have been ten -- ten nayes and 19 ayes, which

would mean that the rules would not suspend.

THE PRESIDENT: The rules were

suspended. Senator Whitmire was not here. He did

not vote. We called his name several times.

SENATOR WEST: He was on -- he was on

the floor, Mr. President.

THE PRESIDENT: He was not. We

called his name several times. He did not vote.

Senator HegarHegar was on the floor. If Senator

HegarHegar would like to vote, Senator Whitmire can

vote.

SENATOR WEST: No. I'll leave that

Senator -- I'll leave that to the -- Dean on that
(inaudible).

THE PRESIDENT: We called his name.

We called his name.

SENATOR WHITMIRE: I voted no.

THE PRESIDENT: You did not vote.

SENATOR WHITMIRE: I was right there.

THE PRESIDENT: Dean, we called your name several times. You were not here. In fact, I waited for you to vote.

SENATOR WHITMIRE: We've been operating --

THE PRESIDENT: Members, we've had 19 -- I gavelled the vote. I gavelled the vote. We had 19 ayes and nine nayes.

SENATOR SHAPLEIGH: Parliamentary inquiry, Mr. President.

THE PRESIDENT: State your inquiry, Mr. Shapleigh.

SENATOR SHAPLEIGH: What's the procedure for classifying who was on the floor at the time of the vote?

UNIDENTIFIED SPEAKER: (Inaudible).

THE PRESIDENT: Senator Shapleigh, we followed the procedure we traditionally follow of role call vote. The secretary looked for the
Members.

UNIDENTIFIED SPEAKER: That's not --

THE PRESIDENT: When it came to --
she called Senator Hegar's name several times; there
was no response. She called Senator Whitmire's name
several times; there was no response. I gavelled the
vote. Nineteen -- we have 19 ayes and nine nayes.

SENATOR SHAPLEIGH: What you're
telling me is there is no verification procedure in
the rules? There's no way to appeal the fact that
John Whitmire was on the floor and bring that fact
before the body?

UNIDENTIFIED SPEAKER: (Inaudible).

SENATOR SHAPLEIGH: Parliamentary
inquiry. If we were to get the video and establish
that John Whitmire was on the floor and circulating,
talking to each one of us with respect to this
issue, would that not establish that he was on the
floor for the purposes of counting his vote?

SENATOR WHITMIRE: You all don't have
to win this this election. I'm working the goddamn
floor.

UNIDENTIFIED SPEAKER: (Inaudible).

THE PRESIDENT: Members, I'm going to
get your -- Members -- Dean, sit down. Members, sit
down. Senator Shapiro.

Members, it's not going to make any difference, but I'll be glad to do another role call vote. We -- the secretary looked, she called.

Dean --

SENATOR WHITMIRE: Yes, sir.

THE PRESIDENT: -- you're going to compose yourself or you're going to leave the floor.

SENATOR WHITMIRE: (Inaudible).

THE PRESIDENT: The -- we called a role call vote. The secretary called for the Members. She called your name. I waited an -- extra long, because I thought you were on the floor. No one said -- Senator Hegar was absent. But we're going to -- in courtesy of the Members, we're going to go over the role call again.

SENATOR FRASER: Mr. President, would it be proper for me, because I'm on the prevailing side, to withdraw that motion? And would that be the proper way to do this?

THE PRESIDENT: Dean, what we're going to do is we're going to do a verification and we're going to call the role again. And I think that should satisfy everyone on the floor. The secretary will call the role.
SENATOR GALLEGOS: Mr. President.

THE PRESIDENT: Senator Gallegos.

SENATOR GALLEGOS: Parliamentary inquiry.

THE PRESIDENT: For what purpose?

SENATOR GALLEGOS: Senator Hegar is not on the floor and there's a reason for that. He's ill.

Now, my inquiry is if -- if one of our colleagues is ill but is here or is in town, should he or she not deserve the same courtesy you allowed me, at least be told that 218 is going to be -- is -- you're going to put it out, you're going to bring it out?

THE PRESIDENT: Senator, you haven't made a parliamentary inquiry. You're asking a question.

The answer is Senator Uresti did not come, he did not talk to me nor my staff. This bill has been on intent for a week or two. The -- the question -- we're in the middle of a vote on suspension. The secretary will call the role.

THE SECRETARY: Averitt --

UNIDENTIFIED SPEAKER: Parliamentary inquiry, Mr. President. Does the verification take
place after the vote or before?

THE PRESIDENT: Senator, we're not like the House. The -- a verification occurs while we vote. But in respect to the Members, I'm going to ask the secretary to call the role again.

And we're going to reestablish -- we're going to re-verify the vote. Is that all right with you?

SENATOR WHITMIRE: If that's under the State rules. But unlike the House, I'd like us to be under a bed of rules. And so my question is under the rules that we operate under the verification will take place after the vote, or are you calling role?

THE PRESIDENT: No. For the third time, it takes place while the vote is occurring. The secretary called the role before. She looked around the room. She called the Members' names and 19 -- there were 19 ayes and nine nayes. Having said that, we're in the middle of a vote.

The motion on the floor is to suspend the rules. The secretary will call the role.

THE SECRETARY: Averitt, Brimer, Carona, Deuell, Duncan, Ellis, Eltife, Estes, Fraser, Gallegos, Harris, Hegar, Hinojosa, Jackson,
Janek, Lucio, Nelson, Nichols, Ogden, Patrick, Seliger, Shapiro, Shapleigh, Uresti, Van De Putte, Watson, Wentworth, West, Whitmire, Williams, Zaffirini.

THE PRESIDENT: There being 20 ayes and 11 nayes, the motion to suspend fails at the present time.

(End)
IN THE COUNTY OF TRAVIS

STATE OF TEXAS

I, Rhonda Howard, Certified Shorthand Reporter in and for the State of Texas, hereby certify to the following:

That the CD entitled, "HB 219 - Voter I.D., 5/15/2007," was transcribed at the request of Anne Wilson, 209 West 14th Street, 8th Floor, Attorney General's Office, Austin, Texas 78701, and the amount due is $______________.

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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 27th day of April, 2012.

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