SEN. FRASER: Not advised.

SEN. WEST: Okay. Do you --

SEN. FRASER: I grew up in a pretty poor family, so --

SEN. WEST: Well, that's what I know, and correct me if I'm wrong because we've had our conversations. Your father was a minister, too. Right?

SEN. FRASER: Minster and --

SEN. WEST: Okay. He went to a lot of African American churches?

SEN. FRASER: Yes, he did.

SEN. WEST: Did a little singing and stuff like that?

SEN. FRASER: Yes.

SEN. WEST: Okay. And do you represent a district that has a high poverty level -- or excuse me -- a high ethnic minority population?

SEN. FRASER: Interestingly -- well, and what you call high, it is not one of the highest percentage wise of ethnic minority. But the last figure I was shown, my district is the third poorest district in the state, right behind Senator Uresti's. That that -- that number is a couple of year's old, but I'm -- you know, the --

SEN. WEST: Okay.
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SEN. FRASER: -- people in my district are -- are the working poor.

SEN. WEST: Okay. The -- the protected classes, that would be an African American and Hispanics, do you have a high concentration of African Americans and Hispanics in your district?

SEN. FRASER: Well, I don't know what you'll call a high percentage. I've got --

SEN. WEST: Okay. Comparatively speaking.

SEN. FRASER: There -- there are a lot of my voters in my district that, you know, I'm -- I love to say "my constituents" -- that are African American or Hispanic.

SEN. WEST: Are they in poverty or what?

I mean, you know what poverty is.

SEN. FRASER: Well, Senator, if --

SEN. WEST: Oh.

SEN. FRASER: If I have the third poorest district in the state, that implies that we have some people that are working poor.

SEN. WEST: Let me just ask you this question.

Do you know whether or not the elimination of the government documents that have hereto before been utilized by voters for identification purposes at the
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polls --

SEN. FRASER: Issued before?

SEN. WEST: Yeah, I mean, under current law. Let me back up, then.

Based on current law and the various government identifications that can be used for purposes of voting, by eliminating those, whether they have an adverse impact on ethnic minorities in the state?

SEN. FRASER: Let me -- let me tell you that the people in my district voted -- or they're polling that they -- 92 percent of them say that they're in favor of this -- this requirement.

SEN. WEST: Okay. So you don't -- and that's your response to my question?

SEN. FRASER: My response is, is that I think the people of the state of Texas, which makes up -- I think it was 83 percent of -- of African Americans and 85 percent of Hispanics, said that they're in favor of it. I'm sorry. It's 82 percent Hispanic -- I'm sorry -- Hispanic, 80 -- 83 percent Hispanic, the African American, which is -- it's listed as a black vote, is 82 percent say they are in favor of asking for a photo ID.

So it's -- it's -- this is a pretty easy question for them, "Should you have to show your -- your
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photo ID, your driver's license, when you come in to vote?" And they said, "Sure. That's" -- you know, "That's fair."

SEN. WEST: And that's your response to my question?

SEN. FRASER: Yes.

SEN. WEST: Okay. No more questions at this time.

SEN. FRASER: Thank you, Senator.

CHAIRMAN DUNCAN: Chair recognizes Senator Lucio for questions.

SEN. LUCIO: Thank you, Mr. Chairman.

Senator Fraser, under this legislation, there are no exceptions at all if you do not have a driver's license -- and correct me if I'm wrong -- military ID, citizenship certificates, or passports. Now, not even Senate IDs are appropriate for the purposes of voting. That means the state employee working in the building wishing to cast a ballot during early voting at the Sam Houston Building couldn't use a combination of their voter registration card and their Senate ID. Further, this bill's requirements for identification are stronger than what's used for new employees in obtaining driver's license, the way we understand it.
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Now, I know many people don't think it's all that difficult to get a driver's license and that everyone has one, but that's just not the case. Eleven percent of Americans surveyed by the Brennan Center for Justice do not have government-issued photo ID. Forty percent of those without voter ID are disproportionately the -- the elderly, the -- the students, women, people with disabilities, low-income people, and people of color.

According to disability advocates, nearly 10 percent of the 40 million Americans with disabilities do not have any state-issued photo ID. So I do not see how this legislation is going to ensure that they are not kept from exercising their right to vote. Again, it's a right. It's not a privilege. Plus, according to that same survey, one of every five senior women does not have a license.

What troubles me even more about the legislation is that it could mean, for so many, under this legislation, election workers will be responsible for determining identity; and that has never been part of their job as election clerks.

Now, I got a question.

SEN. FRASER: Is there a question coming? I'm looking for the question.
SEN. LUCIO: Yeah, it's coming up. I had
to --

SEN. FRASER: You've got about five or six
thoughts. I -- well, I'm going to --

(Simultaneous speaking)

SEN. FRASER: -- one of them. But you're
getting so many thoughts, I'll have trouble responding
to them.

SEN. LUCIO: What are -- what are they
going to do, Senator Fraser, when someone has
conflicting last names, conflicting last names on IDs,
on their voter rolls, and how many professional ballots
will be cast? Are counties ready to resolve all those
issues?

That might have been asked, I missed it,
and I apologize for that because we've been busy, as we
always are. But let me -- let me just ask this
question, as a follow-up.

(Simultaneous speaking)

SEN. FRASER: You've asked me 12 --

SEN. LUCIO: Go ahead and address --

SEN. FRASER: -- so far.

SEN. LUCIO: Go ahead and address that
one.

SEN. FRASER: Huh?
SEN. LUCIO: Okay. Well --

CHAIRMAN DUNCAN: Wait, wait, wait, wait, wait. Y'all are really crossing over to where you're not making a good record, so one at a time. I think Senator Fraser was answering a question; and if he could answer it and, Senator Lucio, you could follow with another question.

SEN. FRASER: And, Senator, if -- if you really do want an answer to questions, I would love to do one at a time because I actually --

SEN. LUCIO: Okay.

SEN. FRASER: -- you've asked so many questions, I can't remember --

SEN. LUCIO: Okay.

SEN. FRASER: -- the first one.

CHAIRMAN DUNCAN: All right.

SEN. FRASER: But --

CHAIRMAN DUNCAN: Wait. You're doing it again, Senator. If we could -- I'm going to stay on this because we do want a good record.

SEN. FRASER: If you'll just allow me to just answer a couple of them, and then we'll get them out of the way.

SEN. LUCIO: I'll take one at a time.

What are you going to do when someone has
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conflicting last names on their ID on the voter rolls?

SEN. FRASER: Okay. I'm going to start

even further back than that.

I -- the -- the first observation you made

is that we're making it harder than getting a driver's

license. That is totally incorrect. Driver's license

is one of the things we're offering, so whatever
difficulty it is to get a driver's license, once they

get it, that is their identification. So this is not in

any way harder than getting a driver's license.

No. 2, you made an observation about the

elderly. We have two different observations that --

that come into play here. First one is that at -- if

they're 70 years old on January 1st, 2012, they are not

subject to this bill, so they are -- they are operating

under current law. And then, also, we are not in any

way impacting the mail-in ballot system that is in place

today. Any elderly person that wants to vote by mail

would -- would have the ability to do it.

So, you know, those things, I think,

are -- the question you're asking, the third question,

about if the name does not match on the -- the ballot,

that's the same question that's been asked probably five
times already today. My answer continues to be the

same, as I've told everyone. We have the Secretary of
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1 State coming. I don't -- I don't know the -- the exact
2 ruling of what they -- the Secretary of State, slash,
3 the election administrator is how they determine that;
4 and I would like that question to be asked to the
5 Secretary of State, if possible.
6 SEN. LUCIO: Okay. That's fine, Senator.
7 To obtain a driver's license, you could
8 use nonphoto options. Correct?
9 SEN. FRASER: Senator, you can ask that of
10 the DPS.
11 SEN. LUCIO: I'm sorry?
12 SEN. FRASER: If you would -- DPS is going
13 to be here. I would ask you that you could ask the DPS
14 their procedures for -- for getting...
15 SEN. LUCIO: Okay. Well, I have
16 information to that effect, but it's all right. I'll
17 wait for DPS.
18 Let me ask a question on -- on where we
19 have been in this country and this state, and we don't
20 want to go.
21 But do you know what the 24th Amendment
22 did?
23 SEN. FRASER: I'm sorry. I do not.
24 SEN. LUCIO: It ended -- it amended the
25 constitution to allow -- outlaw poll taxes; and it did
so, and it ended in 1964. I was a freshman in college at the time, and you must have been junior high.

SEN. FRASER: I was four or five, then, Eddie, I guess. '64, I was 17 years old.

SEN. LUCIO: All right. I did a little research, Senator, on the poll tax in --

SEN. FRASER: 15 years old.

SEN. LUCIO: -- Texas history. It's something that personally hurts me. After all, my dad had to pay a poll tax which wasn't that long ago. I went to some of those elections with him because he wanted to show me and make sure that I got involved in the political process. I remember those elections, and my -- my mother voted, too. But it was -- it was a sacrifice, quite frankly.

Now, Texas adopted a poll tax in 1902. It required that otherwise eligible voters pay between $1.50 and $1.75 to register to vote. Now, $1.75 may not sound like a lot, but for a lot of families living on the breadline, it made voting a privilege instead of a right. Well, 1.75 -- $1.75 adjusted for inflation today is about 40 to $45. That means, Senator, that's a mean instrument -- excuse me -- using several ways of calculating, including the consumer price index.

Now, 40 bucks is a symbolic figure. A
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1 driver's license or ID today costs $25, even for a
2 renewal. And going to the DMV, which is Department of
3 Motor Vehicles, can take time. You're going to get
4 there, wait in line, return home, take off from work,
5 pay for the gas. Now, let's say it takes two hours.
6 Minimum wage in Texas is 7.25 an hour. So if you took
7 off two hours and paid for gas, you're looking at $40,
8 the same amount of the old poll tax would cost today.
9 Don't -- don't you find that kind of ironic? I do.
10 Under this bill, voters will effectively
11 have to pay the same amount to vote that minorities and
12 the poor had to pay in poll tax in 1902. I'm serious,
13 though. Forty dollars is a lot of money for a lot of
14 people in my district living paycheck to paycheck. You
15 can buy a week's shopping for 40 bucks. You're either
16 going to eat or you're going to -- you're going to vote.
17 That is the choice many will think about making.
18 The poll tax was outlawed in -- in the
19 1960s by the 24th Amendment. It was outlawed because
20 the nation understood that poll tax -- taxes served as
21 one purpose, to --
22 (Simultaneous speaking)
23 SEN. LUCIO: -- disenfranchise minorities
24 and the vulnerable.
25 I'm leading to another question, if I may.
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Texas has a history, unfortunately, in my opinion of voter suppression. Texas used the poll tax to suppress voters. In fact, Texas only ratified the 24th Amendment in 2009, 2009.

So what is to stop future legislators making a driver's license or an ID cost more than $25? We've talked openly over the last few months about raising fees to cover the back -- the budget hole. So, you know, it's -- it's happened with passports.

Passports keep going up and up in price. What if in the future, driver's license cost $125 or $300? Would it be a poll tax then? And would it be a poll tax then, Senator?

SEN. FRASER: Senator, this bill in no way envisions a poll tax. It has nothing to do with the fee that is charged. You're on finance. You're the one that has control over that. The bill we have before us today -- there's nothing you've talked about the last five minutes that has anything to do with this bill -- is that this bill is nothing more than showing your driver's license or a ID that we will give them free of charge that they can pick up after work that -- you know, when I was picking cucumbers and -- you know, in the afternoon, when I got off work, I could -- I still had time before seven o'clock to go down and -- to the

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1 driver's license place to get the driver's license. So
2 this has -- this bill in no way has anything to do with
3 a poll tax.

4 SEN. LUCIO: Well, and I -- I appreciate,
5 you know, what you're saying. However, I just want to
6 make sure that it doesn't get out of hand. And I would
7 ask you, possibly, if you would vote, you would be
8 prepared to work with me and others to -- in order to
9 draft a constitutional amendment that would make any
10 raise in fees associated with driver's license or state
11 ID only possible by a two-thirds vote of each chamber.
12 You think that we could work to that end?

13 SEN. FRASER: Senator, I'm -- I'm not
14 going to commit on anything. You're on finance. Y'all
15 are going to have to work through the issues of
16 balancing the budget.

17 The bill that I'm laying out today, I
18 think, is a very fair way for people to identify
19 themselves, that they can prove they are who they say
20 they are when they go to vote. The -- the thing that I
21 would let you know that, you know, I want to make sure
22 that every -- we've -- we've talked to senator -- you
23 know, the -- Davis has asked about women. I want to
24 make sure that women, men, Hispanics, African Americans,
25 Anglos, everyone in the state has the same opportunity

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to go in and make sure that their vote is counted. And
I don't -- the things you're talking about really are
not part or subject to this bill.

SEN. LUCIO: Well, a driver's license is
part of it, I believe, and I'll be --

SEN. FRASER: But -- but the cost of a
driver's license is determined by the Finance Committee.

SEN. LUCIO: When -- when -- when does a
driver's license expire? I was going to ask you that
question.

SEN. FRASER: When does it expire?

SEN. LUCIO: Yes, sir.

SEN. FRASER: You know, interestingly, I
was in -- looking at mine just then, in my office. I
got a new one this year, and it's good for six years.
So every six years, evidently. I'm -- I'm going to ask
DPS that, but my assumption is that a driver's license
is renewed to last for six years.

SEN. LUCIO: Well, we talked about senior
citizens. There are senior citizens, 60, 70 years old,
who used an expired driver's license as a form of ID.
That's where I'm going with my questions and my remarks.
Are they no longer -- they no longer drive, but they
still vote.

Now, under this bill, they will have to
renew their license in order to vote. Is that correct?

SEN. FRASER: You -- you've given a hypothetical, and I guess it's one of the things -- actually, we were in the back discussing a question that was brought up by Senator Davis about an expired driver's license and at what point should it be -- how long should it be used. I think someone used it for an extended period, like the example you're giving, for several years. Unfortunately, that's not a valid -- that would be considered a valid license.

SEN. LUCIO: I was under that impression or to renew their passport or -- which are seldom used by seniors.

SEN. FRASER: I disagree with that. I travel with a lot of seniors. I think there's a lot, you know.

SEN. LUCIO: Well, the ID. They use this ID for passports.

Well, I obviously have a bunch of other questions, but in the -- in the interest of time, I will address these to you in writing because I'm very, very concerned about, you know, some of the things that are going to be transpiring. I think Senator Davis touched on marriage -- the marriage -- marriage issues.

Or I'll give you one scenario, if I may.
Two citizens that are getting married. The woman getting married has decided to change her name. They get the marriage certificate. They get married and so on. But when the newlywed wife tries to vote, there is a problem. The name on her voter ID does not match the name on her voter registration. So maybe she did the right thing and changed her name on the voter ID, but before that, when she registered to vote, she had used her maiden name. Maybe she registered to vote with her new married surname but had not had yet changed her voter ID to reflect a change of name. Maybe there is no time to address it because she gets married in October.

SEN. FRASER: Senator, these --

SEN. LUCIO: Those are just scenarios that are coming up.

Others that I'm concerned with are the 18 year olds that are turning 18 thirty days inside of -- you know, between a primary and a general election. Many of them will not be able to register to vote.

There are so many different scenarios, Senator, and I'm very concerned about whether or not they will be disenfranchised. That's all. Thank you very much for your time.

CHAIRMAN DUNCAN: Senator Van de Putte?

SEN. VAN de PUTTE: Thank you,
Mr. Chairman.

Would author of the bill yield for some clarification?

SEN. FRASER: I would yield.

SEN. VAN de PUTTE: Thank you very much, Senator Fraser. I wanted to have a moment to clarify some of the conversation and the points that we had on our discussion earlier.

I thought that I had heard you say that the bill that we had in the 81st Legislature was actually modeled after Georgia. When after comparison, I think that it was actually modeled more closely after the Arizona bill, which is a Section 5 voting rights state as well. And so I wanted to clarify that, but I thought we had talked so much about the Georgia legislation. So the -- the bill, Senate Bill 362, was actually modeled more after Arizona's law.

SEN. FRASER: Senator --

SEN. VAN de PUTTE: And I --

SEN. FRASER: I am -- I don't want to disagree with you, but I don't think Arizona's ever came out of my mouth on this floor of the legislature about last year's bill or this bill.

SEN. VAN de PUTTE: No.

SEN. FRASER: I'm -- the -- the bill that
we modeled last year was a Texas model that we were moving forward, and whenever earlier you were addressing the Georgia bill -- you're a past president of NCSL, and I have the NCSL analysis here. And that's the reason I was confused because you were referencing Georgia, and I've got --

SEN. VAN de PUTTE: That's correct.

SEN. FRASER: The document that came from the organization that you chaired and that was the reason I was confused about what you were representing.

SEN. VAN de PUTTE: Well, Senator, you were confused, and I was confused. However, both -- I think we can both agree that your bill, Senate Bill 14, is more restrictive than current Georgia and Arizona law; that this is based after an Indiana model, but it is even more restrictive. I mean, you have a pretty tight vote --

SEN. FRASER: I -- I --

SEN. VAN de PUTTE: -- of the bill.

SEN. FRASER: I disagree with you on that, that there are -- are small things that we're different on, which basically is the number of things that you can use for identification. But there are a list. I think they have six in Indiana. We have four in Texas. We're under discussion about that four, should it be expanded.
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So saying that they're very different is not a correct observation. There is very small differences between the -- the Indiana, Georgia, or Texas. They're actually very, very much alike, and that also gives us the reason we believe it will be approved by the Supreme Court and DOJ.

SEN. VAN de PUTTE: Well, I wanted the opportunity to correct myself because Georgia only allows for an alternate two forms in a provisional ballot for first-time voters only, and so they do not allow -- and I stand corrected. You are correct that they don't have two forms of alternate that are not a photo ID. The only time in the Georgia law that they make reference to two forms -- and that's what I was looking at and they have other things that they can use, a bank statement, a current utility bill, a paycheck -- is when they are casting a ballot for the first time and they have -- they are new registrants and they don't have a photo ID.

So I stand corrected. You are correct in that for a provisional ballot, they do not allow two. The only time they do -- and I'm looking at their Senate -- their -- their bill -- is on a -- and I stand corrected. So I wanted to let you know that I misspoke. That is not correct. It's only the two alternate forms
when they're doing for first-time registrants.

SEN. FRASER: Thank you for that correction, and that -- that is -- the documentation I show does show that they require a photo ID.

SEN. VAN de PUTTE: And so I just want to thank you for the ability to clarify this and know that this is your -- this is a Texas bill, and it'll probably be known as the Texas bill. And -- and -- and to your credit, for every -- all the work that you've done, I believe it is very stringent in small ways in the wording. But for the groups of people that I think will have a burden, they -- they have no alternate means.

So thank you very much for the opportunity to clarify. And, Mr. Chairman, I don't have any other questions of the author.

CHAIRMAN DUNCAN: Senator Ellis?

SEN. ELLIS: Just a couple questions, Senator. I know you're tired. You've been up a long time.

From your opening statement, the primary reason for this bill is because of your concern about voter fraud. Right? Voter fraud, that's the primary reason --

SEN. FRASER: The integrity --

SEN. ELLIS: -- for the --

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SEN. FRASER: -- of the ballot, making
sure that the person that is trying to vote is who they
represent to be.

SEN. ELLIS: And if that's the case, why
wouldn't you apply a voter -- photo voter identification
requirement to mail-in ballots? Don't you think there's
probably room for more fraud for the mail-in ballots?

SEN. FRASER: I will support you a hundred
percent. You file that bill, you come forward with it,
and we'll talk about it. But this bill does not in any
way address mail-in ballots. This is only in-person
voter --

SEN. ELLIS: But you -- but you will
concede that there's probably room, just from a
layperson's perspective? Neither you nor I are experts
on it, and I'm just asking you to make the point. Will
you concede that there's room -- there's potential for
more fraud with a mail-in ballot than with somebody
showing up?

SEN. FRASER: I'm going to concede that
the bill that I'm laying out today will help a lot with
the in-person, you know, potential of fraud, and it will
make sure the person there is -- is who they say they
are.

SEN. ELLIS: If you just had to guess,
would you think people who are more apt to do a mail-in ballot would be people in the red jersey or the blue jersey?

SEN. FRASER: I wouldn't be apt to guess.

SEN. ELLIS: Do you care?

SEN. FRASER: Oh, I care a lot, but I'm not going to guess.

SEN. ELLIS: Okay. You heard the discussion earlier about the concern -- I think even in your district, some of those DPS offices, I think, on that map may be closing a few days a week. So you -- you did say that you have some concern about access for people to go and get --

SEN. FRASER: It -- it is a discussion going on, and it's -- you know, there -- I actually was grinning as they were talking about the -- the -- you know, the offices, is that I have the same challenge sometime; and, you know, you've got to work to make sure that they're open.

But that's a discussion we're having with -- with Senator Williams. He's having a discussion with DPS, and we're -- we're trying to look at, through his committee, the Finance Committee and communique with DPS, the -- the easiest way to make sure that everyone can -- can comply.
SEN. ELLIS: But you'll agree, it's a problem? There's some concerns about it?

SEN. FRASER: I don't know that I'll agree that it's a problem. Problem implies that, you know, there are -- everyone works through it. I've got a driver's license. You've got a driver's license. Probably, I would love for them to come in my office and take my picture, but it doesn't work that way. I have to go and put out the effort to go and get it. And that's the system we have, and we just need to make it as easy as possible.

SEN. ELLIS: Well, what prompted you, Senator, to carry this bill? I mean, was it something -- just laying up at night? Did somebody come to you? What -- you're such a handsome fellow, but why you?

SEN. FRASER: The -- and actually, I'll go back to -- you asked me the same question two years ago, and it's in the record. We just, you know, entered it. Actually, this is over a number of years, just watching and looking at articles of things that happened. Obviously, there's a lot of press about the -- the Carter-Baker Commission of concern, and I watched the issue. And it was being asked a lot, as I was speaking out in the district, is that when are we
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1  going to, you know, address it. And I thought -- I
2  thought the issue had matured, and I decided to file it.
3  If you -- if you remember, this is the third session I
4  filed this bill.
5
6  SEN. ELLIS: Well, I've always known you
7  to be a member, Senator, who digs into an issue. You --
8  you read a lot.
9
10  Why would you say a new photo ID? Why
11  wouldn't you just make a -- have a bill that has a
12  requirement that we put a photo on the voter
13  registration card? I mean, wouldn't you agree?
14  Probably more people have a voter registration card in
15  Texas than have a driver's license.
16
17  SEN. FRASER: That -- well, I don't --
18
19  SEN. ELLIS: Okay. All right.
20
21  SEN. FRASER: I don't --
22
23  SEN. ELLIS: You think more people in
24  Texas --
25
26  SEN. FRASER: -- think that's true.
27
28  SEN. ELLIS: -- have a driver's license?
29
30  SEN. FRASER: I don't -- I'm having the
31  chairman of the committee that is over it --
32
33  interestingly, I want you to think about what you just
34  suggested, is that driver's license is going to be the
35  easy form of identification. We -- we know that 90-plus
percent of the people -- and I think the number is
probably higher than that -- have a driver's license in
Texas.

But if you're going to put a picture on a
voter registration, that means that every single person
that's registered to vote has to go back in, have a
picture made, have the cost of putting it on there. So
it's not only the cost --

SEN. ELLIS: Let me try it a different
way. Do you think that more people who are registered
to vote -- you think that more people who are registered
to vote would have the voter registration card than a
driver's license?

SEN. FRASER: Say it again. Do it one
more time.

SEN. ELLIS: Do you -- would you agree
that more people --

CHAIRMAN DUNCAN: Senator? Senator Ellis,
y'all are talking over each other. If you --

SEN. ELLIS: Oh, are we? Should I back
up?

CHAIRMAN DUNCAN: Yeah -- no. No.

Just --

SEN. ELLIS: I'll talk slower.

CHAIRMAN DUNCAN: -- when he starts to
answer the question, let him answer it and then ask another question so only one person is speaking at a time.

SEN. ELLIS: Okay.

CHAIRMAN DUNCAN: Thank you.

SEN. ELLIS: Are you through?

SEN. FRASER: I'm not even sure what the question was.

SEN. ELLIS: The question is, would you agree that more people who vote have a voter registration card than a driver's license? They'd have to because you've got to -- you're supposed to go get a voter registration to be able to vote.

SEN. FRASER: Can I answer your question?

SEN. ELLIS: Yeah.

SEN. FRASER: I'm -- I'm sure everyone at some point were mailed one, but it has been years since I walked in with a voter registration card. I show my driver's license when I vote, and I would say probably that is -- do you show yours, or do you show your driver's license?

SEN. ELLIS: I show my driver's license.

SEN. FRASER: Well, there's -- but you have -- you probably were mailed a voter registration.

SEN. ELLIS: I have both.
SEN. FRASER: Okay.

SEN. ELLIS: Let me ask you this: There's an article in today's paper. It says nearly 650,000 Texans who refuse to pay surcharge penalties for drunken driving, no insurance, and other violations are being offered a one-time amnesty by the state. Those offered amnesty represent just over half of the estimated 1.2 million Texans in default. It talks about what they owe the state. But all of these folks who are in default, because we balanced the budget in '03 with surcharges for people who have a license, all have had their licenses suspended for not paying. So would that concern you any that, at least, according to folks who go get amnesty, that's 1.2 million. That would be more than that. There's 1.2 million owes the state X amount. That's what this article is about.

But would you concede it ought to be a problem because we've got a lot of people who had a driver's license, I assume the one's who owe the surcharges are -- you know, maybe a disproportionate number of them are folks who didn't have the money to pay the surcharges. Maybe some of them were just civil libertarians, didn't like the bill and wouldn't pay it period. But a lot of them are probably working-class people who can't pay it. So at least over 1.2 million
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1 Texans since 2003 have gotten their licenses suspended, so they will no longer have a valid driver's license that they could use to go and vote like you and I do. Does that concern you?

5 SEN. FRASER: Well, first of all, if -- if some reason it's a felony, that -- of the crime that they're not paying for, I'm not sure that they -- I guess I'd question whether they're eligible. I don't know the answer. We'd ask the Secretary of State that.

10 SEN. ELLIS: I don't think --

11 SEN. FRASER: But the easy answer to your question is, we're going to give them an ID free. So if they've lost their driver's license, all they got to do is go back down and get a free ID. We'll hand them a new one.

16 SEN. ELLIS: So you think the over 1.2 million people who had their licenses suspended because of the surcharges this legislature put on them in 2003 is not -- they haven't been convicted of a -- of a felony. That's not on their record, but their license has been suspended. They're being offered amnesty, according to the article in today's paper. You think that those folks would go and get this new ID? You don't think they'd be worried about showing up and somebody saying, "Hey, by the way, now that I know where

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you are, I want my money. I want some of this 1. --
$1.1 billion that you owe to the state"?

SEN. FRASER: I'm not advised.

SEN. ELLIS: Okay. One distinction,
obviously, is these people still have a constitutional
right to be able to vote.

One last point. On the exemption for the
elderly, I don't know if I'm reading this right or not,
but in your mind, is that a one-time exemption or would
people over -- I think you and Senator West were going
through the age deal earlier, and we have to find out
from the Secretary of State which one of you hits 70
first. But if you have -- the way I read your bill, if
you don't hit 70 before that date in January, I believe,
of 2012, then it wouldn't apply. So anybody on this
floor who will be over 70 at some point or any of your
constituents who will hit 70 after that date in January
of 2012, would not have that exemption. Is that
correct?

SEN. FRASER: Yes.

SEN. ELLIS: So your intent is that one
time.

SEN. FRASER: No, it's not a one-time at
all.

SEN. ELLIS: Continuous for people who are
already 70 after January of 2012?

SEN. FRASER: If you're 70 on January 1, 2012, you will be subject to current law the rest of your life.

SEN. ELLIS: Okay. I want to make sure that's clear, because some folks have --

SEN. FRASER: If you're 70 on that --

SEN. ELLIS: -- called my office from AARP --

SEN. FRASER: Yes.

SEN. ELLIS: Okay.

SEN. FRASER: Yes.

SEN. ELLIS: So it's not for all people over 70. Just those who will hit 70 by January of 2012.

SEN. FRASER: If you're 70 on January 1, 2012, you will be subject to the -- the -- not be subject to these provisions. You basically will be operating under current law for the rest of your life.

SEN. ELLIS: Are you confident, Senator, that your bill would not have a disparate impact on the elderly, on women, on those that are physically challenged, on racial ethnic minorities?

SEN. FRASER: I am --

SEN. ELLIS: Are you confident?

SEN. FRASER: -- absolutely sure. I would
not have filed the bill if I had thought it -- I want to make sure that every person in the state has a right to vote. The -- not -- you know, the right that we extend them, they should have that, and I do not believe that in any way we're impacting that and that -- that -- you know, I want to make sure that the groups you're talking about, you know, women, minority, elderly, that they all have the right to vote; and I believe my bill does that.

SEN. ELLIS: Okay. And I know that's your intent.

SEN. FRASER: Yes.

SEN. ELLIS: But you're confident that it will have no impact?

SEN. FRASER: I'm very confident.

SEN. ELLIS: Okay. To that end, would you have a problem with putting a provision in this bill so that the Secretary of State would do an annual report on whether or not this bill has had a disparate impact?

SEN. FRASER: I think we're going to get our report back from the -- assuming it gets to the Supreme Court and Department of Justice, I believe we'll get our report card from that. And then through time, if there are -- and I'm going to go back to the examples of Indiana and Georgia. To my knowledge, there has never been a person that has reported that had a
problem -- came forward because they had a problem with
the laws they've, you know, implemented. We're doing
exactly the same thing.

So I think you and I, as legislators, if
there's a problem, will hear about it. And I would not
want to put the burden on an agency. You know, if we
hear about it, then we can do that in the future.

SEN. ELLIS: Maybe I'm just at a loss. If
you -- I know your intent, and you are confident your
bill will not have a disproportionate impact on certain
groups. I mean, were the concern be the methodology,
you could design that. But what would be wrong with the
Secretary of State doing an annual report on whether or
not this bill has a disproportionate impact on any
groups of people so that we know? What -- I mean, you
know, we -- oftentimes we pass -- I think we even have
a -- I think it might have been Shapleigh who put it in
some time ago, when we do a tax bill as a requirement,
that we have LBB do a disparate impact statement just so
we know because as you know, I mean, we're tinkering
with a constitutional right.

And, Senator, I might add, we're in a
state -- well, you know the history. I mean, initially,
you had to be a property owner to vote or you had to be
a male to vote, had to be a certain color to vote. Now,
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over time, that has gotten better; but in our southern
states, in particular, it has not been an easy journey
to get to where we are. So what -- what would be wrong
with just simply coming up with some simple methodology
and let the Secretary of State do that?

SEN. FRASER: We have a simple
methodology. It's called going into a session on the
second Tuesday of every -- you know, every odd year.
And you, as my desk mate, sitting beside me, I feel very
comfortable that we'll -- we'll get that -- you know,
we'll look at it every couple of years. So I -- I think
the fact that we come back in, we're going to be given
the opportunity every two years to -- to re-examine.
And there will be discussion about this, of whether it's
working or not.

SEN. ELLIS: To implement your bill,
you're going to use federal money to be able to do it.
Where would that money be used if it was not going to be
used to implement this new system?

SEN. FRASER: Well, obviously -- and,
again, I don't want to speak for the Secretary of
State's office. When they're here, they can give you an
ideal. But if there's a pretty good-sized pot of money
that's sitting there that we haven't spent yet and
we're -- you know, we're pretty good about being

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creative about, you know, where you spend money. So I'm assuming that money is restrictive about where they can spend it, and I think probably this is a -- an application where it fits.

And I guess to answer to your question, I don't know. You can ask them, but I think this is a good place to spend it.

SEN. ELLIS: Would a new change go into effect in the next cycle?

SEN. FRASER: I'm sorry. Do that again.

SEN. ELLIS: With a new election change, a major requirement going into place for the next cycle with new districts, you and I have new districts, do you think it would make sense to give people the ability to register on that day with the photo ID you're requiring?

SEN. FRASER: No.

SEN. ELLIS: So could you go in and register on that day because some people are just maybe confused about this new requirement we're putting in place?

SEN. FRASER: We're going to spend a lot of time and hopefully dollars educating both the public and the -- the workers, and I think the system will work very well like it is.

SEN. ELLIS: Your bill looks -- I mean,
it's obviously a bit more stringent, bit more onerous than the bill you had last session. And based on the questions with you and, I think, Senator Van de Putte earlier, it looks like this bill is also more stringent than the Indiana bill that you modeled it after.

SEN. FRASER: That -- you missed the conversation we just had with -- with Senator Van de Putte. That is not the case. It actually is -- is a very, very small change between --

SEN. ELLIS: They take student --

SEN. FRASER: Huh?

SEN. ELLIS: They take student IDs --

SEN. FRASER: Well, I --

SEN. ELLIS: -- in Indiana?

SEN. FRASER: We -- we have four forms of IDs in this bill that we're accepting, but we're also listening to the debate. Indiana has six forms. Georgia I think expands it to about eight. So it's the number -- the type of, but they're all photo -- government-issued photo IDs.

SEN. ELLIS: Okay. So I guess when I say it's more onerous, there are more people in Texas who would have a student ID than a passport.

SEN. FRASER: Not advised.

SEN. ELLIS: Okay. Do you know how many
Americans have a passport?

SEN. FRASER: Not advised.

SEN. ELLIS: Well, I know from the press counts, you and I have one. But -- but I'll just tell you --

SEN. FRASER: We don't -- we don't talk about that.

(Laughter)

SEN. ELLIS: We've gone to a few places together.

Six percent of the people, I think, in America have passports. I think about the lowest percentage for most nations in the top 20, 6 percent of the people in America have passports. So I guess I'm saying, why would you choose that as one of your forms of ID as opposed to a student ID when you know we have problems getting young people sometimes to focus for more than a week? But folks who have a passport, you've got to be fairly worldly, shall we say, to go get a passport. And if the number is 6 percent in America, I'm just guessing less than 6 percent of the people in Texas have a passport.

SEN. FRASER: We know the people that are issuing the passports. We don't know where all the student IDs are coming from because not all student IDs
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are issued with, you know, our -- our input. So the
easy answer to that is that we want to make sure that we
have something that is easily recognizable to the poll
worker, and we can verify that it is -- it is valid.

SEN. ELLIS: What if we tried to put in a
student ID from a state institution so at least we did
that.

SEN. FRASER: Senator, if you want to
offer amendments, as I told Senator Gallegos, I draw
them up, get it to you where I can look at it and get
plenty of time to look at it. There's -- you know,
we're going to look at every amendment. If you -- you
know, you can throw anything out. We'll discuss it.

But, I mean, the thing we're trying to do
is we're trying to make it easy as possible on the
Secretary of State and the poll worker as we implement,
making sure that it's easily identifiable but also, you
know, is good public policy.

SEN. ELLIS: Well, I'm just asking -- now,
I hate to take your time, but, I mean, you -- you put it
on the fast track. I mean, I -- I'd like to be working
on the budget or something else, but --

SEN. FRASER: I didn't put it --
SEN. ELLIS: -- since you put it on the
fast track.
SEN. FRASER: I didn't put it on the fast track. I'm -- you know, I did not put it on the fast track. I think the -- the person in the center office put it on a -- as an emergency bill and --

SEN. ELLIS: So you really don't want to do this, do you?

SEN. FRASER: I am standing here explaining it to you because I think it's good public policy.

SEN. ELLIS: I'll leave you alone after this one.

But based on the election results of the last cycle, what fraud will your side of the aisle be worried about? Senator Whitmire raised that with me the other day. I'm saying this: As well as your side did, seems like my side ought to be a little bit more worried about if there was some fraud.

SEN. FRASER: I think if you look at the polling in your district, your district is worried because they're telling you you need to vote for it; and I'm telling you, you're on the wrong side of this issue.

SEN. ELLIS: I respectfully would say you ought to be a little careful with that notion of what polling data says. I'm willing to bet you, Troy, when our predecessors stood on this floor and sat in these
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seats and passed most of the restrictions, that at some
point were in state law, the polling data indicated they
were on the right side of history; but you and I know
they were on the wrong side of it.

SEN. FRASER: All I can tell you is the
question's pretty straightforward. It said -- they
asked the people in your area, "Should you have to show
a photo ID when you vote?" And the number across,
Republican, Democrat, Hispanic, African American,
others, were overwhelming.

SEN. ELLIS: Well, let me ask you this:
If I come up with some polling data that says they would
support same-day registration, recognizing student ID,
exempting people over 70 forever, not just for those who
hit 70 before the next election cycle, to what extent
would you be voting based on what the polling says?

SEN. FRASER: Well, come -- come forward
with your data. But I can tell you the things you've
mentioned, the only one that is applicable to this bill
is the -- the elderly because the same-day voting, those
other things, that's another issue for another day.

Doesn't fit on this bill.

SEN. ELLIS: Thank you.

CHAIRMAN DUNCAN: Chair recognizes Senator
Zaffirini.
SEN. ZAFFIRINI: Thank you,

Mr. President -- or Mr. Chairman.

Senator Fraser, my first questions will focus on the criminal justice impact, if you have a copy of that.

SEN. FRASER: Well, excuse me, before you -- what your first question should be, do I still have my thick book that you were impressed with last time. My --

SEN. ZAFFIRINI: Yes. I was --

SEN. FRASER: I reread the data last night that you were going to instruct your staff asking them why you didn't have one.

SEN. ZAFFIRINI: Well, good. I wish you had it again.

SEN. FRASER: I do have it.

SEN. ZAFFIRINI: Good.

SEN. FRASER: Right here.

SEN. ZAFFIRINI: Good.

SEN. FRASER: I was -- oh, go ahead, please.

SEN. ZAFFIRINI: But do you have a copy of your criminal justice impact statement?

SEN. FRASER: I do now.

SEN. ZAFFIRINI: My first questions will
focus on that.

In the first paragraph, you'll see that it states very clearly that the punishment for attempting to vote illegally would be enhanced from a Class A misdemeanor to a state jail felony, and the punishment for illegal voting would be enhanced from a third degree felony to a second degree felony. What would be the impact on our state budget of increasing those penalties?

SEN. FRASER: I'm sorry. I'm not advised as the impact on the budget, as you know. You're on finance, I'm not. You would know that.

The second question I'm assuming you're asking is, why we would consider doing this? Actually, these suggestions were brought forward by Democratic members of your delegation that said, "Why don't we go ahead and increase it?" So we increased the penalties for fraud. So the recommendations on doing this, it actually was across the board. We had people on both sides, but there was recommendations that we increase these penalties.

The impact of the cost to the budget, I'm sorry, I'm not advised. My job is to make sure the public is well served, and if someone commits fraud by -- by voter impersonation, that the penalties are
SEN. ZAFFIRINI: But I am concerned about this, Senator, and I don't know what Democrat or what Republican asked you to make those changes. I was not privy to that conversation.

But if you look at the last paragraph, it says: Increasing the penalty for any criminal offense is expected to result in increased demands upon the correctional resources of counties or of the state due to longer terms of probation, of longer terms of confinement and county jails or prison. And then it also states: When an offense is changed from a misdemeanor to a felony, there is a transfer of the burden of confinement of convicted offenders from the counties to the state.

So earlier there was senators who talked about unfunded mandates for the counties, but in this case, we are -- we seem to be relieving the county of some of its burden but then increasing the burden to the state. And my question remains: At what cost?

Now, this bill, were it before the Finance Committee, we would have a fiscal note; but because it's not, it's because it's before the Committee of the Whole. We are restricted to the fiscal note that we have here, and it's strange that we don't have a
connection between the cost of the criminal justice impact and the fiscal note. It seems that there's two independent documents, as they should be, but it seems to me, that the fiscal note should reflect the cost that is defined or, at least, specified in the criminal justice impact statement.

SEN. FRASER: Well, and I think the easy answer to that -- I'll -- if someone else, if -- we may defer to Senator Williams, if he wanted to comment, or another member.

But I think the easy answer to this is that if we implement the photo ID, it's pretty straightforward, that someone -- if they're going in, if they have a driver's license and they're -- you're attempting to vote, that there's a good assumption that the driver's license is valid, that they are who they say they are. So I'm -- we're hoping that the deterrent will be that people will not try to vote fraudulently, that the ones that are voting will be valid voters, and we don't have a lot of people going to prison because hopefully, they won't try to vote illegally. I -- that's the hope.

SEN. ZAFFIRINI: Well, actually, Senator, that is why some of us are opposed to this bill because we don't understand the problem that has been defined.
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For example, in that same paragraph, it says: In fiscal
year 2010, less than five people were under parole or
supervision for illegal voting. In fiscal year 2010,
five offenders were placed on community supervision, and
less than five offenders were released from community
supervision for illegal voting or attempting to vote
illegally; and then more important, in fiscal year 2010,
less than five people were arrested for illegal voting
or attempting to vote illegally.

So it seems to me that this criminal
justice impact statement makes the point that there
isn't a problem, especially if you look at the last
sentence: It is assumed the number of offenders
convicted under this statute would not result in a
significant impact on the programs and workload of state
corrections agencies or on the demand for resources and
services of those agencies. So if they don't see an
increased demand in this area because they don't see
people being arrested, then where's the problem?

SEN. FRASER: Well, and I guess I just
disagree with your analysis of this, is that voter
fraud, under current law, that our laws are so weak,
it's virtually impossible to -- to catch one and
convict; and that's the problem we're trying to address.

SEN. ZAFFIRINI: Well, okay, Senator.
Thank you.

My next questions will focus on the fiscal note. Do you have a copy of the fiscal note?

SEN. FRASER: I do. Somewhere.

SEN. ZAFFIRINI: I'll wait till you get it.

SEN. FRASER: Yes.

SEN. ZAFFIRINI: You have it?

SEN. FRASER: I have.

SEN. ZAFFIRINI: So the fiscal note shows $2 million but all in fiscal year 2012. Why aren't these recurring costs? Is that because the photo ID card is issued in perpetuity, or it doesn't have to be renewed?

SEN. FRASER: Senator, again, you're -- you're a member of finance who would know. You know, this comes from LBB which did consultation with the affected parties, which are Secretary of State, DPS. We're going to have expert witnesses who will come up in a minute --

SEN. ZAFFIRINI: Okay.

SEN. FRASER: -- and they will explain how they delivered that data. I think probably what you're going to hear from them is that a lot of the initial cost would be in the education of the -- the --
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Secretary of State educating both voters and poll workers and any initial -- the free cards that we're giving out, there will be more, probably, the first year than other years. I'm -- I'm assuming that's it, but I think I'd ask that question of the Secretary of State and DPS.

SEN. ZAFFIRINI: Well, but, again, the fiscal note is submitted to the chair of the committee that hears the bill. You'll notice at the top of Page 1, it is directed to Robert Duncan, chair of the Senate Committee of the Whole, not to Senator Ogden, chair of Finance. And so it is not for the Finance Committee to consider the costs and the implications of these policy changes, but it's up to the Committee of the Whole; and we are the ones who have this fiscal note.

And I challenged the fiscal note last time. Remember it was zero, and I couldn't believe it? And I asked you questions about that, and I just couldn't believe it. And so now, all of a sudden, it's a fairly similar bill. Many would say more restrictive, but now it has a fiscal note of $2 million.

And did you say earlier, Senator, that this cost would be covered by HAVA funds?

SEN. FRASER: And -- and the difference
between this year and two years ago, I think the
assumption last year -- two years ago is that they would
just be able to use the HAVA funds. And, again, I think
you probably should ask the Secretary of State.

I believe since then, they have made a
request of HAVA requesting that, and HAVA's response, I
believe, is that they will wait until the bill is
passed. And when the bill is passed, then they will
make a determination on whether you could use the -- the
money. But we're also looking at history of other
states. They have been allowed to use HAVA money.

But, again, I think I'd ask the Secretary
of State that question.

SEN. ZAFFIRINI: Well, as the author of
this bill, would you prefer that the state pay this
$2 million in costs, or would you prefer that we use
federal funds?

SEN. FRASER: I would prefer the money
that's sitting over here in a pot at the Secretary of
State -- that has not been spent; obviously, I'd much
rather use that.

SEN. ZAFFIRINI: Do you know, Senator,
what the HAVA funds are used for?

SEN. FRASER: For educating -- it's the --
help America vote. It's to encourage voting.
SEN. ZAFFIRINI: So basically, if we use
the HAVA funds for this purpose, we are repurposing the
HAVA funds that are already there and intended for
things like new equipment and ongoing training programs?

SEN. FRASER: Senator, I don't think -- I
think the decision will be made by the federal agency
that sent us the money, the HAVA people; and if they've
already authorized other states to use this for voter --
it's for voter education, and this would fall in the
area of voter education, I would assume.

SEN. ZAFFIRINI: Well, it's my
understanding, Senator, that it is for the state to
submit a plan. The federal government doesn't tell us
what to do in that area, not that it doesn't tell us in
other areas.

SEN. FRASER: And, Senator, I hate -- it's
the same answer I've given multiple people before, is
that the Secretary of State will be coming up. I think
that's the person to address this.

SEN. ZAFFIRINI: Do you have any
suggestions regarding the training that is referred to
on Page 2 of the fiscal note, local government impact?

SEN. FRASER: I do not. That, again,
will -- it is the job of the Secretary of State to
administer that, recommend the training, and I believe
they have the authority under current law.

SEN. ZAFFIRINI: And you have no information, then, about any recurring costs that we should worry about?

SEN. FRASER: I have none.

SEN. ZAFFIRINI: And to whom would you refer us on that issue?

SEN. FRASER: On recurring costs?

SEN. ZAFFIRINI: Uh-huh.

SEN. FRASER: Could you give me an example? I don't -- I don't think I --

SEN. ZAFFIRINI: Well, the fiscal note shows all the expense in fiscal year 2012, and then it doesn't show any other expenses --

SEN. FRASER: I --

SEN. ZAFFIRINI: -- beyond that.

SEN. FRASER: I would ask the Secretary of State or DPS.

SEN. ZAFFIRINI: It just seems to me, Senator, that there will be recurring costs because one example would be the State's responsibility to provide free photo ID cards on a recurring basis to the significant portion of our population that moves regularly. They move from one part of the state to another, and they might need a different card in that
area. And that would be a recurring cost, would it not?

SEN. FRASER: Senator, since 2006, there
have only been 37,000 people that registered to vote
that did not have a current driver's license. That --
that's in the last five years. So the assumption is,
the number that is coming into the system that would not
have a card, the number is very low. The cost of that
card is not a huge number. So actually, the amount that
it would cost to take care of them is a -- not a large
number.

SEN. ZAFFIRINI: What I'm worried about,
Senator, as a member of the Finance Committee, is
unintended consequences and unexpected costs. Not
unexpected because we don't foresee them and can't
identify them, but because of the criminal justice
impact statement and because of the fiscal note that we
have that simply don't address these issues.

For example, Line 12, Page 12 of the bill,
you refer to the cost of the get-out-the-vote efforts;
and basically, the fiscal note states: The analysis is
incomplete because, quote, it is not known how many
voter registration drives or other activities designed
to expand voter registration would occur. So we don't
ever have an estimated cost of one voter registration
drive. And if it is our intent to ensure that we have
more, we're not considering the cost, it seems to me
that we are being irresponsible in terms of identifying
the exact cost or the best estimated cost of this bill.

SEN. FRASER: And we are -- have the
benefit of not being the first one to implement this.
We don't have to reinvent the wheel. We can look at the
history of states that have implemented, like Indiana,
Georgia, and others, look at common things that have
happened there. We're going to have a person from
Indiana here. I think it -- that would probably be a
question you might ask, is the reoccurring cost, because
they've had this in effect. I believe they passed it in
2006.

SEN. ZAFFIRINI: But, of course, when we
talk about other states, including Indiana, we -- Texas
is much bigger and much more diverse; and so our
problems will be very different, our challenges will be
very different, and I believe our costs will be
significantly higher. But, again, I'm concerned as a
member of the Finance Committee.

But speaking of costs related to other
states, are you aware, Senator, that in many, if not
all, of the states that have implemented photo ID bills,
including those with less restrictive laws than the one
that you propose, they have been challenged in court.
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1 What costs are we anticipating regarding being
2 challenged in court because of this bill?
3 SEN. FRASER: I'm -- I'm not advised, that
4 you're making an assumption we'll be challenged, and
5 I'm -- I do not -- I'm not advised.
6 SEN. ZAFFIRINI: I think it's a pretty
7 safe assumption. Indiana was challenged, and as I said,
8 many, if not all, of the states that have implemented
9 these bills have been challenged.
10 So I think, again, as members of the
11 Finance Committee, as members of the Senate, even those
12 who are not members of the Finance Committee, should
13 look at that as a possibility and certainly should
14 consider the costs. Is this where we want to spend our
15 money? Even the $2 million. What if HAVA funds are not
16 used for this purpose? Is this where we want to spend
17 the $2 million and significantly more in defending the
18 bill instead of addressing the other issues that we are
19 facing right now because of economic crisis in Texas?
20 SEN. FRASER: Was that a question?
21 SEN. ZAFFIRINI: Yes. Is it?
22 SEN. FRASER: Is what? Should --
23 SEN. ZAFFIRINI: Is this where we want to
24 spend our money?
25 SEN. FRASER: It's -- the decision on
that, you know, I'm not on Finance, you are. You're --
you're -- you're asked to make those hard decisions. So
that, I would -- you know, that'll go back to the
Finance Committee.

    SEN. ZAFFIRINI: Okay.

    SEN. FRASER: But you're also making an
assumption that there's going to be an expense, which I
don't think there will be one because I think we'll be
able to spend the HAVA funds.

    SEN. ZAFFIRINI: All right. Well, we
disagree on those. I think those assumptions are fairly
safe.

    Senator Fraser, Senator Van de Putte
distributed this map earlier. Have you seen this map?

    SEN. FRASER: I have not.

    SEN. ZAFFIRINI: Basically, it shows
her -- if my -- Mr. Chairman?

    CHAIRMAN DUNCAN: Senator Zaffirini?

    SEN. ZAFFIRINI: If I may direct a
question to Senator Van de Putte?

    CHAIRMAN DUNCAN: Pardon?

    SEN. ZAFFIRINI: If I may direct a
question to Senator Van de Putte?

    CHAIRMAN DUNCAN: Senator Van de Putte
doesn't have the floor.
SEN. ZAFFIRINI: That's why I'm asking.
SEN. FRASER: And -- and I won't yield.
SEN. ZAFFIRINI: You won't yield?
SEN. FRASER: No, I will not yield.
SEN. ZAFFIRINI: All right.
SEN. FRASER: You -- I'll be glad to answer the question.
SEN. ZAFFIRINI: All right. I simply wanted to ask if she planned to distribute this, and if so, I wasn't going to address it.
CHAIRMAN DUNCAN: If you want to introduce the exhibit, you're welcome to do so. We've marked it, I think.
SEN. ZAFFIRINI: All right. Then I would like --
SEN. FRASER: Senator, I'm sorry. I have a map in front of me. I had not seen it, so --
SEN. ZAFFIRINI: All right. Well, Senator Van de Putte has indicated that I can request permission to introduce this as an exhibit.
CHAIRMAN DUNCAN: Okay. I think it's been marked, and would you -- would you bring it down, please?
SEN. ZAFFIRINI: I believe Senator Van de Putte has a clean copy. And this is a map that Senator
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Van de Putte had developed, and it's titled, "Counties With Department of Public Safety Driver's License Office Closures."

My question, Senator Fraser, would focus on my district. For example, in my district, which comprises 16 counties and part of Bexar, Northeast Bexar, there is one county that has wheelchair accessibility barriers; there are two counties that have absolutely no driver's license offices; there are four that have offices that are temporarily closed; and there is one that has an office that is open three days or fewer each week. And so you can see the accessibility issues that we're dealing with, and you can -- when you get the map -- oh, you do have a copy of the map. You can see the difference throughout the state. There are some states that you can see have a lot of pink, a lot of blue, a lot of green, and then -- counties, rather -- and there are others that are just white, that have absolutely no barriers.

So, Senator Fraser, looking at this map, are you concerned that this bill would impact certain counties that have a problem related to the accessibility to driver's license offices?

CHAIRMAN DUNCAN: Senator Zaffirini, if I could -- before you get an answer to that question,
let's get it in the record so everybody knows what we're talking about.

SEN. ZAFFIRINI: All right.

CHAIRMAN DUNCAN: It's Exhibit --

SEN. ZAFFIRINI: Mr. Chairman?

CHAIRMAN DUNCAN: It's Exhibit 6, I believe. Is that correct? It's not the two that you've previously submitted.

SEN. ZAFFIRINI: No.

CHAIRMAN DUNCAN: Is that correct?

SEN. ZAFFIRINI: It's Exhibit 6, then, according to --

CHAIRMAN DUNCAN: Okay.

SEN. NELSON: Mr. Chairman?

CHAIRMAN DUNCAN: And for what purpose?

SEN. NELSON: It's me, and to ask Senator Zaffirini a question or to point out that some of us do not have a copy of this map.

CHAIRMAN DUNCAN: Okay. Well, that would be a parliamentary inquiry and --

SEN. NELSON: Then I would like to make that.

CHAIRMAN DUNCAN: That's what I'm trying to clear up, is I'm trying to get the exhibit in so that we can distribute it so that everyone can understand
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1 what the questions are.
2 Would you identify it, please? What's the
3 title of it?
4 SEN. ZAFFIRINI: Yes. It is titled,
5 "Counties with Department of Public Safety Driver's
6 License Office Closures." It is a map of Texas showing
7 this -- these issues, and it was developed by Senator
8 Van de Putte. I had assumed that she had introduced it
9 into the record or had planned to, but I'm happy to do
10 it.
11 CHAIRMAN DUNCAN: Okay. Do we have
12 copies?
13 SEN. NELSON: We don't. Only the
14 Democrats do.
15 CHAIRMAN DUNCAN: Okay. Well, here's what
16 I would suggest so that other members have an
17 opportunity to follow your questions and the answers,
18 that we at least get copies of that exhibit and
19 distribute it, if we could do that. And then, so if we
20 could defer on that until we get that done, Senator --
21 SEN. ZAFFIRINI: Certainly.
22 CHAIRMAN DUNCAN: -- that would be
23 helpful.
24 SEN. ZAFFIRINI: Absolutely. No problem,
25 Mr. Chairman.
Moving right along. I do have exhibit --

I guess it's 4 --

CHAIRMAN DUNCAN: We do have --

SEN. ZAFFIRINI: -- and Exhibit No. 5 that

I'd like to enter into the record --

CHAIRMAN DUNCAN: Okay.

SEN. ZAFFIRINI: -- at this time. And

I'll wait until they're distributed, if you -- if I may

be permitted.

CHAIRMAN DUNCAN: Would you identify

Exhibit 4, please?

SEN. ZAFFIRINI: Certainly. Exhibit 4 is

a copy of a driver's license with personal information

obliterated.

CHAIRMAN DUNCAN: Thank you. And

Exhibit 5?

SEN. ZAFFIRINI: Exhibit 5 is a letter

directed to me, which I received today, from Spencer

Overton, professor of law at the George Washington

University Law School and a member of the Carter-Baker

Commission on federal election reform.

CHAIRMAN DUNCAN: All right. Those

exhibits will be received in the record and distributed

to the members.

(Exhibit Nos. 4 and 5 marked and admitted)
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CHAIRMAN DUNCAN: Senator, you're -- you can --

SEN. ZAFFIRINI: Thank you.

CHAIRMAN DUNCAN: -- continue on those exhibits.

SEN. ZAFFIRINI: Senator Fraser, thank you for your courtesy and for your patience and your stamina. I'm impressed, as always.

On Page 4 of your bill, Senator Fraser, Line 8, it states that "and the voter's identity can be verified from the documentation presented under Subsection (b), the voter shall be accepted for voting."

Can you describe what training the poll workers would receive to ensure that they are trained in identification verification?

SEN. FRASER: Senator, you're moving faster than I can. I'm on Page 4. Where are you referring?

SEN. ZAFFIRINI: Line 8 of the bill.

Well, basically, that's all it says, that if the voter's -- that "If the voter's identity can be verified from the documentation presented, the voter shall be accepted for voting." That's the only part that I'm quoting, and then I'm asking what kind of training the poll workers would undergo in identification verification.

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verifcation.

SEN. FRASER: Great question to the
Secretary of State.

SEN. ZAFFIRINI: To the Secretary of
State.

Do you worry at all, Senator, and I
know -- I believe it was Senator Davis who asked this
question earlier: Do you worry at all about people who
don't look like their driver's licenses at all?

SEN. FRASER: I'm sorry. I -- there's so
many things to worry about in life, that's -- you know,
the -- the question you're asking, I think, is covered
by the Secretary of State; and I believe they would make
a determination.

SEN. ZAFFIRINI: Well, Senator Fraser, I
have distributed Exhibit 4. Would you take a good look
at that, please?

And, Members, I ask you to please look at
my Exhibit 4 and look at the photograph of this driver's
license. Has anyone of you ever seen this person
before? He looks familiar?

SEN. FRASER: Yes.

SEN. ZAFFIRINI: Can you identify this
person? I'd like to ask this person to stand.

(Unidentified person stands)
SEN. ZAFFIRINI: Take a good look. Look at that picture. Look at him. That's right. That -- and this picture was taken in 2006. Now, if I didn't know Ray, who is my chief of staff, and I were to look at this picture, I would say, "You're not verified. You can't vote. You're an imposter." Look at the difference. Total difference, and yet this photograph was taken in 2006, and so it's current, it's valid. And you can see if we who know him and have seen him, see him every day, don't recognize his picture, imagine what a poll worker would do with a driver's license like this.

UNIDENTIFIED SPEAKER: (Mic off)

SEN. ZAFFIRINI: He's not a Laredoan, so don't worry about it.

(Laughter)

SEN. ZAFFIRINI: Senator Fraser, do you understand why we worry?

(Senator Shapiro speaking without mic)

SEN. ZAFFIRINI: Well, it's a very good point to make, Senator Shapiro, that we should look at our composite photos; and most of us don't look like them, and yet they have the dates like 2008.

SEN. WEST: We keep using those pictures.

SEN. ZAFFIRINI: 2009. We sure keep using
those pictures, so what would happen?

My next question, Senator Fraser, focuses

on Exhibit 5.

And, Members, you have a copy of

Exhibit 5.

And it is a letter directed to me from

Spencer Overton, professor of law from George Washington

University. And basically, I received this letter from

Professor Overton today, and it directly addresses

Senate Bill 14's inconsistency with the Carter-Baker

Commission.

Specifically, the letter states that

Professor Overton wrote this letter to, quote, Refute

claims that Senate Bill 14 is consistent with the

recommendations of the Carter-Baker Commission. And

according to Professor Overton, quote, The Commissioners

recommended requiring photo ID of voters only if state's

assumed the responsibility to seek out citizens and

provide them with an ID free of charge, if states assume

the responsibility to seek out unregistered citizens and

register them and automatically update the registration

of citizens when they move, and if states allow citizens

without a photo ID to vote by signing an affidavit under

penalty of perjury for the first two federal elections

following adoption of the photo ID.
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1 Now, Senator Fraser, this bill does not
2 meet any of these criteria. Is that correct? Under
3 your bill, the state would not assume any of these
4 responsibilities?
5
6 SEN. FRASER: Not advised.
7 SEN. ZAFFIRINI: Well, I assure you,
8 Senator, that it does not. But Professor --
9 SEN. FRASER: I disagree.
10 SEN. ZAFFIRINI: Could you show me it
11 does, where in your bill it would allow this?
12 SEN. FRASER: I'm not advised. This --
13 there's been no representation made that we are modeling
14 this bill after the -- the Carter-Baker recommendations.
15 This bill is moving forward as a bill that when someone
16 votes, they will present an ID to show they are who they
17 say they are. The bill that I'm passing we think will
18 be approved by the Supreme Court and will be approved by
19 Department of Justice.
20 SEN. ZAFFIRINI: Well, then, let me ask
21 you a question. Where in your bill does it specify that
22 the state would assume the responsibility to seek out
23 citizens and provide them with an ID free of charge?
24 SEN. FRASER: I would think it would be
25 your -- the bill speaks for itself.
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SEN. ZAFFIRINI: So you can't tell me if your bill does that?

SEN. FRASER: The bill speaks for itself. The language of the bill is very clear as to what the -- the issues we're addressing.

SEN. ZAFFIRINI: Okay. Do you know, Senator Fraser, if this -- under your bill, the state would assume the responsibility to seek out unregistered citizens and to register them and automatically update the registration of citizens when they move?

SEN. FRASER: I don't believe that is covered in my bill.

SEN. ZAFFIRINI: It is not. And do you know, Senator Fraser, if your bill -- under your bill, the state would allow citizens without a photo ID to vote by signing an affidavit under penalty of perjury for the first two federal elections following adoption of the photo ID bill?

SEN. FRASER: Every person that votes will be required to have a photo ID.

SEN. ZAFFIRINI: Well, basically, it seems to me, my analysis is that Senate Bill 14, as introduced, does not meet these specifications of the Carter-Baker Commission.

And what's more, in this letter that you
have, Members, Professor Overton states that, quote,
Even President Carter and Secretary Baker rejected the
strict photo ID requirement initially adopted in Georgia
after concluding it was discriminatory because it was
costly or difficult for poor Georgians to obtain the
identification for voting, unquote. But according to
Professor Overton, quote, It devotes insufficient
resources to address the burdens it would impose on
Texas voters who lack photo ID.

SEN. FRASER: That is absolutely
incorrect. The original observation -- the bill that
was filed in Georgia was changed, and the bill that
originally -- that is in law now, that was not their
observation. And that was written in 2005. The bill
was replaced 2008. That was not their observation.

SEN. ZAFFIRINI: Well --

SEN. FRASER: That it was -- I saw that
comment made in a 2005 comment, but you're also making
sure you don't take it out of context. And the -- the
law that had been passed by Georgia was revisited. They
passed a different law, and then that law was -- that
bill was precleared by Department of Justice.

SEN. ZAFFIRINI: But it still required --

SEN. FRASER: So the bill he's --

SEN. ZAFFIRINI: -- photo ID.
SEN. FRASER: -- addressing is not law -- current law in Georgia.

SEN. ZAFFIRINI: But the Georgia law still requires a photo ID.

SEN. FRASER: Yes, it does.

SEN. ZAFFIRINI: It does.

And finally, Professor Overton closes with his statement that the current proposal for a photo ID law in Texas is inconsistent with the recommendations of the Carter-Baker Commission.

SEN. FRASER: I disagree with that.

SEN. ZAFFIRINI: Why, Senator?

SEN. FRASER: I just disagree with that.

SEN. ZAFFIRINI: Are there any specific points that you disagree with that he made or that I quoted in his letter?

SEN. FRASER: I'm -- you know, the letter that you're laying out is -- the first time I've seen it is just then. We're -- our bill is not -- we're not trying to model it after that, but the Carter-Baker Commission very clearly recommended a photo ID.

SEN. ZAFFIRINI: Well, Senator, the reason that we asked for this letter, we followed up on your early statement when you laid out the bill. And you referred to the Carter-Baker Commission, and it was
based on your statement that we followed up and did this immediate research and got this letter written to us.

SEN. FRASER: Will you show me where I referred to it in my opening statement?

SEN. ZAFFIRINI: Well, I don't have the transcript yet; but as I recall, you referred to it in your opening statement.

SEN. FRASER: Do you want me to read what I said again from the opening statement?

SEN. ZAFFIRINI: Yes, would you?

SEN. FRASER: I read two --

SEN. ZAFFIRINI: Your copy to the -- your reference to the Carter-Baker Commission report.

SEN. FRASER: I said, "The Carter-Baker Commission reaffirms the dangers. Elections are at the hard democracy. Americans are losing confidence in the fairness of elections, and while we do not face a crisis today, we need to address the problems of our electoral system. At the end of the day, there's considerable national evidence of in-person fraud; and regardless of whether one believes that voter impersonation is widespread or relatively rare, there can be no serious dispute that -- that real effect can be substantial because in a close election, even a small amount of fraud could take -- be the margin of difference."
SEN. ZAFFIRINI: Well, sir.

SEN. FRASER: That was a quote that was made. It was -- it was used not only there, but it is also used later in the Supreme Court decision.

SEN. ZAFFIRINI: Right. And, Senator Fraser, it is because I was surprised at that statement that we followed up, and it seems that that is in the report. But there is other information in addition to that, so I could turn around and say, "Well, are you taking it out of context?" I won't raise that question as a courtesy, but I could raise it.

But on the other hand, what I want to make very clear is that the reason we followed up was that you made this opening statement.

SEN. FRASER: Your letter is dated January the 24th. I made the statement this morning. Was -- did I make the statement, and then he -- he wrote the letter and sent it to you today?

SEN. ZAFFIRINI: Well, I requested it today, so that's perhaps a typo because we received it today. Let me check. We received it -- we received it this morning.

SEN. FRASER: Before I made the statement?

SEN. ZAFFIRINI: It should be January 25th.
SEN. FRASER: But you -- you said that you responded -- that you requested it after I made the statement in my --

SEN. ZAFFIRINI: I requested --

SEN. FRASER: -- opening comments.

SEN. ZAFFIRINI: I requested this information based on your opening statement, and I received this letter today. That's correct. Okay?

Thank you very much, Senator. I appreciate, as I said, your courtesy and your patience.

SEN. FRASER: Thank you.

CHAIRMAN DUNCAN: Members, we've been going for a while, and I think it would be -- we're kind of at a -- maybe getting close to a breaking point. Why don't we go ahead and take a ten-minute break and then reconvene, give the court reporter and staff a minute or two to rest. So a time certain, we'll stand at ease until 2:30.

(Recess: 2:21 p.m. to 2:34 p.m.)

CHAIRMAN DUNCAN: Senate Committee of the Whole will come back to order. Senator Hinojosa?

SEN. HINOJOSA: Thank you, Mr. Chairman.

Senator Fraser?

SEN. FRASER: These are actually pretty good.
SEN. HINOJOSA: Can you hear me?
SEN. FRASER: Yes, this is -- these are much better. Yes, I do. I can hear you.
SEN. HINOJOSA: I just have a few questions that I'd like to follow up on.
Do you know how many people are registered to vote here in the state of Texas?
SEN. FRASER: Oh, I do -- I'm sorry, I do not know.
SEN. HINOJOSA: Approximately, 13 million.
SEN. FRASER: Okay. 13, yeah. Okay.
SEN. HINOJOSA: Yeah. And do you know how many voted in the last election?
SEN. FRASER: No, I'm not advised on that either. I'm sorry.
SEN. HINOJOSA: Close to 5 million voters voted this last election. And do you know how many people were arrested or prosecuted or indicted for trying to use somebody else's voter registration card?
SEN. FRASER: I'm sorry, not -- no, I do not have that number.
SEN. HINOJOSA: None?
SEN. FRASER: I don't -- I don't have the number, I'm sorry. I'm not advised.
SEN. HINOJOSA: Well, do you have any
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1 evidence?
2 SEN. FRASER: I'm sorry?
3 SEN. HINOJOSA: Do you have any evidence?
4 SEN. FRASER: Evidence?
5 SEN. HINOJOSA: Yeah, evidence to support your bill about voter fraud when they go to vote?
6 SEN. FRASER: Senator, you know the thing that we're trying to address here is that, as you know, it's virtually impossible to defect voter fraud because our current law makes it impossible not only to -- to verify that they're voting illegally, but even if you catch them, we don't have the ability to stop them from voting. So the -- the ability to stop someone today voting illegally is almost impossible in Texas. That's the thing that I'm trying to address with my bill, is that we believe if we make them show a voter ID, then we will know that they are who they represent themselves to be.

7 SEN. HINOJOSA: Actually, Senator Fraser, back home, most of the election judges know who the voters are in their precincts.
8 SEN. FRASER: Well, that's interesting. Back home, in the area you're from, most of the -- or a lot of the stories that I've seen reported to the media -- and actually, you've got two voter registrars

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through your area that have endorsed this concept
because they are -- they are having a problem with voter
fraud, and I -- that actually -- I'm -- I'm responding
to things I've read they've said in the media. But I
believe there are numerous registrars that believe this
is a -- a large problem.

SEN. HINOJOSA: Well, I hear what you're
saying, but I don't see any evidence. There's a lot of
anecdote, a lot of rumors and guessing and speculation,
which I don't think it's a way to make good public
policy.

Are you familiar with the Carter-Baker
Commission on federal election reform?

SEN. FRASER: Senator, what are you -- I'm
sorry. What --

SEN. HINOJOSA: Are you familiar with the
Carter-Baker Commission on federal election reform?

SEN. FRASER: Yes, I am.

SEN. HINOJOSA: Okay. Are you aware that
by putting a requirement of having a photo ID to be able
to vote, that there are approximately 3 million
registered voters in the state of Texas that do not have
voter ID?

SEN. FRASER: I don't know where you get
that number.
SEN. HINOJOSA: Well, if you look at 3 million people who are going -- who will be kept from voting as compared to you cannot show anybody getting prosecuted -- getting prosecuted and convicted voter fraud, that's one big difference, one big price to pay for a bill that you don't have any evidence to support there's voter fraud.

SEN. FRASER: One second, Senator. My -- my iPhone is interfering with my microphone.

The 3 million number, where do you get that?

SEN. HINOJOSA: That's the estimate by the Carter-Baker Commission on federal election reform that here in Texas --

SEN. FRASER: Can you -- can you show me where it says in that Commission report? I don't remember.

SEN. HINOJOSA: Yes, sir, it's a letter dated January 24th, 2011, from Professor Spencer Overton addressed to Senator Judy Zaffirini where he states that approximately 3 million Texas voters do not have photo ID.

SEN. FRASER: Senator, that is -- (Simultaneous speaking)

SEN. FRASER: -- pure speculation by that

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1 gentleman. He has nothing to base that on, and that is
2 not in reference to the Carter-Baker report. That is a
3 estimation by some, you know, political hack that --
4 that y'all have asked to write a letter.
5 SEN. HINOJOSA: Well, actually, I thought
6 it was the opposite. I thought your side was pure
7 speculation. Thank you.
8 CHAIRMAN DUNCAN: The chair recognizes
9 Senator Williams.
10 SEN. WILLIAMS: Thank you, Mr. Chairman.
11 Would Senator Fraser yield for some
12 questions?
13 SEN. FRASER: I will yield.
14 SEN. WILLIAMS: Senator Fraser, there's
15 several things that I wanted to clear up for the record.
16 The first, I'd like to make a reference
17 back to the Secretary of State has recently sent this
18 letter -- she sent it over today -- that indicated that
19 there would be probably $2 million of the HAVA funds
20 that would be available for voter education, to help
21 fund the voter education efforts that we would have in
22 connection with this bill. And it would be -- normally,
23 it would be the Secretary of State's office who would
24 develop what those problem programs are with taking into
25 account our legislative intent about what we're trying

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to accomplish. Is that right?

SEN. FRASER: Yes.

SEN. WILLIAMS: The other thing that I wanted to correct, for the record, Senator Watson opined earlier that a lot of this funding for these items had been struck in the budget, and actually, I went back and pulled a copy of the budget. I had not looked at this part, and so there were some budget riders that had expired and that were no longer relevant in the current budget. Those were struck. And under Strategy B.1.4, under elections improvement, administer Federal Help America Vote Act, we actually have, it looks like, a total of about $43 million over the next biennium that's been appropriated in the budget that Senator Ogden laid out for us earlier. So I just wanted to clear that up for the record because that's kind of been a moving target.

Another question that I had for you was the -- I wanted to go back, if I could, and -- and just touch on what my understanding after hearing all this questioning that's gone on, what your -- the purpose of your bill is -- really is to deter and detect fraud in-person voter fraud at the polls. Is that correct?

SEN. FRASER: That is correct.

SEN. WILLIAMS: Okay. And has the United
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1 States Supreme Court -- I believe they've stated that
2 it's been documented throughout our nation's history by
3 respected historians and journalists, and they
4 demonstrate not only that the risk of voter fraud is
5 very real, but they could affect the outcome in a close
6 election. Does Senate Bill 14 provide the kind of
7 safeguard against that fraud that might be crucial in an
8 election?
9
10 SEN. FRASER: Yes, it does, Senator.
11
12 SEN. WILLIAMS: Now, we've had some close
13 elections, even in the Texas Legislature. I know over
14 in the House right now, there is an election contest
15 that's been -- for Senate, State House District 48.
16 It's being contested. The last numbers that I saw from
17 the Secretary of State showed that Donna Howard had won
18 her seat by 12 votes, which amounts to .02 percent of
19 all the votes cast in that race. And, of course, back
20 in 2008, Linda Harper Brown up in Dallas County defeated
21 her opponent by 19 votes, or .05 percent of the total
22 votes cast in that race.
23
24 Are those the kind of close elections you
25 think that the Supreme Court might have been referencing
26 when they said in Crawford 533 U.S. at 11-12 that
27 it's -- the threat's not only real, but it's actually --
28 you know, it demonstrates it's not real, but it could
affect the outcome of a close election?

SEN. FRASER: The answer is absolutely, yes, and it actually the -- it's even closer to home. Senator Jackson, when he was elected to the Texas House, ended up winning by seven votes.

SEN. WILLIAMS: Landslide Jackson --

SEN. FRASER: Landslide Jackson.

SEN. WILLIAMS: -- I think they called him.

SEN. FRASER: So if -- fraud, in an election like that, could have changed history.

SEN. WILLIAMS: Senator Fraser, Senate Bill 14 provides safeguards to protect the reliability and integrity of our voting system, especially those in close elections like we've just talked about?

SEN. FRASER: Yes.

SEN. WILLIAMS: Okay. I believe in this Crawford v. Marion, on Page 10, the Supreme Court brief, they quoted -- the United States Supreme Court quoted the Carter-Baker report that has been referenced here. And in that report, their quote was, "There's no evidence of extensive fraud in the U.S. elections or of multiple voting, but both occur, and it could affect the outcome of a close election. The electoral system cannot inspire public confidence if no safeguards exist.
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to deter or detect fraud or to confirm the identity of
voters. Photo identification cards currently are needed
to board a plane, enter federal buildings, and cash a
check. Voting is equally important."

Is that your understanding? Is Senate
Bill 14 designed to inspire that public confidence in
close elections like --

SEN. FRASER: Yes, it is.

SEN. WILLIAMS: -- we talked about?

Senator Fraser, do you recall the
testimony and exhibits that we provided in 2009 -- now
it's been admitted earlier today as Exhibit 1 -- that
detail the extensive voter fraud in Harris County and
other areas of the state?

SEN. FRASER: Yes, I'm very familiar with
it.

SEN. WILLIAMS: Okay. Senator, having
listened to what I heard and just read a minute ago from
the Carter-Baker Commission and the language that was
adopted from them in the Supreme Court brief, are you
aware of how difficult it is to not only to discover but
to prosecute voter fraud?

SEN. FRASER: Yes, it is very difficult.

SEN. WILLIAMS: And having said that,
do -- do you think that that's one of the reasons we
CONSIDERATION OF SENATE BILL 14 1/25/2011

don't see many of these cases that are prosecuted
because if someone is voting deceptively as someone
else, it's going to be very difficult to discover that
if they're successful?

SEN. FRASER: And that was recognized by
the U.S. Supreme Court in their decision.

SEN. WILLIAMS: So are you offering Senate
Bill 14 as a tool for the state of Texas to detect and
deter this type of voter fraud and further inspire
confidence in our voters and the voting system, to make
sure that all Texans and all of our elections are
conducted with the upmost integrity and equity to all
Texans?

SEN. FRASER: Absolutely. That would be
my reasoning.

SEN. WILLIAMS: Okay. Couple of things
that I just think that it was important to get back into
the record again about what the Supreme Court actually
said in Crawford v. Marion; and all of this, of course,
was included in the record last time.

I thought it was interesting that Justice
Stevens comments about this. He said first, the state
has an interest in deterring and detecting voter fraud.
They have a valid interest in participating in a
nationwide effort to improve and modernize the election
procedures that have been criticized as antiquated and inefficient, and the state, in that case, also argues that it has a particular interest in preventing voter fraud in response to a problem that is, in part, the product of its own maladministration; namely, that in the case -- in this case, Indiana's voter registration roles included a large number of people who were either deceased or no longer live in Indiana.

Now, Senator Fraser, when I look back at the record that we had introduced as Exhibit 1 today, didn't that record include many, many instances where we had people who were registered at fictitious addresses who had been voting or people who were deceased? I think my own brother came and testified that our grandfather had voted for 62 years after his death, and my grandmother had a very difficult time trying to get him taken off the voter roles and, in fact, had not been able to do so.

SEN. FRASER: Yes, I'm -- I'm -- remember that very well.

SEN. WILLIAMS: Okay. And so, you know, there's been a lot of talk about the burden on people, and Senator Davis made some very compelling and interesting remarks in her comments. But I would say that, you know, wouldn't you think that especially for
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1 the elderly, which we've had a big focus on here today,
2 of the inconvenience on elderly voters, people who are
3 age 65, don't they have an opportunity to use a mail-in
4 ballot and they completely bypass any restrictions that
5 your bill or inconveniences that it might cause them?
6 SEN. FRASER: I'm actually surprised at
7 the percentage now of people that do mail in ballots.
8 That percentage continues to increase, and so someone
9 that did have a problem getting to the polls -- and, you
10 know, I gave the example last year of my -- my mother in
11 the retirement center, that she couldn't get to the --
12 it was too much -- it's too hard for her to get to the
13 polls, but she voted by mail. And there's -- there are
14 people in that category, and we have that safeguard in
15 Texas.

16 SEN. WILLIAMS: Well, and -- and I think
17 we all care about everyone being able to exercise their
18 constitutional right to vote, and along with the
19 provisions that you have for people that are 70 and over
20 plus the mail-in ballots and the fact that provisional
21 ballots can be cast and allow people with expired
22 licenses and that sort of thing the opportunity to prove
23 up who they are, don't you think that addresses many of
24 the concerns that have been raised here today?
25 SEN. FRASER: Absolutely. They -- and
that was our intent, is that obviously, we want to make
sure everyone is afforded the -- the ability to vote,
and we think we have those provisions in place so that
all Texans, every Texan, will be allowed to vote.

SEN. WILLIAMS: Well, I -- I think it's
also interesting, and you've noted several times today,
that so far as we could determine from our research,
there isn't a single voter in Indiana or Georgia who's
raised the issue that they've been disenfranchised since
those laws have been enacted. Is that true, to the best
of your knowledge?

SEN. FRASER: To the best of my knowledge.
And we have asked that question repeatedly, and to the
best of our knowledge, we have -- not a single person
has come forward in either state.

SEN. WILLIAMS: And I think it's -- you
know, when I look at the syllabus of the Crawford v.
Marion County election board case that went to the Texas
Supreme Court, they note in the syllabus that there's no
question about the legitimacy or importance of the
State's interest in counting only eligible votes. And I
think they go on to say that -- that requiring that and
the fact that the cards in the Indiana case, as we're
doing, they make those cards free. The inconvenience of
going -- of gathering the required documents, posing for
a photograph, does not qualify as a substantial burden
on most voters' right to vote or represent a significant
increase over the usual burdens of voting. And I think
that's interesting that that was noted.

And those provisions that we have are
essentially -- in your bill, there are very similar
provisions with respect to those matters. Correct?

SEN. FRASER: They -- yes, and I want to
clarify. The Crawford case went to the U.S. Supreme
Court, and those observations were made in the -- the
majority opinion.

SEN. WILLIAMS: Now, they go on to say
that it's generally applicable, nondiscriminatory voting
regulation, it's universally applicable, it's imminently
reasonable because the burden of acquiring, possessing,
and showing a free photo identification is not a
significant increase over the usual voting burdens, and
the State's interest are sufficient to sustain whatever
those minimal burdens are.

So we know there's some inconvenience, but
we've done everything we can to make that inconvenience
as insignificant as possible. Is that --

SEN. FRASER: I will actually go with that
in the -- the Crawford/Indiana case.

SEN. WILLIAMS: Just in closing, in my
final comments as -- before we go to take testimony, I
just think that it's noteworthy to look back at what the
opponents of this legislation have said on the floor
thus far today, and what I've heard is very little
debate about the actual content of your legislation.
And I think that speaks to the fact that it's
unequivocally a good idea that people ought to be able
to be positively identified as who they say they are
when they come to vote.

What I've heard today is a lot of talk
about procedures, even though what we're doing is very
normal for a Committee of the Whole, and it's the same
procedure that we used the last session when we
considered this. Is that correct, Senator Fraser?

SEN. FRASER: It is, and I think it's very
difficult for a member to argue the merits of the bill
when it's so straightforward when you ask someone in
their district do they think that someone should --
should have -- be required to show a photo ID when they
vote, that you've got near 90 percent of the population
across the state of Texas. Again, every one of these
members, it's hard to argue of the merits -- argue the
merits of the bill.

SEN. WILLIAMS: Yeah, the other thing that
I've heard that I think is interesting is fiscal notes.
A lot of talk about fiscal notes, even though we have a letter from the Secretary of State that states that there are going to be HAVA funds that will be available to help with the voter education, and I think we're going to have testimony in a few moments.

And I tried to clarify that early on that the cost of issuing for the state these free ID cards is less than $2. It's a very minimal cost, and with almost 16 million people that we have who have a driver's license or -- or an ID card now, it seems unlikely that there's going to be a whole lot of people out of that 13 million that actually don't already have a driver's license or a state ID card.

In fact, Senator Fraser, I spoke last night with the Department of Public Safety and today with the Secretary of State and just asked them if it would be possible for us to target those voters who are below age 65 and have -- don't have an ID card, a driver's license or an ID card issued by the state; and they said, yes, it would be possible for us to direct our voter education to those people specifically so that we could step it up and let them know before your bill takes effect -- not till, when, in January? Is that -- am I remembering that correctly?

SEN. WILLIAMS: So a year from now. So we've got a lot of time to let these people know what's coming.

And then the other thing I've heard a lot about is current law, and, you know, there's been a lot of discussion. In fact, a lot of what we've talked about is what's actually on the books right now, and your bill is not touching any of that top side or bottom. Really, most of what you do is very limited by changing what the requirements are when you come to the polls. Is that correct? There's not any other real substantive change to election law here.

SEN. FRASER: We're only addressing the -- the actual in-person voting and the identification required when somebody votes in person. We're not addressing mail-in ballots or any of the other provisions. It's just that one section.

SEN. WILLIAMS: Well, thank you for allowing me to question you about this and I appreciate you bringing this issue before us and I especially appreciate the fortitude that you've shown during this long debate. Thank you.

SEN. FRASER: Thank you, Senator.

CHAIRMAN DUNCAN: Chair recognizes Senator Shapiro.
SEN. SHAPIRO: Thank you, Mr. Chairman.

I would just like to ask one question because we're getting mixed signals, and I just want to make sure. It's just going to take a yes-or-no answer, and I think that will be the easiest.

In Section 7 of your bill, which is actually on Page 5, the requirements for identification prescribed for people who do not have to have a vote -- a photo ID, where it references their age, does the bill require that people 70 or older present a voter registration card and that they be at least 70 years of age on January 1st, 2012?

SEN. FRASER: My understanding and this is, again, something probably the Secretary of State will address, but I believe your age is -- is on the card. So if someone is 70 on January 1, 2012, they will not be asked to show a photo ID.

SEN. SHAPIRO: Okay. And this is something that the Secretary of State has put into this bill?

SEN. FRASER: No. No, I --

SEN. SHAPIRO: This is something that you have --

SEN. FRASER: -- inserted it into the bill. It'd be your interpretation --
SEN. SHAPIRO: I got you.
SEN. FRASER: -- to -- to make sure --
SEN. SHAPIRO: Identify whether it's at hand?
SEN. FRASER: -- that they can identify themselves --
SEN. SHAPIRO: Okay.
SEN. FRASER: -- but it's not intended that they would -- I believe they're --
SEN. SHAPIRO: Separate.
SEN. FRASER: Yes.
SEN. SHAPIRO: It's not intended to be separate. It's intended --
SEN. FRASER: No.
SEN. SHAPIRO: -- to be the same document.
SEN. FRASER: Yes, as long as they're --
SEN. SHAPIRO: Okay.
SEN. FRASER: -- you know, 70 on
January 1, 2012.
SEN. SHAPIRO: And the date of birth is on our current voter registration card?
SEN. FRASER: You need to ask that of the Secretary of State.
SEN. SHAPIRO: Okay. And my recollection is it is. Thank you.
| 1 | SEN. FRASER: Okay.                      |
| 2 | CHAIRMAN DUNCAN: Chair recognizes Senator |
| 3 | Huffman.                                |
| 4 | SEN. HUFFMAN: Thank you, Mr. Chairman.  |
| 5 | Senator Fraser, will you yield for a   |
| 6 | couple of questions?                    |
| 7 | SEN. FRASER: I would love to yield.     |
| 8 | SEN. HUFFMAN: Thank you, sir. I'd like |
| 9 | to commend you, too, for a long day of answering a lot |
|10 | of tough questions.                     |
|11 | SEN. FRASER: Thank you.                 |
|12 | SEN. HUFFMAN: But I think it's important,  |
|13 | as we kind of wrap this part of the procedures up today, |
|14 | that -- that we circle back to -- to the idea and the |
|15 | concept that -- that we got here today. But there is a |
|16 | line of Supreme Court cases that have brought us here. |
|17 | Would you agree with that?              |
|18 | SEN. FRASER: Yes.                       |
|19 | SEN. HUFFMAN: And certainly, the Crawford |
|20 | v. Marion case gives us guidance on how to do what we're |
|21 | doing here today properly. Would you agree -- |
|22 | SEN. FRASER: I think that's the one -- |
|23 | SEN. HUFFMAN: -- with that?             |
|24 | SEN. FRASER: -- was referenced, I think, |
|25 | in the Indiana case, I believe.         |
SEN. HUFFMAN: Okay.

SEN. FRASER: And that's yes.

SEN. HUFFMAN: And did you, as you sat
down with your staff and so forth in, you know,
pre-session, in the interim, and you started thinking
about this bill and so forth, did you and your staff
take into consideration Crawford v. Marion and try to
follow the law and the rules the Supreme Court has laid
out for us?

SEN. FRASER: Yes, without a doubt.

That's already been approved by the Supreme Court, and
obviously, we wanted to make sure we stayed within those
parameters.

SEN. HUFFMAN: All right. Now, you know,
the Supreme Court, I think -- we know that the Supreme
Court has told us that there is a balancing test, and we
understand that the right to vote is sacred. And so we
know that the law tells us that if there is a burden
placed upon a voter, that they're going to look very
carefully at that; and it's going to have weight, but
it's going to be balanced against legitimate state
interest. And so I think what we need to explore, just
briefly, is that, in fact, we -- we have legitimate
state interest. The state of Texas has an interest to
make sure that our elections are done with -- well, as
perfect as we can get them but with integrity, right, and with voter confidence.

So as you prepared the bill and as you look at the bill -- and the Supreme Court has told us that there are legitimate interests, and they define those for us. So as you prepared the bill and you look at Senate Bill 14 today, do you think that it addresses the relevant and legitimate concerns of deterring and detecting voter fraud? And I know you've been asked this question a lot.

SEN. FRASER: Absolutely.

SEN. HUFFMAN: Right. Do you think that it -- that it's important in that the bill will help to improve and modernize the election procedures of Texas?

SEN. FRASER: Yes.

SEN. HUFFMAN: Do you think that there's a larger scheme nationwide through the Help America Vote Act and the National Voter Registration -- Registration Act to do just that, to make elections come up to modern times?

SEN. FRASER: Absolutely.

SEN. HUFFMAN: Do you think that Senate Bill 14 will help to prevent voter fraud and actually help to ensure that only the votes of eligible Texas voters are counted in these crucial elections that
happen in the state of Texas?

SEN. FRASER: That is our intent, and we believe the bill does that.

SEN. HUFFMAN: And do you believe that once we have established these safeguards, that the voters will feel more confident about their vote being counted and only the votes of registered Texans who can vote to be counted?

SEN. FRASER: Yes, that is our belief.

SEN. HUFFMAN: Do you think that once that's established, that it will actually encourage the democratic process and that it will encourage more voters to go to the polls?

SEN. FRASER: The thing we've seen in other states that have implemented photo ID, the -- the voter turnout actually increased. And so, yes, we believe the confidence in the voters will increase, and we believe it will actually increase the voting percentages.

SEN. HUFFMAN: Now, we've heard comments today from many senators, Senator Whitmire, Senator Davis, Senator Uresti, about hypothetical burdens that may be placed on some hypothetical voter. But taking that into account and looking at and trying to balance it, do you feel like we have a bill here that -- that
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presents and moves forward our legitimate interest in Texas as it regards voting?

SEN. FRASER: Without a doubt.

SEN. HUFFMAN: All right.

SEN. FRASER: We believe it does.

SEN. HUFFMAN: Thank you very much,

Senator Fraser.

SEN. FRASER: Thank you, Senator.

SEN. HUFFMAN: Thank you.

CHAIRMAN DUNCAN: Chair recognizes Senator Wentworth.

SEN. WENTWORTH: Thank you, Mr. Chairman.

Will the gentleman yield?

SEN. FRASER: I will yield.

SEN. WENTWORTH: Senator, I want to compliment you on your long hours of being on your feet in responding to these questions. I just wanted to touch on a couple of things.

One is we had -- we had some testimony here two years ago on a very similar bill, and I just wanted -- since it's been raised earlier today, the issue about whether or not maybe passage of this bill would reduce voter participation. There are only a couple of other states, Indiana and Georgia, where these sorts of bills have been passed. One of the witnesses

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in March of '09 said to us: Not only does voter ID help prevent fraudulent voting, but where it has been implemented, it has not reduced turnout. There is no evidence that voter ID decreases the turnout of voters or has a disparate impact on minority voters, the poor, or the elderly. The overwhelming majority of Americans have photo ID or can easily obtain one.

Now, this is in the record from the 2009 hearing, which we've already adopted, but I just wanted to recall some of the testimony that we had.

Another quote was: Recent election results in Georgia and Indiana also confirmed that the suppositions that voter ID will hurt minority turnout are incorrect.

In addition -- and I'm not sure whether this was part of the record in '09, but there is a study of Indiana's photo ID law that was conducted by a University of Missouri professor. He found that requiring identification doesn't have much impact on voter turnout rates. His name is Jeffery Milyo. He's professor of economics and public affairs at the University of Missouri, a part of the Institute of Public Policy of the Harry S. Truman School of Public Affairs.

And his conclusion is -- if I can find it
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quickly -- it's a many-page study, and his conclusion is that the findings that emerge from his analysis are that photo ID is associated with an overall county level turnout increase of almost 2 percentage points -- and this is just in Indiana. This isn't Georgia as well -- an insignificant increase in relative turnout for counties with a greater percentage of minority and poor population; no consistent or significant impact on relative turnout in counties with a greater percentage of less educated or elderly voters; and finally, a significant relative increase in turnout for counties with a higher percentage of Democrat voters.

I was just wondering if you remembered those things that were testified to two years ago or whether you were familiar with this university professor's study.

SEN. FRASER: Thank you for bringing that forward. It -- yes, I -- now, as you mention it, I do remember it. The other thing that comes to mind that was through the testimony two years ago is in the '09 -- I'm sorry -- the '08 president election for '09, that even though the president was from Illinois, the adjoining state, Indiana, had doubled the increase of voting next door in the state -- in Indiana where they had put in photo ID. Illinois did not have it, but the
increase was double the amount of increase next door. So it certainly didn't show that they were hurt by the 
implementation of the --

SEN. WENTWORTH: Where Indiana has a photo  
ID law --

SEN. FRASER: Illinois does not.

SEN. WENTWORTH: Thank you very much, Senator.

SEN. FRASER: Thank you, Senator.

CHAIRMAN DUNCAN: Okay. Members, we have -- that completes all of the Members who want to 
ask questions of the author. You can sit down for a 
second, Senator, if you want to. Take a rest.

We have a little bit of housecleaning. There's a few witnesses that -- or a few exhibits that 
may want to go in that we have now made copies of. I think, Senator Van de Putte, you had -- Senator 
Zaffirini had Exhibit 6 which was a map of the DPS, and we've now had that copied and available to distribute.

Do you want to go ahead and offer it into the record?

SEN. VAN de PUTTE: Yes, I will.

CHAIRMAN DUNCAN: Okay. It'll be 
received.

(Exhibit No. 6 marked and admitted)

CHAIRMAN DUNCAN: And then I believe we
had -- Senator Davis had a chart that -- excuse me.

SEN. VAN de PUTTE: Mr. Chairman, do -- I
move to add to Exhibit 6 the counties with Department of
Public Safety Driver's License Office Closures prepared
by legislative counsel.

CHAIRMAN DUNCAN: Okay. Thank you. That
will be received in the record.

Senator Davis, you had an exhibit that you
wanted to offer.

SEN. DAVIS: Yes, Mr. Chair. I'd like to
add that as -- I guess it would be Exhibit No. 7 to the
record.

CHAIRMAN DUNCAN: And I think we have
copies to distribute to the Members? Would you describe
it, please?

SEN. DAVIS: Yes, I'm sorry. It's the
chart that I displayed and talked about earlier in my
questions of Senator Fraser. It's exact -- an exact
replica of the chart that was displayed on the Senate
group.

CHAIRMAN DUNCAN: It has a -- it's a
graphic that has a -- at the top, a title that says,
"DL/State ID." Okay. Exhibit 7 will be received in the
record.

SEN. DAVIS: Thank you.
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<td>CHAIRMAN DUNCAN: Okay. Well, Exhibit 8</td>
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<td>SEN. GALLEGOS: Mr. President?</td>
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amendments. I mean, do they need to be entered now or 
at the time of the amendment?

CHAIRMAN DUNCAN: I don't see any problem 
with entering them at the time when it's relevant to 
what you're trying to do.

SEN. GALLEGOS: Yeah.

CHAIRMAN DUNCAN: You can put them in the 
record at that time --

SEN. GALLEGOS: Okay.

CHAIRMAN DUNCAN: -- when we're --

SEN. GALLEGOS: Then I'll wait till --
till the time of the amendment. Thank you,
Mr. President.

CHAIRMAN DUNCAN: All right. Members, the 
next phase is the invited testimony.

And Senator Van de Putte and Senator 
Fraser, if you could come up to the -- make sure we've 
got everybody in the right order.

And while they're coming up, I want to 
announce that it's my intention to -- we have about 
17 -- last check, 17 registered witnesses for public 
testimony, and I would like to accommodate those 
witnesses, if we could. So remember that when you're 
questioning and -- that we have some folks that would 
like to testify here later on.