I ever changed it, my mom would probably get mad at me, because she would think I'm actually an adult. However, I do live in Austin, Texas. And I've gone to school here for five years. And actually, under the current piece of -- under the current statute, I can vote in Travis County because I've worked here, I've worked on a number of campaigns here and I'm really invested in a number of the issues. And so -- however, if we actually went under Senator Fraser's piece of legislation I would not be able to vote in Travis County.

One correction I would like to make is looking at Section 9, there was a question, and I can't remember by which Representative -- the assertion was actually made that, you know, we would be helping people to vote because they would only have to bring their I.D. or their voter registration card. Right? So making an I.D. required we would be helping them. Well, current statute already states that you can bring a voter I.D. card or your driver's license. So it's or, not and. And I think that's an important delineation to make, because a photo I.D. is not required right now, not even to register to vote. So then having a photo I.D. required and/or something like a birth certificate
where you have to pay for this type of documentation cost money. And I know that that's, you know, a controversial thing to bring up a poll tax. But in all honesty, the fact that you have to pay to get a piece of documentation to then vote is just that very issue and is that definition -- the definition of that.

CHAIRMAN SMITH: Thirty seconds.

MARY NARANJO: Thank you.

One particular thing I would like to bring up is for students in particular this bill is harmful because of issues with domicile and residency, just like the example I gave of my driver's license. In addition to photo I.D.s -- state-issued photo I.D.s, of the 44 million students who voted, 19 percent of them don't have a government-issued photo I.D.

CHAIRMAN SMITH: Okay. I think your three minutes is up.

So tell me, you currently attend the University of Texas Austin?

MARY NARANJO: Yes, sir.

CHAIRMAN SMITH: Are you registered to vote in -- in Travis County?

MARY NARANJO: I can be under this
CHAIRMAN SMITH: Are you currently, though?

MARY NARANJO: No, sir. I drive four hours to go and vote in Lufkin, Texas, because the absentee ballot that I've cast in the past never made it to my county. And so I had to drive on election day to make sure I got to vote.

CHAIRMAN SMITH: So under current law you're not able to vote in Travis County. You're just saying if you registered here, you could?

MARY NARANJO: In current law if I wanted to with my -- despite the fact that my driver's license has a Lufkin, Texas address on it, I can still put down my Social Security number and/or my Texas driver's license and register to vote in Travis County. It would be a new registrant, and I would be changing from Angelina County to Travis County. That's why I concurrently have a Texas driver's license in Lufkin and also vote in Travis County as long as I don't vote in both places. That's election fraud.

But under Senator Fraser's bill, if I were to have a driver's license or photo I.D. that said Lufkin, Texas, and the voter roll had my address for
Austin, then there would be a discrepancy as to
domicile, as to where I live. And so that's where
students would be getting turned away. And there
are a number of examples of that happening in other
states, some where I actually worked in during the
election, that being Florida.

And so while in theory, you know, it
should all work out and everyone should, you know,
be able to vote, the implications, the actual
practice and logistics of it don't get carried out
that way.

CHAIRMAN SMITH: And so you're making
the presumption that that would change because of --
of -- of the -- and we've talked about this on the
Committee, and this may or may not make any sense to
you. But because of the difference in a presentment
standard under the current legis -- under the
current language of the law and an identity standard
under the law. Is that -- is that your
understanding?

MARY NARANJO: So the presumption is
not there. It's kind of been dropped out or
something with the new text. Right?

So if there are acceptable forms of I.D.
that have -- that are going to be of particular
interest to students is that section -- it would be
Section 63.0101, Part 1, "A driver's license or
personal identification card issued to the person by
the Department of Public Safety that is not expired
or that expired no earlier than two years before the
date of presentation."

Now, what's being stricken out is, "Or a
similar document issued to the person by the agency
of another state regardless of whether the license
is a card or has expired."

So students like -- if we have students
who are out-coming -- let's say we have Oklahomans
come to Texas because they realize Texas is just a
better state, which I think we can all agree in this
room about. Right?

Well, so you have a student who comes to
Texas, wants to vote in a Texas election, well, the
U.S. Supreme Court says if you go to school in Texas
and you consider Texas your home, is what the
current statute says, then you can vote in Texas.
However, if that person has an Oklahoma driver's
license under this -- taking -- taking this chunk
out of the bill, they can't. That's how students
are going to get turned away. I mean, that's --

CHAIRMAN SMITH: So your concern is
about students from other states. It really doesn't affect you --

MARY NARANJO: It's both.

CHAIRMAN SMITH: Okay. Tell me how it affected you.

MARY NARANJO: Because if I were to come to Travis County and they were going to look at my -- if I had a state-issued I.D. and I still had my Lufkin address, which my mother clings onto because she wants me to come back home some day, then I have to go to them and say, "Here's my I.D. And it has my Lufkin address, which does not match their address on the voting roll, which would be an Austin, Texas, address," then that's where the discrepancy happens. And while it's not explicit, the problem is when you look at similar laws, like in Indiana, that's where the discrepancy issue is created, because in Indiana a state-issued I.D. to meet the requirements of an I.D. has to have a name, a photo, an expiration date and must be current.

For instance, students at I.D. Bloomington (phonetic) they don't have an expiration date on their student I.D.s. So they can't use that as a student card to go and vote.

CHAIRMAN SMITH: Do you get a student
identifying card at the University of Texas?

MARY NARANJO: Yes, sir.

CHAIRMAN SMITH: Is that --

MARY NARANJO: In fact, I've got it right here.

CHAIRMAN SMITH: -- your Austin address?

MARY NARANJO: No, sir. There's not an address on these student cards. In fact, there's a photo, there's my name. There's not even an expiration date. There's a code that I can get food with, but I can't get to vote with it.

CHAIRMAN SMITH: Okay. Language in the Senate bill says among the list of photo identification that would be acceptable, a valid identification card that contains a person's photograph and is issued by an agency, institution or political subdivision of this state.

UNIDENTIFIED REPRESENTATIVE: Would that not qualify?

CHAIRMAN SMITH: I believe it would. That's my -- that's my suggestion.

UNIDENTIFIED REPRESENTATIVE: (Inaudible).

MARY NARANJO: I -- I would humbly
disagree that, in practice, similar language like
that in the Indiana bill --

CHAIRMAN SMITH: Not similar
language, actually. You said the language said it
had to have an expiration. This doesn't call for an
expiration.

You're talking about an Indiana bill.
You're not talking about the Texas bill.

MARY NARANJO: Yes, sir. But I'm
actually talking about actual practice, like when
you have poll workers.

CHAIRMAN SMITH: I know exactly what
you're talking about.

UNIDENTIFIED REPRESENTATIVE: The
point is -- the point is the Indiana law has
requirements about what has to be on that card that
doesn't appear to be in this language.

CHAIRMAN SMITH: The point I'm
making --

MARY NARANJO: That's --

CHAIRMAN SMITH: -- is I believe the
Senate bill is intended to allow you to vote by
simply using your student identification card that
is -- I can certainly represent that it is issued to
every student in every school in the state, but
certainly is issued, I believe, to almost all of them.

And you've got one.

MARY NARANJO: It is a state -- it is a state school.

CHAIRMAN SMITH: And let me just be clear. You know, the -- we've had a lot of discussion about the extent to which we're going to change current law in terms of the way a poll worker identifies whether you do or do not have the proper documentation. And I think there's probably a consensus on this Committee that at the end of the day the consensus in the House is that we not change the current standard to not create any additional complication and that the -- the purpose of this bill would simply be, again, current standard in terms of the way they handle identification, one photo on the list or two non-photos on the list. And there's a number of documents on both lists, and I don't suppose there's anybody in the State of Texas that has every document on both lists.

And so I know that there's a number of people that can -- can -- can testify that I don't have this particular document or I don't have this
particular document. But I guess what we're really interested in is hearing from anybody that doesn't have any document on the list that would be sufficient to allow them to vote. And it -- it sounds like to me that I -- I have fairly quickly identified a document that you have as a University of Texas student in Austin that would allow you to vote, especially to the extent that we maintain the current standard in terms of the -- the way in which the poll worker determines whether you do or do not have proper documentation.

MARY NARANJO: So -- and so just to make sure that I'm understanding correctly, that under Section 6 of the, you know -- which identification you can be able to use, you would say that Part B, "An agency, institution or political subdivision of this state" qualifies as a student I.D.?

CHAIRMAN SMITH: Yes. University of Texas.

MARY NARANJO: Okay. So what about students at Trinity, St. Mary's, SMU?

CHAIRMAN SMITH: That's -- that's a -- that's a -- a question I -- you know, they may or may not, depending on how that is defined --
qualified --

UNIDENTIFIED REPRESENTATIVE:
(Inaudible).

CHAIRMAN SMITH: No. That's one of a number of the list.

MARY NARANJO: One thing I would recommend to the Committee is that you would also look at transcripts as another form, considering most students living in the dorms do not get a utility bill, and in most cases we really don't get a number of the two -- two items.

CHAIRMAN SMITH: And we've -- we've heard from representatives of the AARP where we've talked about certain senior citizens that do not get an electric bill and do not get a water bill --

MARY NARANJO: Uh-huh.

CHAIRMAN SMITH: -- but -- but this -- this would allow them to vote with a Social Security card, with a Medicare card, with a Medicaid card.

MARY NARANJO: Those are all things old people have.

CHAIRMAN SMITH: I understand. I'm talking about --

MARY NARANJO: I'm sorry.
CHAIRMAN SMITH: -- my -- my -- I understand.

REPRESENTATIVE BROWN: It's next to [sic] who belongs to AARP. That's what he just said.

MARY NARANJO: Right. Sorry.

CHAIRMAN SMITH: My point is we're talking about a number of people who say I don't have this. And depending on whether you're a young person or an old person what you don't have may vary. But the question is, is there anybody out there that doesn't have the ability to obtain the proper identification. And to the extent that that is -- there are legitimate concerns of that -- of that kind, I can assure you I think the Committee's intent is to address them.

To the extent that we simply have a number of people that can identify certain things that they do not have while conceding that they have a lot of other things that would allow them to vote, I don't know that that testimony will be as persuasive.

REPRESENTATIVE BROWN: Mr. Chairman --

CHAIRMAN SMITH: Yes?

REPRESENTATIVE BROWN: -- just one relevant question here.
MARY NARANJO: Yes.

REPRESENTATIVE BROWN: I think she said she can only vote in Lufkin. Is that where?

MARY NARANJO: Yes, ma'am.

REPRESENTATIVE BROWN: With her -- with her I.D. because a different address on the I.D. Is that correct?

CHAIRMAN SMITH: I understand. But I think it's the intent of this Committee if we do what I think we're intending to do --

MARY NARANJO: Uh-huh.

CHAIRMAN SMITH: -- and I'm not clear on frankly how the Senate language affects you. I'm not conceding that it adversely affects you, but I -- I -- I know we can adopt language that does not change current law in that regard. I mean, it may be that current law creates a problem for you to the extent that your identification that is allowed under current law is not at the proper address. I don't know. But it's not our intent --

MARY NARANJO: Actually --

CHAIRMAN SMITH: -- to complicate that any more than is necessary. We had discussion last night about the fact that you cannot --

MARY NARANJO: I heard.
CHAIRMAN SMITH: -- completely remove discretion from poll workers. You don't want to do that. You don't want to create a bright -- bright line test for where every letter of the I.D. must match the voter registration card, or you're going to create all kinds of problems. You want to allow some discretion on the part of the worker, but I -- but on the other hand I think you -- you want to -- some limits on the extent of discretion on the part of the poll worker. And that's the balance we're going to be trying to strive.

MARY NARANJO: I definitely appreciate the intent of the Committee, especially after listening to testimony for 12 hours yesterday. So I understand you've heard a litany of issues in regards to this.

Two things I would like to point out. I think there was a slight misunderstanding - and I can explain it again if you want, or for the sake of brevity, I can skip over it - that currently I can register in Travis County because I live here. But if the -- the way that the law was interpreted, it's the -- from my understanding from the Senate language that I would not be able to vote with my driver's license from Lufkin, because it has me as a
resident in Lufkin, Texas. So I could not vote in
Travis County.

The second thing that I would all -- the
second thing that I would also just like -- did you
need something? Sorry.

UNIDENTIFIED REPRESENTATIVE: I -- I
just -- we just had that discussion about your I.D.
and we discussed what it said in the law. So we
went over that.

VICE CHAIR PENA: Yes, Mr. Chairman.

CHAIRMAN SMITH: I believe the
Indiana law specifically requires a driver's license
with certain information on this.

What this law requires is a driver's
license or personal identification card issued to
the person by the Department of Public Safety that
has not expired or that expired no earlier than two
years before date of presentation. I think --

UNIDENTIFIED REPRESENTATIVE: Uh-huh.

CHAIRMAN SMITH: -- it provides you
with an opportunity to -- to persuade the poll
worker that -- that -- that though the address is
different because you're at the University of Texas
School of Law, that is your driver's license. And I
believe --
MARY NARANJO: Uh-huh.

CHAIRMAN SMITH: -- that's the same thing that you currently have to do under current law to the extent you try to vote with your driver's license.

MARY NARANJO: Which would bring up the second thing. And it seems like it -- you know, the intent is to get people to vote that are who they say they are, which is totally a legitimate pursuit.

The issue is then in terms of getting this legitimacy in the paperwork, there's a cost. If a student loses their I.D., it costs them $10. If they want to get a U.T. I.D., it cost them $10. If they want to get a driver's license, it costs them $25. And so there is a legitimate issue with it cost -- you have to pay money to vote. And that's my personal opinion.

CHAIRMAN SMITH: Well, and then that's why it's significant that this legislation, unlike some of the other pieces of legislation, does not require you to get that photo I.D. That's why -- I think part of the reason why the Senate bill allows an alternative other than a photo I.D. that that -- that would allow those -- and I think
we have determined that we can presume it's a very small percentage, 1.2 percent in Indiana, Mississippi and Maryland. And the presumption is it's a little higher in Texas because of the fact we have a larger minority community.

MARY NARANJO: Uh-huh.

CHAIRMAN SMITH: But we're talking about a few percent of the people in the state that are registered voters that do not already have photo I.D.s.

With regard to that percent, I think you're correct to the extent we mandated a photo I.D., there would be potential arguments regarding a mandated cost that -- that might be a barrier to some people to the polls.

But under this bill, they're not doing that. They're allowing two non-photo identifications without requiring anybody to get a photo identification. You understand that?

MARY NARANJO: I'm not -- I mean, I'm not familiar with the percentage that you are quoting. But, I mean, there's plenty of --

CHAIRMAN SMITH: No. The document says that you have to --

REPRESENTATIVE ANCHIA: Can I ask her
a question?

CHAIRMAN SMITH: -- to get a photo

I.D.

Representative Anchia.

REPRESENTATIVE ANCHIA: Thank you.

Thank you. Mr. Chairman.

I think I understand the point.

UNIDENTIFIED REPRESENTATIVE: But you have to have documents to get that.

REPRESENTATIVE ANCHIA: I think I understand. I'm going to try to ignore the sidebar conversation --

MARY NARANJO: No problem.

REPRESENTATIVE ANCHIA: -- and try to answer your question.

I think I understand the point that you're trying to make. The language of the Senate bill -- and we're not talking about the intent of the Committee, but rather you're talking about the Senate bill, is that your identity needed to be verified by the poll worker from the proof presented. Right?

MARY NARANJO: Exactly. Yes, sir.

REPRESENTATIVE ANCHIA: And that is different than the current presentment standard; it
is an identity standard. Correct?

And the point I think you're trying to make is that because you have a -- your registration is in Travis County -- it may have your name and your photograph, but at the same time your -- your -- your license has your Lufkin address, that, in fact, it might be difficult for a poll worker to say, well, this is the same person that is on the rolls from the proof presented, because it has conflicting addresses. Is that your concern?

MARY NARANJO: Yes, sir.

And in addition to that, not only is that my personal concern, but there's also been actual instances in Virginia, in Michigan, in Pennsylvania where students who went to polling locations -- while the intent of the Committee may be different, the actual implications and, like I say, the logistics of carrying out the legislation is different sometimes than what the hope is.

Like, we didn't hope to get into a recession, but guess what, we are in one. So --

REPRESENTATIVE ALISEDA: And you represent college students. Correct?

MARY NARANJO: Yes, sir.

REPRESENTATIVE ANCHIA: From across
the country. Correct?

MARY NARANJO: 75,000.

REPRESENTATIVE ANCHIA: So under the Senate bill if the two forms of I.D. that I had when I showed up at the polls were an out-of-state driver's license, say from Oklahoma, and my Southern Methodist University I.D., would I be able to vote under this bill?

MARY NARANJO: No. And, actually, that's a specific case.

REPRESENTATIVE ANCHIA: Okay. Would I be able to do it if I had an out-of-state driver's license and a Baylor University I.D.?

MARY NARANJO: No.

REPRESENTATIVE ANCHIA: Would I be able to do it if I had an out-of-state driver's license and a Trinity University I.D.?

MARY NARANJO: No.

REPRESENTATIVE ANCHIA: Or a Rice I.D.?

MARY NARANJO: No.

REPRESENTATIVE ANCHIA: Okay.

Because those are all private schools and are not covered under the bill. Right?

MARY NARANJO: That's correct.
REPRESENTATIVE ANCHIA: So if those are the only two types of I.D. that you brought to the poll and assume they both had your photo on them, right, a private university I.D. and an out-of-state driver's license, you would not be able to vote under the Senate bill. Is that not correct?

MARY NARANJO: That is correct.

REPRESENTATIVE ANCHIA: And didn't that happen quite a bit in Indiana?

Weren't there a lot of college students there who are U.S. citizens, validly registered, of age, and they were turned away at the polls? Is that not correct?

MARY NARANJO: Yes. The same thing happened in Florida, which is another one of the three states that we continue to reference, and then we also had problems in South Carolina and Colorado.

REPRESENTATIVE ANCHIA: The respect -- the intent of having a broad list of documents. But if you show up to the polls with just -- with two forms of photo I.D., one being your out-of-state driver's license and one being a college -- a private college photo I.D., you're not going to be able to vote, even though otherwise you're eligible?
MARY NARANJO: One, you're not going to be able to vote. And, two, the (inaudible) which actually goes as far as to strike other state I.D.s. So it's actually --

REPRESENTATIVE ANCHIA: Affirmatively.

MARY NARANJO: Exactly. So we're actually regressing.

REPRESENTATIVE ANCHIA: And in past sessions -- I don't know if you're aware, but I worked on this in the 2005 session and 2007 session. Those bills were amended or introduced with provisions for I.D.s from other -- from other universities including private universities from within the State and public universities from outside the State.

So I -- I -- I know -- those -- those provisions are noted -- noticeably absent --

MARY NARANJO: Right.

REPRESENTATIVE ANCHIA: -- from the Senate bill.

MARY NARANJO: I mean, in addition to that, students who would be attending the University of Texas who would decide to change their domicile or consider home [sic], there are numerous examples, the most noticeable one being Virginia where
students at Virginia Tech received a release from
the Montgomery County Registrar saying that students
would face serious consequences for registering in
Virginia including being dropped from their parents'
health insurance or voiding their status as
dependents on their parents' tax returns. So in
addition to the fact that students, let's say, at
the University of Texas could vote with their U.T.
I.D., the intent and continued disenfranchisement of
young people who vote, mainly because we happen to
have actually shown up this year, congrats to us, we
are actually being intimidated in disproportionate
amounts in what seem to be swing states like
And that -- I mean, I think that there's a clear --
a clear issue with where these instances are
occurring and how people are -- are reacting.

In fact, another notable case would be
North Carolina, where we had students on the UNCW's
campus when addresses could not be verified for poll
workers, students were turned away. Some also said
they never received voter registration cards and
they could not find their registration status
online.

REPRESENTATIVE ANCHIA: Let's talk
really quickly about Texas. I want to ask you --
this is -- this is the last question.
If this Senate bill passed the House and
was signed by the Governor and became law as is, do
you believe that college students in Texas would be
disenfranchised?

MARY NARANJO: Yes.

REPRESENTATIVE ANCHIA: What is an
acceptable level of U.S. citizen eligible college
students -- college students -- what is an
acceptable level of disenfranchisement for the
members of -- of your organization?

MARY NARANJO: I -- I think the fact
that we've been working so hard as a democracy to
say you want to participate and be counted as a real
citizen of the U.S., you have to go and vote, you
have to participate. I think the fact that now
we're saying, no, not only do you have to be alive,
kicking and (inaudible) to show up, now you have to
have these documents, which cost money to have, or
you have to go through this process to get this
document.

Right now, voting is free in the State of
Texas. When you go to register to vote you either
put in your Social Security number, your I.D. number
or check none or --

REPRESENTATIVE ANCHIA: So I think
I'm hearing your answer is zero.

MARY NARANJO: Exactly.

REPRESENTATIVE ANCHIA: Okay.

MARY NARANJO: I would say one is too many when we're still trying -- when we still have voter participation of 42.8 percent on average since 1945.

REPRESENTATIVE ANCHIA: Are you aware of -- and I know I said it was my last question. But are you aware of any cases of voter impersonation among college students in Texas?

MARY NARANJO: No. We have people dress up as Mario Brothers when they voted, but they didn't say they were Mario Brothers.

REPRESENTATIVE ANCHIA: Okay. Thank you for your testimony.

CHAIRMAN SMITH: Any other questions, Members?

Let me just say that I -- I don't know how many students we have at private universities that would not have any of the documents on this list, which include a variety of documents, but I -- I -- I do not understand and can't imagine where a photo
Mary Naranjo: Identification from any private university in this state would not be sufficient.

Representative Anchia: Like our alma mater, Mr. Chairman.

Chairman Smith: Absolutely.

Mary Naranjo: If the language said that, then that would be fine. Again, the intent of the Committee is different than the language in the Senate bill. And I think that's where there are discrepancies and confusion.

And I'm sorry Representative Bonnen is not here to hear me explain this, but if you look at Subsection B, which is the no photo I.D. documents that you can have, a utility bill is not commonly had by a student who's a freshman living in a dormitory. A birth certificate costs money to get, and you have to actually go to the county where you were born to get it in some states. Citizenship papers issued to a person -- a passport costs money, citizenship papers cost money. Again, the discrepancy here is that students could get some of this stuff, yes. That's not the issue. It's that it's going to cost money for them to get this --
these documents that you are requesting. And if the state wants to make these documents fully available to students and let students of private universities vote and inform everyone in the State of Texas that they have to have this information to vote, then I don't think there would be really an issue.

But the fiscal note that was attached to this bill does not indicate a willingness to do that, only $2 million. That -- I mean, a holistic perspective if -- if we want to put our money where our mouth is, well, then, people can put their votes where their votes are. I mean --

CHAIRMAN SMITH: I think -- I think you've identified one thing we can add to the list of photo identifications, and that's why we have public testimony. And we appreciate you taking the time to be with us today. I didn't know if you realized this morning when you got up and put on that red coat what confusion you were going to cause.

MARY NARANJO: I know what's going on. Right?

CHAIRMAN SMITH: Thank you.

MARY NARANJO: Thank you for having me.
CHAIRMAN SMITH: You bet.

UNIDENTIFIED REPRESENTATIVE: Can I see this?

CHAIRMAN SMITH: At this time the Chair calls Skipper Wallace representing the Texas Republican County Chair's Association testifying in favor of Senate Bill 362.

Please state your name and who you represent.

SKIPPER WALLACE: Mr. Chairman, my name is Skipper Wallace. I represent the Texas Republican County Chairman's Association, and we do support the bill.

I have a solution for this young lady's problem.

CHAIRMAN SMITH: Okay.

SKIPPER WALLACE: All she's got to do is declare she's an adult and change her address on her driver's license as any other student in any of these other universities do and they can vote.

There's been a lot of testimony about different kinds of voter fraud. We're talking about impersonation today, voter impersonation and voter fraud through voter impersonation. We've taken all kinds of testimony about voter fraud, about how many
cases there are of voter impersonation or how many
cases there aren't of voter impersonation.

I've been an election judge -- I've been a
county chair for 18 years; I've been election judge
in one capacity or another for all those 18 years.
I can guarantee you we've got a room full of
election judges and election workers here.

You cannot prove voter impersonation
unless you know personally the person that's
presenting the fake I.D. card or the -- or the voter
registration card that is not theirs. There is no
way to prove it. And that leads to the second
problem. We can't prove voter impersonation,
because we don't have any cases logged and filed and
with the Attorney General or the local D.A. because
the folks are already gone. The only way we know
we've had voter impersonation is if we get a whole
bunch of signatures that look like they match or if
we get dead people after we checked the rolls after
the election that voted. And that's -- that's the
only way that we can know that we've had voter
impersonation. Voter impersonation is almost
impossible to prove.

There's been talk about delaying the
implementation of this bill for another four years.
Mr. Chairman, I've been working on this bill for six years already. This bill does not need to be delayed any longer. It needs to be passed now. And it needs to be passed in as strict a form as we can possibly do to get it passed and still get the House votes to get it there.

One of the main complaints that we have on this bill, it's difficult for seniors, the poor and the handicapped to get photo I.D. We've agreed in the bill or in -- I think in all our discussions that we would put forward an education program in the bill, we would put together an increased voter registration effort to -- and we would also have no cost for anyone that didn't have the money to pay for the bill. The Secretary of State's office says that there was 12.7 registered voters in the last primary. There is 14 million driver's licenses and 4 million I.D. cards, and there are 5.3 million more government-issued I.D. cards in the State of Texas than there are registered voters to vote. So I would like to know who didn't have an I.D. card.

I beg you to stop perpetuating voter fraud and pass a good voter I.D. bill. Thank you.

Be glad to answer any questions.

CHAIRMAN SMITH: Questions, Members,
for Mr. Wallace?

REPRESENTATIVE VEASEY: (Inaudible).

CHAIRMAN SMITH: Members of the Committee, anybody -- I'm going to come to you, Mark, but first of all, Members of the Committee?

Mark? Representative Veasey. There's a button under there somewhere.

REPRESENTATIVE VEASEY: Yeah.

(Inaudible).

CHAIRMAN SMITH: Wrong one.

REPRESENTATIVE VEASEY: (Inaudible).

CHAIRMAN SMITH: Yes, sir.

REPRESENTATIVE VEASEY: Sorry about that. Okay. Where are you from, again?

SKIPPER WALLACE: Lampasas, Texas.

REPRESENTATIVE VEASEY: Lampasas.

Okay.

How many instances of voter impersonation has there been in Lampasas?

SKIPPER WALLACE: Who knows? We can't prove it.

REPRESENTATIVE VEASEY: If there were evidence presented to you -- and I know that you weren't here last night, but --

SKIPPER WALLACE: Oh, yes, I was,
until midnight.

REPRESENTATIVE VEASEY: You were?
Okay. So even after some of the witnesses came and said there would be certain groups that could be disenfranchised and they would be denied their right of suffer-age, did that help move you at all?

SKIPPER WALLACE: I -- I appreciated the lesson we got on black history last night about all the suffer-age the black people have gone through, and I sympathize with you on that. And we have tried to do everything we possibly can do by legal or whatever means to -- to take care of those things. And I think we have done that, or we make a genuine effort to do that. We certainly don't want to disenfranchise anybody from voting, particularly minorities, anybody from voting. Every vote counts. We want to make sure that every vote that is cast is cast by someone that is supposed to be voting and not canceled out by someone who is not supposed to be voting.

REPRESENTATIVE VEASEY: If -- if there were measures or amendments that would make it to where someone who legally did have the right to vote -- where they were not committing voter impersonation but, for whatever reasons that you
heard last night, didn't have an I.D., would you be willing to work with, you know, myself and members of the minority community, various members of your communities?

And I'm sure that you have a diverse community; maybe not --

SKIPPER WALLACE: Very, very diverse.

REPRESENTATIVE VEASEY: Yeah. But would you be willing to work with members of that community on -- on compromise and make sure that everybody's vote counted?

SKIPPER WALLACE: Sure. In fact, we have had many discussions about how to take care of folks through increased voter registration efforts, through increased voter education. We're more than willing to try to work with anybody that feels like they have been suppressed from voting to try to solve that problem. We do not want anybody to feel like they're suppressed. Yes, sir.

UNIDENTIFIED REPRESENTATIVE:

Representative --

CHAIRMAN SMITH: Representative.

REPRESENTATIVE BROWN: Mr. Wallace --

SKIPPER WALLACE: Yes, ma'am.

REPRESENTATIVE BROWN: -- we
appreciate you sticking with us tonight.

SKIPPER WALLACE: I'm always there.

REPRESENTATIVE BROWN: And nice to see you again today.

Do you share the -- the opinion that we would actually be helping a lot of people by giving them means by which they can attain -- obtain a voter I.D. or a -- an I.D., people who are now suffering the consequences of not being able to prove their identity for anything?

SKIPPER WALLACE: I certainly want to do everything we can do to provide I.D.s to folks who do not have I.D.s. I just stated in my testimony a while ago that we have 5.3 million more government-issued I.D.s in the State of Texas than what we have registered voters. I'm trying to figure out who doesn't have an I.D. already.

REPRESENTATIVE BROWN: Uh-huh, uh-huh. That number does bring some questions to mind, does it not?

SKIPPER WALLACE: It does to me.

REPRESENTATIVE BROWN: It certainly makes it look like we perhaps don't have quite as many people without I.D. as has been previously --

SKIPPER WALLACE: I'm sure there are
REPRESENTATIVE BROWN: Do you remember the days when Debra Danberg was Chairman of Elections in the House?

SKIPPER WALLACE: I -- I do.

REPRESENTATIVE BROWN: I just -- someone brought me a quote from her yesterday. It was a few days -- I mean, a few years ago.

SKIPPER WALLACE: Yes, ma'am.

REPRESENTATIVE BROWN: It was printed in the Wall Street Journal, and this was back in the year 2000. "State Representative Debra Danberg, a Democrat who was Chairwoman of the Elections Panel of the Texas Legislature, says such cases that have been presented strengthen her resolve to press for reforms, even if many older voters don't want it."

"To me, this is victimizing the elderly," she says. "I wish the older citizens' lobby groups would see the fraud I'm seeing and start reacting like victims of fraud."

So even in 2000, Ms. Danberg was seeing that there was fraud going on. She -- she was -- she was seeing the effects of it and -- and saying that she hoped -- that she wished that more people would step forward and let's end this.
SKIPPER WALLACE: Well --

REPRESENTATIVE BROWN: So I thought

this was a significant quote.

SKIPPER WALLACE: I -- I think it is

a very good quote and a good feeling that she had.

That was before Mary Denny's time.

REPRESENTATIVE BROWN: Right.

SKIPPER WALLACE: Mary Denny was the

one that really started working hard on the voter

I.D. bill.

REPRESENTATIVE BROWN: Uh-huh.

SKIPPER WALLACE: And I worked with

her. I worked with the Chairman before Mr. Smith

and I --

REPRESENTATIVE BROWN: And so you

know that I carried Mary Denny's bill last year.

SKIPPER WALLACE: I'm very aware you

carried Mary Denny's bill, and I -- I testified on

it a number of times, too.

REPRESENTATIVE BROWN: I know you

did.

SKIPPER WALLACE: I really feel like,

you know, that we're -- that -- the problem is we

can't prove that there isn't voter I.D. fraud. The

Democrats, Mr. Anchia or whoever his constituents,
can't prove that there, you know, is. We can't prove that there is, you can't prove that there isn't.

REPRESENTATIVE BROWN: Uh-huh.

SKIPPER WALLACE: My thinking is we've got lots of election problems in the fraud area.

REPRESENTATIVE BROWN: That's right.

SKIPPER WALLACE: We might have some voter suppression issues that we need to address. But let's address this one and get it behind us. Then we'll work on the -- the ballot by mail. And I know we have problems in the ballot by mail.

REPRESENTATIVE BROWN: And I agree. I think this is just a baby step that we absolutely --

SKIPPER WALLACE: We -- we -- I think --

REPRESENTATIVE BROWN: -- before we do anything else.

SKIPPER WALLACE: -- everybody wants the best elections that we can get. And we've got to do it -- we've got to temper justice with mercy. And I understand -- my friend Raphael over here, we talk about these things all the time. And I know
he's got one opinion and I've got another, and
that's okay. That's what it's all about. But I
started to bring my -- my passport for you today,
Raphael, but you didn't ask for it. But anyway --

UNIDENTIFIED REPRESENTATIVE: That's
a different bill.

SKIPPER WALLACE: That's a different
bill.

REPRESENTATIVE BROWN: Do you have --
by the way, do you have your voter registration
card?

SKIPPER WALLACE: I have my voter
registration card, I have my handgun license, I have
my driver's license. I -- I'm -- I'm very I.D.ed.

REPRESENTATIVE BROWN: I have all of
those, too. And I -- I never --

SKIPPER WALLACE: I don't have
(inaudible) with me, though.

REPRESENTATIVE BROWN: -- take my
voter card out of my billfold. And I can't figure
out these people that can never find their voter
registration card --

SKIPPER WALLACE: I cannot, either.

REPRESENTATIVE BROWN: -- because
mine stays there with my driver's license.
SKIPPER WALLACE: I'm sorry Mr. Bohac can't find his, but...

REPRESENTATIVE BROWN: Thank you, Mr. Wallace.

SKIPPER WALLACE: Yes, ma'am.

CHAIRMAN SMITH: Representative Anchia.

REPRESENTATIVE ANCHIA: I just want to say to Skipper thank you for staying up with us yesterday and being here to testify on the bill. I would love to engage you on a more in-depth discussion of mail-in ballot fraud. It is clearly a problem, and I think you talked about Representative Dan -- former Chairwoman Danberg's concern about mail-in fraud. I just want to state for the record that the Senate bill does nothing --

SKIPPER WALLACE: I understand that.

REPRESENTATIVE ANCHIA: -- to remedy mail-in fraud.

SKIPPER WALLACE: I understand that.

REPRESENTATIVE ANCHIA: You share that concern.

And if -- if the Republican county officials group that you represent has a plan to deal with that, I'd really appreciate if you brought
it forward so we could work constructively on that.

SKIPPER WALLACE: I would certainly love to work with you solving the voter fraud problem, but if you'll help me solve this one first, then we'll work on that one, I promise you.

REPRESENTATIVE ANCHIA: Let's --

SKIPPER WALLACE: I promise you.

REPRESENTATIVE ANCHIA: -- let's solve all the fraud at the same time.

SKIPPER WALLACE: Well, you know, that's ideal. I would love to do that, but I don't think it's realistic. And I'm a very realistic, down-to-earth, commonsense kind of guy. And I know things are hard to get through the legislature, because there's two sides to everything. And if we can get this one, that's one small problem out of the way, and then we can work on the next biggest problem, then the next biggest, And soon maybe we'll have them all solved. I doubt it; not in my lifetime.

REPRESENTATIVE ANCHIA: No. My view, I -- and I agree with you --

SKIPPER WALLACE: You're a lot younger than I am.

REPRESENTATIVE ANCHIA: -- we should
prioritize. So if we have a big problem that we know exists in mail-in ballots, let's tackle it. And the problems that you don't have evidence for or really none --

SKIPPER WALLACE: We may have a big voter impersonation problem that we don't know before. We think we do. There is lots of folks out here that's going to testify that they've seen cases of it.

REPRESENTATIVE ANCHIA: There are people who believe in UFOs who have never seen one, either.

SKIPPER WALLACE: I understand that, too.

REPRESENTATIVE ANCHIA: Thank you, Mr. Wallace.

SKIPPER WALLACE: Thank you.

UNIDENTIFIED REPRESENTATIVE: And Mr. Wallace --

SKIPPER WALLACE: Yes, sir.

UNIDENTIFIED REPRESENTATIVE: -- we heard from Buck Wood here today.

REPRESENTATIVE ANCHIA: I listened to Mr. Wood's testimony.

UNIDENTIFIED REPRESENTATIVE: And his
opinion after having looked at this for years was
the only way he knew to get at it was to go back to
the old law where you had to have an excuse when
you're over 65 on how to vote by mail. That was his
opinion.

SKIPPER WALLACE: I -- I -- I --
well, I don't think we're here to just vote about
mail problems today.

UNIDENTIFIED REPRESENTATIVE: Do you
know of any -- believe me, I don't know why we can't
try to solve voter registration fraud as a part of
this or other legislation this session.

What we need is an I.D. that would solve
that problem that would not result in anybody being
accused of voter suppression, because my
impression - and I think this happened in -- in --
when Representative Woolens filed his legislation in
early 2000 to try to get at the problem of
harvesting votes in senior citizens homes - is he
was accused of trying to suppress voters, also.
It's -- it's -- you know, believe me, I think
everybody on this Committee is prepared to address
that problem. And we just need a good idea that
would solve it and that -- where we could all agree
that we're solving this problem and nobody would
accuse anybody of trying to suppress any legal vote.

SKIPPER WALLACE: Well, that's always
the situation, Mr. Chairman, is that when we tighten
up the process we're accused of suppression. When
we try to make it easier for people to vote, we're
accused of making it, you know, too easy and voter
fraud creeps in. So I don't know that there is a
magic bullet.

I think that between you smart folks you
can come up with a -- maybe a solution to that.
We'll be glad to help you with that. I don't have
the magic bullet. I wish I did, I tell you.

CHAIRMAN SMITH: Representative
Brown.

SKIPPER WALLACE: Yes, ma'am.

REPRESENTATIVE BROWN: Just one other
comment. Your statement -- one of your statements
brought to mind a testimony that was given in the
Senate when they were hearing the bill --

SKIPPER WALLACE: I was there, too.

REPRESENTATIVE BROWN: -- from the
gentleman from --

SKIPPER WALLACE: Twenty-seven hours.

REPRESENTATIVE BROWN: Yes. You
think -- you probably remember the gentleman from
Indiana talking about once they passed the -- the
I.D. bill in Indiana --

SKIPPER WALLACE: Uh-huh.

REPRESENTATIVE BROWN: -- he said

suddenly there was an atmosphere of cooperation; we
were able to get things done. The Democrats and
Republicans worked together -- excuse me -- and we
went on and passed a lot of needed legislation,
working together. But for some reason the voter
I.D. bill had become a wedge issue and --

SKIPPER WALLACE: As it is here.

REPRESENTATIVE ANCHIA: -- and had

stood in the way of getting other things done.

Once they got it out of the way they were
able to work on many other things together. And
that's --

SKIPPER WALLACE: I think --

REPRESENTATIVE BROWN: -- what I'm

hoping for Texas.

SKIPPER WALLACE: -- one of the

things, it brings voter confidence back in the

system --

REPRESENTATIVE BROWN: Amen.

SKIPPER WALLACE: -- that say, why do

I need to go vote? You know, mine's going to get
canceled out by somebody through whatever reason, voter impersonation by mail, whatever reason. We've got lots of problems in the election processes.

But I think if we can get past this hurdle and get these problems solved where we have a little bit more creditability in the election process, the next hurdle we'll tackle is mail-in ballots, which we know we have a problem there, too. You know, we've got a lot of problems we've got to work on in the State, not just voter problems. But these are some of the ones -- these are the basic platform for our whole society, for our whole country is our election process. If we don't have creditability in the election process, then, you know, as we found out in Linda Harper-Brown's -- it doesn't take very many bogus votes to flip an election. And it's -- you know, we like to lost her.

REPRESENTATIVE BROWN: To me, it's so important that we prove that we can get control of our elections and provide more integrity --

SKIPPER WALLACE: I think so.

REPRESENTATIVE BROWN: -- because we are the ones that are trying to export democracy --

SKIPPER WALLACE: Yeah.

REPRESENTATIVE BROWN: -- Democratic
elections to other countries. For us to lose
control of ours and it not be --

SKIPPER WALLACE: Well, the simple
thing about it here in the United States is that we
have such a trusting system. We have an honor
system.

REPRESENTATIVE BROWN: Uh-huh.

(Inaudible).

SKIPPER WALLACE: We're the only
country in the world that goes on the honor system.
Even in Mexico, right across the border --

REPRESENTATIVE BROWN: Correct.

SKIPPER WALLACE: -- which I would
have thought their system was much more loosy-goosey
than ours, they require biometrics. You
know, you've got to have a thumbprint, you've got to
have an I.D. card, no question. You don't vote or
you got it, one or the other.

Of course, even in Iraq now they've got to
stick their finger in the blue ink to vote. That
might be a good thing here. Who knows. We'd sure
cut out multiple voting.

UNIDENTIFIED REPRESENTATIVE: My kids
really want to move to Iraq and Mexico, too.

SKIPPER WALLACE: I don't, either,
sir.

UNIDENTIFIED REPRESENTATIVE: What votes -- how many bogus votes were there in Ms. Harper-Brown's election?

SKIPPER WALLACE: I think it was -- I don't know. I think she was finally elected by 14, I believe. But that's --

UNIDENTIFIED REPRESENTATIVE: Okay. And how many -- how many of the 40,000 were bogus?

SKIPPER WALLACE: I couldn't tell you, sir.

UNIDENTIFIED REPRESENTATIVE: Well, then, why did you just say that bogus votes almost cost her her seat?

SKIPPER WALLACE: Well, that were -- some news articles that I read --

UNIDENTIFIED REPRESENTATIVE: That said what?

SKIPPER WALLACE: That said there were a number of votes in question. And I think they had to recount them three times. And --

UNIDENTIFIED REPRESENTATIVE: And they counted them three times. And how many bogus votes did they find?

SKIPPER WALLACE: I don't know, sir.
I can't testify to that.

UNIDENTIFIED REPRESENTATIVE: Then why did you come up here and just tell this Committee she almost lost her seat because of bogus votes? I'm just curious. That -- I'm just -- I want to know the answer.

People say things. It's easy to say things.

SKIPPER WALLACE: Well, there were a number of questionable votes. I don't know --

UNIDENTIFIED REPRESENTATIVE: And they counted them three times.

SKIPPER WALLACE: -- wasn't involved in that process.

UNIDENTIFIED REPRESENTATIVE: They counted them three times?

SKIPPER WALLACE: That was my understanding.

UNIDENTIFIED REPRESENTATIVE: And her opponent picked up in votes after they recounted them. She won.

SKIPPER WALLACE: Good.

UNIDENTIFIED REPRESENTATIVE: So I still -- if she almost -- if you almost lost her because of bogus votes, I would like to know what
they are.

SKIPPER WALLACE: Well, if she were here maybe she could answer that question.

UNIDENTIFIED REPRESENTATIVE: You said it. She didn't.

SKIPPER WALLACE: She's the expert.

UNIDENTIFIED REPRESENTATIVE: Okay.

SKIPPER WALLACE: I'm a public testimony. Remember?

UNIDENTIFIED REPRESENTATIVE: You're what?

SKIPPER WALLACE: Public testimony.

UNIDENTIFIED REPRESENTATIVE: Well, she's a member of the public, too. We only get paid $35 a month.

UNIDENTIFIED REPRESENTATIVE: He's referring to the fact that last night we had expert testimony and today it's public testimony.

UNIDENTIFIED REPRESENTATIVE: Okay.

CHAIRMAN SMITH: Members, any other questions? Thank you, Skipper.

SKIPPER WALLACE: Thank you,

Mr. Pena.

REPRESENTATIVE VEASEY: All right.

Mr. Chairman --
CHAIRMAN SMITH: Yes.

REPRESENTATIVE VEASEY: -- can you hear me okay? Because the light's not coming on.

CHAIRMAN SMITH: I can hear you. Go ahead.

REPRESENTATIVE VEASEY: Okay. I wanted to just point out that Mr. Skipper [sic] in his testimony when I pointed out about, you know, voter suffer-age and people being able to exercise their right to vote, that Mr. Skipper said that he would be supportive in this, that [sic] would make sure that everybody that has the legal right to vote in this country -- even if they didn't have an I.D., that he wanted to make sure that no one that could legally vote lost their suffer-age. So I think that's particularly important for our Republican friends to take forward with them as we proceed along with this particular debate. So I just want to point that out.

VICE CHAIR PENA: Thank you, Representative Veasey.

Okay. The Chair calls Luis Figueroa.

Luis, I have you here from MALDEF, but why don't you go ahead and state your name and who you represent.
LUIS FIGUEROA: Thank you, Vice Chair, Chairman. My name is Luis Figueroa. I'm the Legislative Staff Attorney at the Mexican American Legal Defense & Educational Fund, MALDEF. And we are here in opposition to Senate Bill 362.

MALDEF is a legal organization founded in San Antonio, Texas to protect and promote Latino civil rights including voter rights. And we want to inject some new information to this debate based on some of the litigation that we've done. We understand that the Committee is trying to weigh the cost of benefits of stopping potential voter fraud or unproven voter impersonation versus preventing access to the ballots. And the best information we have about that is from our litigation in Gonzalez v. Arizona (phonetic) in which MALDEF served as lead counsel for the plaintiffs. This is important information from Arizona, because it's the closest to what's being proposed by Senate Bill 362. In Arizona you prepare a photo I.D. If you don't have one, you present two non-photo I.D.s. So it's probably the closest state to what is being proposed by Senate Bill 362. What we learned in Arizona is there weren't that many or there were actually no supportive (inaudible) incidence of voter
impersonation. If mister -- and there was something
of a -- a solution in search of a problem.

But during these investigations we found
that what happened was when a person was -- did not
have representative documentation they would cast a
provisional ballot which would actually count the
number of people who were disenfranchised based on
the lack of identification. They were told to
return within five days. And if they did not return
within five days their vote was not counted.

Across three federal elections, the 2006
primary, the 2006 general, and the 2008
Presidential, 4194 votes cast conditional
provisional ballots that were never counted because
a voter could not provide the required I.D.

Now, in Texas, we know we cast 42,000
provisional ballots. And under our current law,
which requires only one form of identification,
there were about under 400 voters who were unable to
cast -- were -- cast a provisional ballot for lack
of identification and were counted.

Now, the problem in Arizona was not so
much the documentation, but -- as much as the
implementation of the law. For example, Karen
Lucero (phonetic), a police officer and registered
Republican, was forced to cast a conditional provisional ballot, but - because her driver's license listed a different address than the voter rules. She had consistently moved. And when she tried to cast a ballot, when the demands from job (inaudible) to transfer county to show additional I.D., her vote was not counted.

We have a few other examples in (inaudible) testimony, but another one was Georgia Morrison. And Georgia Morrison Flores was a newlywed when she registered to vote and registered under her married name. Despite her status, unable -- the eligible status she was unable to cast her regular qualified ballot. So these were the type of situations we found in Arizona.

We are strongly cautious about a voter I.D. bill without the proper safeguards, and this Senate Bill 362 doesn't have those safeguards in place right now. So for those reasons we're in opposition to the bill. And we're open for questions. We'd love to discuss this further with the Committee.

VICE CHAIR PENA: Thank you,
Mr. Figueroa. I have a question.

Earlier did you hear the testimony from
the Vice-President of the Young Democrats?

LUIS FIGUEROA: I did.

VICE CHAIR PENA: Listening to her testimony, I was concerned about the similar problems that migrant students may have. You know, where I -- where I live in South Texas, and many other parts of Texas, we have migrants that you have all around the country. Could you address that --

LUIS FIGUEROA: Absolutely.

VICE CHAIR PENA: -- and how that would -- any problems that they may encounter.

LUIS FIGUEROA: Absolutely. And so the initial problem is whether they have the initial documentation, whether they will have the utility bill or state identity document. Many of those migrant students or migrant families may not have that documentation. They may not have a driver's license. But even if they did, the address on the identity documents may not match what's on the voter rolls. What we found in Arizona, which did not require under the status that the address match, but was through regulation through the administrative procedure required some type of address match, many people were unable to cast a regular ballot and were
disenfranchised. This would -- exactly [sic] is what would occur for someone who moves a lot and people who have different names. We know that Latino names typically have varying names. For example, Beatrice Avila after marrying Jose Verez (phonetic), it would not be atypical for her to add Verez to her last name and, therefor, her last name wouldn't match the voter registration name on there. So these kind of technical issues in name matching, address matching, is where we see the potential for -- for disenfranchisement.

VICE CHAIR PENNA: Representative.

REPRESENTATIVE BROWN: The -- all these that you say their votes were not counted and they were disenfranchised, have you removed the numbers from that -- from those that were found to be illegal or non-residents or felons or for some reason they were not qualified to vote?

LUIS FIGUEROA: Right. So in these situations the conditional provisional ballot is someone who was otherwise eligible to vote in terms of their name being on the list, but they didn't have the proper identification, and so they were given a conditional provisional ballot which would separate specifically for people with lack of
identification. So --

    REPRESENTATIVE BROWN: Those

people --

    LUIS FIGUEROA: Do we know --

    REPRESENTATIVE BROWN: -- only for --

    LUIS FIGUEROA: That's right. Do we

know for sure that those were all legitimate voters?

We don't. But we do know that was the reason why

they couldn't vote.

    CHAIRMAN SMITH: Any other questions,

Members? Thank you, Luis. Appreciate it.

    CHAIRMAN SMITH: At this time the

Chair calls Mary Opitz representing herself,

testifying in favor of Senate Bill 362. Come on
down.

    MARY OPITZ: (Inaudible).

    CHAIRMAN SMITH: We'll see.

    MARY OPITZ: Okay.

    CHAIRMAN SMITH: Please state your

name and who you represent.

    MARY OPITZ: Sure. My name is Mary

Opitz, and I'm from Plano, Texas, Collin County, and

I am representing myself. I'm a life-long Democrat

who is in favor of this bill.

    Had it been in effect I believe last
spring I wouldn't have witnessed some of the violations that I did see.

I thank the Committee for this opportunity to present some information.

I had four items. I don't think time will prevent me to -- to mention the four, but I'll try to get through three.

CHAIRMAN SMITH: Mention as many you can, and we'll ask about the others.

MARY OPITZ: Thank you. I appreciate that.

CHAIRMAN SMITH: I've been asked to have you pull the microphone a little closer to your mouth.

MARY OPITZ: Okay. Like this?

CHAIRMAN SMITH: Yes.

MARY OPITZ: Thank you.

Excuse me. The -- the one claim I hear from Democratic leaders is that this bill -- or, excuse me, there have been no legal cases of fraud that have been prosecuted, but I'm aware of one case in Collin County that was narrowly prosecuted. It was a result of the primary election last spring. Charges were leveled against an individual for having voted in Collin County when they resided in
Dallas and -- actually lived in Dallas County. The D.A. took this information to the Grand Jury and was going to indict this individual until the word came from the Attorney General's office not to go forward because residency is fuzzy. And I understand that this bill doesn't necessarily address the residency issue.

UNIDENTIFIED REPRESENTATIVE:

(Inaudible).

MARY OPITZ: Oh.

UNIDENTIFIED REPRESENTATIVE:

(Inaudible).

MARY OPITZ: I guess I'm too soft-spoken. Sorry. Anyway, the --

CHAIRMAN SMITH: Unlike most Democrats I know.

UNIDENTIFIED REPRESENTATIVE: Oh.

UNIDENTIFIED REPRESENTATIVE: Oh.

MARY OPITZ: In other words, someone who does not live in a precinct can vote there, because they may have an intention of one day living there. That was the word that came down. And so the whole thing was dropped.

As a result, there was a great deal of precinct shopping, as documented in a 100-page
challenge that I and a few other people put together
to take before the State Democratic Credentials
Committee. Our challenge was sustained by the
Committee, but there was no remedy that they would
offer. And so as a result, people who cheated the
system got away with it.

And I should have given some background.
I have worked elections as well as a clerk, and so
I'm familiar with the process. And I'm not going to
get to very many of these. But I participated in my
own precinct's Democratic Convention on election day
last spring. I served on the county's Credentials
Committee. And because of this I not only witnessed
events firsthand, I was also privy to situations
that occurred in my county. I was part of the group
that I just mentioned, filed this 100-page
challenge. We also spoke to the temporary
Democratic credentials and I -- when it held a
hearing in Grand Prairie, Texas for north Texas
counties. And it was a hearing much like this. It
went 13 hours. We didn't testify until 11:00 p.m.
And during those 13 hours we heard similar issues
brought forward from Tarrant, Dallas, Denton and
Collin Counties. Anyway, so that was kind of the
background for this -- this challenge.
I have with me documentations. Anyway, I'll stop. If you have any questions about any of the things --

CHAIRMAN SMITH: Members, any questions of Ms. Opitz? Any questions, Members?

MARY OPITZ: Okay.

UNIDENTIFIED REPRESENTATIVE: (Inaudible).

CHAIRMAN SMITH: Yeah. Let --

MARY OPITZ: I'm sorry?

CHAIRMAN SMITH: There's only time in terms of the microphone. You do --

REPRESENTATIVE BROWN: Please finish your sentence at least.

CHAIRMAN SMITH: Take another 30 seconds. Yeah. Thank you.

MARY OPITZ: Two really quick items. One is Precinct 25 there were documented 22 people who were ineligible to vote in that precinct, and they -- their votes were counted. One of those individuals signed in with the first name I believe of Jerry, no last name, no address. The Credentials Committee chose not to discard that. And, you know, to me that's a fraudulent vote and it cast out other voters as well as the two. But to have a single
first name and have that go through was, to me, totally unacceptable.

One case that's very personal to me, I have a daughter who has special needs. She has cognitive impairment. My husband and I have legal guardianship for her. I think it would be very easy for someone to register her name, get her voter registration card and vote in her place today. And so I would ask you to please protect her rights and the voting rights of numerous other citizens with her condition or in similar situations.

The one other point that I would like to make is last spring -- or excuse me, last summer in July the Democratic party initiated a Committee to study the convention/caucus process. It was headed by Senator Royce West (phonetic) of Dallas. And in that kickoff meeting, Boyd Richie (phonetic), the Democratic Chair, in his remarks to the Committee said, "It should be hard for people to participate." He was actually defending a process which in many cases precludes people from voting. If he really thinks it should be hard for people to exercise their franchise, then I don't believe he can say that this particular bill presents an onerous burden for those same people. It's been --
CHAIRMAN SMITH: At this point --
MARY OPITZ: Okay.
CHAIRMAN SMITH: -- to be fair to all
the witnesses, I'm going to have to stop.
MARY OPITZ: All right.
CHAIRMAN SMITH: Otherwise, it would
be unfair to the other witnesses.
MARY OPITZ: I thank you for your
time.
REPRESENTATIVE VEASEY: One question.
CHAIRMAN SMITH: Representative
Veasey.
REPRESENTATIVE VEASEY: What were you
saying about Chairman Richie again? What -- would
you repeat that?
MARY OPITZ: Yes. The purpose of
this Committee hearing -- or this Committee of the
Democratic party was to study the convention caucus
process and they held hearings throughout the State.
REPRESENTATIVE VEASEY: Right.
MARY OPITZ: But the kickoff hearing
was in July here in Austin. And at that time --
REPRESENTATIVE VEASEY: I'm on that
Committee.
MARY OPITZ: Okay. Boyd Richie and
the legal counsel both identified that there were --
there was evidence that rules and laws weren't
followed in the precinct conventions. But what
really caught my eye and seems hypocritical to me is
the contention that this bill presents an onerous
burden for the same individuals that it's well
documented the conventions provide a hardship on.
And he said that it should be hard for people to
participate in the conventions. The elderly, people
with shift work, people with young children, people
who are in the military and perhaps deployed cannot
participate in those. And did -- he did not see
that that was a particular onerous burden or a
problem. And I think that that's just inconsistent
that you can hold -- that the conventions are not a
burden and --

REPRESENTATIVE VEASEY: I -- I --

MARY OPITZ: Okay.

REPRESENTATIVE VEASEY: -- know the
Chairman very well and sat in on those committees.
I don't remember him making any sort of statement --

MARY OPITZ: I don't think you were
there, but I do have it on film. I taped his
conversation.

REPRESENTATIVE VEASEY: -- I don't
remember him making any statements like that. And you may have misunderstood his comments or --

MARY OPITZ: That may have been the case. That may have been the case, but I don't believe so.

REPRESENTATIVE VEASEY: Thank you.

CHAIRMAN SMITH: Chairman would like to indicate for the record that Dr. Alan has joined us.

Any other questions, Members, for this witness?

REPRESENTATIVE BROWN: Just one question.

CHAIRMAN SMITH: Ms. Brown.

REPRESENTATIVE BROWN: Did you attend either the State or Democratic Convention?

MARY OPITZ: I did, but I was a delegate. I was a volunteer working the Democratic Convention and --

REPRESENTATIVE BROWN: So you saw the delegates as they came in?

MARY OPITZ: Yes.

REPRESENTATIVE BROWN: Did they have to present a photo I.D. to enter for the convention?

MARY OPITZ: Yes, ma'am.
REPRESENTATIVE BROWN: Thank you.

That's interesting.

MARY OPITZ: Oh, I'm sorry. Excuse me. Am I dismissed?

CHAIRMAN SMITH: Any other questions of this witness, Members? I think you're dismissed.

MARY OPITZ: Okay.

CHAIRMAN SMITH: Thank you very much.

MARY OPITZ: Thank you for your time.

CHAIRMAN SMITH: You bet.

UNIDENTIFIED REPRESENTATIVE:

Chairman?

CHAIRMAN SMITH: Yes.

UNIDENTIFIED REPRESENTATIVE: It's my understanding we had varied -- took a few witnesses so -- because of the connection to last night. Can we switch back and let some of these Members lay out their bill so that they can go on to their other committees --

CHAIRMAN SMITH: Not at this time.

We'll engage about discussions about doing that, but I -- I need to understand what we're doing before we do that, if that's okay.

UNIDENTIFIED REPRESENTATIVE: Okay.

Okay.
CHAIRMAN SMITH: At this time the Chair calls Doug Bell, who represents himself and is testifying against Senate Bill 362.

DOUG BELL: Thank you very much. My name's Doug Bell, and I am representing myself. I'm also here to speak on behalf of homeless people and working poor. And my credentials in that area are that I have started and worked in a -- a homeless shelter in downtown Austin for the past ten years. So I'm here to tell you how this bill will affect the folks that are working poor and homeless.

First of all, working people -- working poor people and homeless people do want to vote. Many of them very interested in state and local elections. A lot of them are proud veterans, as a matter of fact, who want to participate in their -- in their political process, because they've served their country. They have a right to vote. And if bureaucratic roadblocks keep them from the polls, then they feel like they've been unfairly excluded.

Now, you asked earlier, Representative Smith, if there was anybody that doesn't have any of the things on that list. Yes, there are. A lot of these folks do not have any of those things. And you might ask why is that. Well, several reasons.
First of all, if you carry everything that you own in a backpack, there's a good chance that's going to get stolen if you fall asleep somewhere. And that does happen a lot. So we have individuals on a regular basis who do not have any I.D. Believe me, they want to have I.D., not particularly because they want to vote, but because they want to get a job, and they want to find a place to work. And so it is a problem with -- with them, and we help those folks try to get I.D.s.

And so what I'm here to tell you about is how hard it is to actually get an I.D.

On the back page of what I passed out is a sheet on this blue sheet that we pass out to all the homeless folks that say they want to get an I.D. and it describes how to do that. And the bottom line on it, since I have limited time, is that it typically takes them from six to ten weeks to be able to get a photo I.D. because of the process they have to go through. If they're lucky and were born in Texas, then they can get a birth certificate fairly quickly, but it cost $23, so that's a deterrent right there. So you talked about possibly having free photo I.D. That doesn't solve the free birth certificate problem. So because they can't afford a
birth certificate, they can't afford to even go get
a free photo I.D. So that would be a problem that I
would see with the way the bill's written right now.

We do try to get those folks registered to
vote, and we did a lot of that during this past
election cycle. And there, you know, you fill out
an application, and you sign it saying that you're a
citizen and that you're able to vote. And a lot of
those did that. If we had to say to those people,
"Well, come back when you've gotten your birth
certificate and when you've gotten your photo I.D.
and then we'll sign you up to register -- register
to vote," that would be a problem. So, anyway,
these folks do definitely have a burden, and they
will be disenfranchised by this bill. So I
recommend you vote against it. Thank you.

CHAIRMAN SMITH: Just a question --
quick question. I mean, you -- you cite the example
of the guy who has a backpack that was stolen just
before the election. And I'm presuming, you know,
that you're talking about, by and large, someone
who's homeless, sleeping on the street, something of
that effect?

DOUG BELL: Right. Or living in
shelters, right.
CHAIRMAN SMITH: Everything they've

got is in a backpack?

DOUG BELL: Right.

CHAIRMAN SMITH: And I guess the only

way that we address that problem of that identifying

individual [sic] is to have no identification

requirements whatsoever and simply allow people to

go in the polls and say, "I am so and so," and if

the name matches a name to the rolls let them vote

without any documentation of any kind. That's the

only way to address that concern you're expressing.

DOUG BELL: And I'm not advocating

that. What I'm saying is at least --

CHAIRMAN SMITH: Are there any

identification requirements that -- that might be

presented to that guy who everything he owns is in a

backpack and it is stolen within a few days before

an election, is in trouble?

DOUG BELL: Well, he might not be

able to afford to get to -- a photo I.D. He might

be able to afford to get a birth certificate. But

today he can afford to get a voter registration

card. So that may be the only thing he has. In

fact, that's one of the forms of I.D. we tell them

to get first is voter registration, because it is
free.

CHAIRMAN SMITH: But under current law, if that voter registration is stolen within a certain number of days before the election before he has an opportunity to go get a copy of it, he's in trouble. Right?

DOUG BELL: That's right. But what I'm saying is it takes -- they often go for months and months without any of those other identifications because they can't afford to do it.

CHAIRMAN SMITH: So in light of the fact that you're concerned about present requirements, I take it that you do not agree with the card or (inaudible) recommendations in terms of enhancing security of our polls in general?

DOUG BELL: I'm not familiar with what those rules are exactly. I don't know.

CHAIRMAN SMITH: Okay. Any other questions, Members? Yes. Representative Bohac.

REPRESENTATIVE BOHAC: You said that during this last election -- (inaudible) last election you went out to try to help homeless people register to vote. Is that right?

DOUG BELL: Yes, sir.

REPRESENTATIVE BOHAC: That's
certainly a laudable goal. But I just have some practical questions.

How would you help them go vote after they got their card and what address would you use to have their card mailed to?

DOUG BELL: You use the address of the shelter. And so we have probably, oh, easily 100 people who use the address of the shelter. And so when the card is mailed - we do have a mail service for people, also - then we give them their card. And if they are able to hold onto it, then they're eligible to vote. And then we encourage them to go to the polls. We tell them where the polls are and that sort of thing.

REPRESENTATIVE BOHAC: Okay. I would certainly believe and hope you all are going to help them to -- or provide them with transportation or something to help them go vote. I mean, if they're homeless, transportation would probably be an issue.

DOUG BELL: It is. It is. Transportation is an issue. We don't help with transportation. We don't have the funds for that. We used to, but funds are down these days, so we are not able to give out bus tickets like we used to.

REPRESENTATIVE BOHAC: Okay. I
was -- I was just curious, you know, about how the
process works.

DOUG BELL: Sometimes the polls are
close enough. You know, I mean, Trinity Center is
downtown, and there's facilities for early voting
anyway nearby. And they walk a lot, so they get a
way -- get around a lot that way.

CHAIRMEN SMITH: And I guess I just
want to make one follow-up comment. While I don't
believe we can develop our identification
requirements as a state around the horror story of
the homeless gentleman whose entire possessions are
in a backpack that is stolen within a few days of
the election --

DOUG BELL: Uh-huh.

CHAIRMEN SMITH: -- I do understand
and am sympathetic to the fact that even that guy
under those circumstance has a constitutional right
to vote.

DOUG BELL: Uh-huh.

CHAIRMEN SMITH: And I think that
there has been discussion today from Buck Wood and
other -- other Members about how even that
individual, that worst-case scenario, that -- that
horror story could be allowed to cast a provisional
ballot which, under a variety of mechanisms so long as that individual is able to establish that they are who they say they are within a reasonable period of time --

DOUG BELL: Uh-huh.

CHAIRMAN SMITH: -- would have their vote counted anyway, even under the worst horror story that you could imagine in testifying today. And I -- I -- I just want to make it clear that -- that -- that even though I think that's an extreme example that is almost never going to occur, that guy still has a constitutional right to vote, and we're going to be trying to find a way to make sure that his vote is counted to the extent that he is who he says he is, and that is a legal United States voter.

UNIDENTIFIED REPRESENTATIVE:
Representative (inaudible).

DOUG BELL: Free birth certificates would help.

CHAIRMAN SMITH: What's that?

DOUG BELL: Free birth certificates would help.

CHAIRMAN SMITH: We're going to consider every possibility. We have to consider
fiscal notes, as well.

DOUG BELL: Right.

CHAIRMAN SMITH: I think we could balance cost and principles here.

Yes. Representative.

REPRESENTATIVE BROWN: Would you give me a ballpark figure of the -- maybe the percentage of people that you deal with that you're absolutely not able to get them some kind of I.D.?

DOUG BELL: Yes, ma'am. I would say that on a given day -- we see about 100 people a day. And of those, we'll talk to, oh, you know, 15 or so that are trying to get an I.D. And so there probably are somewhere in the neighborhood of 20 percent who have no I.D. at all on any given day.

So then we present them with this -- this document that I showed you and try to help them through the process. One of the first things we do is we'll help them get a transcript from their high school or their junior high. So that's one of the forms of I.D. So we try to help them do that. We try to get them a voter registration card, because that's another form of I.D. that's on the list. And we try to help them through the process. But typically it will take them -- well, as I said in my
report here, it takes six to ten weeks and costs $50. And the $50 is usually the biggest problem. But it takes a long time and a lot of determination, you know, to get their I.D. So any given day, probably 20 percent don't have any I.D. at all.

REPRESENTATIVE BROWN: I've been told that if you get a -- with a voter registration certificate you can get a driver's license. Is that correct?

DOUG BELL: If -- if you -- no, I don't think so. I think you have to have a birth certificate.

REPRESENTATIVE BROWN: You have to have other documentation?

DOUG BELL: Uh-huh. You have to have two documents, and one of them would be a birth certificate to do that and a Social Security card.

Typically what we cross, we -- while we're helping them apply for birth certificate, we also help them get their high school I.D. information. That takes a few weeks. Once that comes in, we send them to Social Security to get a Social Security card, which is free. And then they can go down to DPS and try to get either a Texas I.D., a photo I.D., or a -- a driver's license. Mostly they get a
photo I.D., because they don't drive.

REPRESENTATIVE BROWN: And -- and the cost on it is?

DOUG BELL: I believe it's around 22, $25, I think, for the driver's license. The photo I.D., I think, is 15. And that -- that's a big sum for the folks that we deal with.

REPRESENTATIVE BROWN: How much of a problem -- you showed me the sheet -- well, this sheet right here that has all the instructions on it.

DOUG BELL: Uh-huh.

REPRESENTATIVE BROWN: How much of a problem is illiteracy among that population?

DOUG BELL: It's a big problem. And another problem is reading glasses. We pass out free reading glasses, the -- the kind you get at the drugstore that are pretty cheap. We pass those out, because people literally can't see the forms. We help out with that. And illiteracy is another problem. We help them fill out forms.

REPRESENTATIVE BROWN: Thank you.

DOUG BELL: Uh-huh.

CHAIRMAN SMITH: And you do understand under the Senate bill the proposal is to
provide people with a free photo I.D.?

I understand that some of the documents
that would be necessary to get the photo I.D. cost
money, but you've identified others that do not cost
money. Is that correct?

DOUG BELL: That's correct. But I
think you have to at least have that birth
certificate, which costs money. So I don't think
there's a free path even if the photo I.D. is free.
I don't think that's a free path.

CHAIRMAN SMITH: So you don't think
the Social Security card itself is sufficient?

DOUG BELL: You can't get that unless
you have the birth certificate.

CHAIRMAN SMITH: Okay. I will -- I
will -- I will look at that. I've got some
information back here that will answer those
questions.

Yes. Any other questions, Members?

Thank you very much.

DOUG BELL: Thank you. Thank you.

CHAIRMAN SMITH: Thank you for your
testimony.

At this time the Chair calls Stephan
Findley testifying on behalf of the Republican Party
of Texas and also representing himself in favor of Senate Bill 362.

Please state your name again and who you represent.

STEPHAN FINDLEY: Steve Findley. I'm the Senate Executive Republican Committeeman from Senate District 1. More so than that, I'd like to be here as the father of eight young Texans who I have an innate desire to leave for them the State of Texas in the same shape, if not better shape, than I received it in. It's a very wonderful state, and I'm proud to live in it.

As a nation, we have exported or stood before the whole world and exported democracy and said, "This is the model of government that will bring prosperity to your people." We have actually gone -- gone as far as tell them that one person should have one vote in securing that democracy for your people.

The voter fraud issue can be solved. We can have 99.9 percent accuracy in this. We live in a -- we live in a country where we don't have to use the purple paint to make sure that we have one person casting one vote. We can do it with technology, a voter I.D. card. Senate Bill 362, I
I think, is a great step in the right direction toward achieving this high integrity in the voting process. I would encourage the Committee to advance it to a full vote and bring it to fruition in the State of Texas.

I would like to note that I read in the paper this morning -- it's the -- the local Austin paper; it's the front page about Bill 362. It said that people of brown, black and elders would be discouraged from voting because of pursuing a voter I.D. card. Personally, I find that awkward in that in the town I live in every day, I drive around with lots of Hispanic folks driving their cars, lots of black folks driving their cars. I have African American friends that work with me, Hispanic friends that work with me, and my parents are elder people, 75 and 73. And they all have made the effort to not only go and pass the test, but they also go and renew their driver's license. I don't see how getting a voter I.D. card is going to be a huge obstacle for our Hispanics and our blacks and our elderly Texans.

Thank you for your time.

CHAIRMAN SMITH: Just -- just to be fair to the witness who testified before, I did look
up the process for getting DPS-issued I.D. cards, and it requires you to issue a -- either a government-issued photo I.D., which obviously if you're getting for purposes of voting, you would -- you would have one, or a birth certificate and two supporting documents.

So to the extent that we required every voter in Texas to have a photo I.D., unless we provided free birth certificates in addition to a free photo I.D., then it would place a requirement on those voters to pay anywhere from $22 to $43 depending on whether they ordered the birth certificate by mail or whether they got it in person, et cetera. And just for the purposes of the audience, this is something you need to be aware of. That's one of the things that was addressed in the Supreme Court opinion is that the poll tax that was found unconstitutional in 1965 was $1.50. On an inflation-adjusted basis that's about $10.

To the extent that you require voters to obtain documents in the 20 to 40-dollar range -- now, this would only be a one-time purchase unlike the poll tax where you had to pay it every time you voted, but I think it does subject you to legitimate concerns about economic barriers to the polls, which
is why I have not been a proponent of the Indiana law and why the Senate opted for a different version which -- which allowed photo identification but also provided a bypass, an alternative, to provide for two photo -- two non-photographic identifications to eliminate any legitimate concerns on the part of our Democratic colleagues about any economic barriers to the polls, which -- which I don't want to support. Just -- just for some educational background for you and for anybody else in the audience who may not be aware of those facts.

Anybody else who has any questions?

Representative Heflin.

REPRESENTATIVE HEFLIN: Mr. Findley, as to the issue of mail-in ballot fraud which seems to be, from all the testimony we've heard, the area where it's the highest concentration, just what -- what -- have you thought about what would help that situation? That seems to be one area of fraud that we -- we struggle with.

STEPHAN FINDLEY: Yes, sir. I've got a couple of colleagues from Bowie County that will testify before you shortly on this, and they're the real experts at it.

I personally would like to see a special
prosecutor appointed.

REPRESENTATIVE HEFLIN: Okay.

STEPHAN FINDLEY: And that person could be summoned -- we all know that voter -- mail-in ballot voter fraud is going on, and in our area it's not prosecuted. Although all the documentation needed, signatures, spoiled ballots, personal witnesses, everything you need there to successfully prosecute this is available, it has not been prosecuted because of the political ramifications related to the prosecuting District Attorney in that county.

If you had an independent special prosecutor whose mission was to go and prosecute individuals that were doing this kind of mail-in fraud and word got around the State that they will put you in the penitentiary for this, I think you would see a 90 -- a 90 percent reduction in that kind of activity.

REPRESENTATIVE HEFLIN: And -- and this actually could be a regional-type thing. Would you agree with me?

STEPHAN FINDLEY: Absolutely.

REPRESENTATIVE HEFLIN: He could have ten counties to cover and actually would make it
easier.

STEPHAN FINDLEY: Absolutely. Folks show up with a gold badge and start taking testimony under oath, you'll get to the bottom of these type of problems very quickly.

CHAIRMAN SMITH: Representative.

REPRESENTATIVE BROWN: Thank you. Thank you for your testimony.

I think that -- I wish there were some way we would find -- we could have the numbers broken down so that when we're talking about elderly who could -- could possibly be disenfranchised -- disenfranchised, we could actually see the number taken away that are already using mail-in ballots, because actually none of the bills we're here to discuss today are addressing the mail-in problem. We're trying to take, as I said earlier, this first baby step toward photo identification. But if we could remove those who are, you know, using the mail-in process and don't have to show any kind of -- of I.D.

Also, if we could see those who are very, very poor and are using a Lone Star card or something of that nature who had to prove some way their identity in order to qualify for their Lone
Star card or their Medicaid, one of those, I -- I -- we haven't taken that into consideration in this process.

   It seems to me to -- to figure out just, you know, how few or how many, that this -- this would affect. And I'm not discounting those cases that -- that the gentleman earlier talked about in the shelter. We need to find a way to -- to address that, too.

   STEPHAN FINDLEY: On the way back to Marshall tonight or tomorrow, I will not drive 120 miles an hour. I know it's against the law, and I know they'll take me, put me in jail.

   REPRESENTATIVE BROWN: Uh-huh.

   STEPHAN FINDLEY: If we have enforcement of the existing laws --

   REPRESENTATIVE BROWN: Good point.

   STEPHAN FINDLEY: -- that does not tolerate this rampant voter fraud of mail-in ballots and if word gets around the state that they'll put you in the penitentiary for it --

   REPRESENTATIVE BROWN: Uh-huh.

   STEPHAN FINDLEY: -- you'll see this practice diminish dramatically within a 24-month period.
REPRESENTATIVE BROWN: I think you're right. We've had cases of -- of election fraud, not necessarily what we're talking about, election fraud in my county and it was taken all the way to the Grand Jury. And you know, nothing was done, even though they knew that it took place. And -- and this actually was impersonation, come to think of it. But I think you're right, that -- that people don't have anything to fear from -- from doing these things. And so that needs to be changed, too. They need to realize it is serious. And I think that we're sending a message that we take it seriously when we -- when we require photo I.D.

STEPHAN FINDLEY: I have had the privilege to travel around the world and see some nations that don't have it as well as we do here in the U.S. And I've come to understand that it is a wonderful, wonderful, personal privilege to live in a country like this.

REPRESENTATIVE BROWN: Every time I say that I get (inaudible). But I consider it both.

STEPHAN FINDLEY: Taking the time to position one's self to vote over a 20-month -- 24-month period in that nation's operations is a great privilege and a responsibility, as well. And
that would be the message that I would hope we would
take forward as well is that everyone in this
country has a right to vote; do it responsibly and
enjoy the -- the privileges of this nation.

CHAIRMAN SMITH: Representative
Heflin? Sorry. I'm sorry. Representative, were
you done? I thought -- thank you.

REPRESENTATIVE HEFLIN: Mr. Findley,
just so you're aware, in the last election cycle we
had an amendment for creation of Election Integrity
Unit and also appointment of Special Prosecutor Unit
for this type of issue.

STEPHAN FINDLEY: Yes, sir.

REPRESENTATIVE HEFLIN: I'm going to
present those amendments again, and I would hope to
get support. And as a taxpayer -- now, this is
always a question we get. I personally think it
would be well worth the money spent, because I don't
think it would last long, just like you stated.
Once we nip it in the bud, I think it's going to go
away.

STEPHAN FINDLEY: Yes, sir.

REPRESENTATIVE HEFLIN: You think I'm
wrong?

STEPHAN FINDLEY: No. You're
100 percent right on.

REPRESENTATIVE HEFLIN: Thank you, sir.

STEPHAN FINDLEY: Thank you.

CHAIRMAN SMITH: Any other -- yes.

Any other members from the Committee, questions?

Representative Veasey.

REPRESENTATIVE VEASEY: Thank you, Mr. Chairman. Are you here from Marshall?

STEPHAN FINDLEY: Yes, sir.

REPRESENTATIVE VEASEY: Okay. And you know -- and luckily we're post that era, but you know some bad things happened in Marshall during the day.

STEPHAN FINDLEY: Yeah. And we just recently elected our first African American 71st District Judge, who I was the No. 1 private supporter of. So some good things are happening in Marshall.

REPRESENTATIVE VEASEY: Right. And my family migrated, on my dad's side, from Marshall to the Fort Worth area.

STEPHAN FINDLEY: Great.

REPRESENTATIVE VEASEY: So I'm familiar with the Marshall area very well. But you
I know Jim Farmer, very famous civil rights activist in the '50s and '60s, very close with Dr. King. --

STEPHAN FINDLEY: Uh-huh.

REPRESENTATIVE VEASEY: -- he was from the Marshall area. I don't know if you knew that. He was --

STEPHAN FINDLEY: No, no. I do.

REPRESENTATIVE VEASEY: -- and (inaudible) the great debaters. I don't know if you've had a chance to see it. Great movie.

STEPHAN FINDLEY: Wiley -- what do you call it?

REPRESENTATIVE VEASEY: Wiley (inaudible).

STEPHAN FINDLEY: And --

REPRESENTATIVE VEASEY: And you understand that -- because you understand history and you understand Marshall, that the right to vote is not a privilege. The right to vote is a right, and it was earned. It was --

STEPHAN FINDLEY: It's a privilege you can lose if you get caught doing felonous stuff.

REPRESENTATIVE VEASEY: Exactly. But you understand it was a right that was --

STEPHAN FINDLEY: Sure.
REPRESENTATIVE VEASEY: -- by those
individuals I just named?

STEPHAN FINDLEY: Sure.

REPRESENTATIVE VEASEY: And it was a
right that they died, bled for, thrown in jail for,
had dogs sicked on them for --

STEPHAN FINDLEY: Right.

REPRESENTATIVE VEASEY: -- had water
pressure hoses sprayed on them so they could have
that right to pass it down to generations past them
so they wouldn't have to go through that same --

STEPHAN FINDLEY: You bet.

REPRESENTATIVE VEASEY: -- situation.

STEPHAN FINDLEY: Have you ever been
to Arlington National Cemetery in Washington?

REPRESENTATIVE VEASEY: I have been
to Arlington National Cemetery.

STEPHAN FINDLEY: There, too, are men
and women of all ethnic races --

REPRESENTATIVE VEASEY: Absolutely,
but --

STEPHAN FINDLEY: -- that have earned
that same right.

REPRESENTATIVE VEASEY: Absolutely.

Since -- but since we're talking about the fact that
this bill may have a disproportionate effect on some
of the folks like we just talked about that
Mr. Farmer and other people down in east Texas were
fighting very hard for, we want to make sure that we
don't revisit that, because --

STEPHAN FINDLEY: You bet.

REPRESENTATIVE VEASEY: -- because
just like you have eight kids, I have a
three-year-old. I don't want my son to have to, you
know, go through, and I'm glad that I didn't have to
go through, some of those same atrocities.

STEPHAN FINDLEY: You bet.

REPRESENTATIVE VEASEY: So what I'm
asking you today -- the questions that I'm asking
you today is that as a Republican --

STEPHAN FINDLEY: Yes.

REPRESENTATIVE VEASEY: -- as
somebody that doesn't want their kid to live through
it -- and I think it was Jim Lare (phonetic) that
did a great special about Marshall, Texas called
"Marshall, Texas" --

STEPHAN FINDLEY: Right.

REPRESENTATIVE VEASEY: -- you don't
want your kids -- your eight kids to have to live in
the old Marshall, Texas. You want them to live in
the new Marshall, Texas.

Would you be supportive of amendment --

hold on. Let me ask my questions before you answer.

Would you be supportive of an amendment

that would allow individuals to vote, individuals

that live out in those Elysian Fields that may not

have a car, that may not be able to get around town

so easily as you can --

STEPHAN FINDLEY: Uh-huh.

REPRESENTATIVE VEASEY: -- would you

be willing to support an amendment that would make

sure that those folks that don't have an I.D. that

maybe was born and have different last names, you

know, like -- like everybody -- a lot of folks down

in Marshall that are related to me, their name is

V-A-S-L-E-Y and I'm V-A-S-E-Y [sic] because of

various things that happened. And some of those

folks aren't that old. Some of those folks are in

their 50s. To make sure that everybody, regardless

of if they had an I.D., if they are lawful and

they're not impersonating someone, that on election

day when they go to cast a ballot that people died

and bled for that they're vote would count on

election day?

STEPHAN FINDLEY: Three points --
REPRESENTATIVE VEASEY: I just want -- make your point.

STEPHAN FINDLEY: I'm going to.

REPRESENTATIVE VEASEY: Answer my question. Do you want --

STEPHAN FINDLEY: I'm going to. I'm going to answer all three of your inquiries. Okay?

REPRESENTATIVE VEASEY: One -- but I just -- but just for the record, it would be great if you could answer the question simply do you want to make sure that everybody who is legally -- who has a legal right to vote in this country and in Marshall, Texas, has that right on election day, and would you support an amendment to make sure --

STEPHAN FINDLEY: Well --

REPRESENTATIVE VEASEY: -- whether they have an I.D. or not --

STEPHAN FINDLEY: Yes, sir.

REPRESENTATIVE VEASEY: -- to make sure that their vote counts?

STEPHAN FINDLEY: Well, let me -- let me answer in three points to you.

REPRESENTATIVE VEASEY: But you can't answer in yes or no? You can't -- just simply just as a basic human rights question, can you answer yes
or no?

STEPHAN FINDLEY: One --

REPRESENTATIVE VEASEY: No. Okay.

STEPHAN FINDLEY: -- my old General

used to say I'm in violent agreement with you about

folks having the right to vote and the prosperity

for all of our children.

Two, I live in Elysian Fields and know a

lot of those people you're talking about.

Three, if they comply with the law, if

that's what the legislature puts forward, and have

the identification elements that 362 talks about,

yes, they get to vote. And even if they don't have

those elements, they get to cast a provisional

ballot which can count for them.

But for -- for folks to vote with no I.D.

whichever --

REPRESENTATIVE VEASEY: If they have

transportation to make it back down to the

courthouse from the Elysian Fields. And if they

don't have that transportation --

STEPHAN FINDLEY: No, no, no, no.

REPRESENTATIVE VEASEY: -- or can't

make it back in 48 hours, because they have to go

back and take care of their kids, you're saying you
don't want their vote to count because --  

STEPHAN FINDLEY: Well, see, again, I know lots of people --  

REPRESENTATIVE VEASEY: -- telling me here today?  

STEPHAN FINDLEY: I'm from Elysian Fields, and what you're telling me doesn't hook up.  

REPRESENTATIVE VEASEY: But I'm telling you that my family --  

STEPHAN FINDLEY: The folks that live in Elysian Fields --  

REPRESENTATIVE VEASEY: Uh-huh.  

STEPHAN FINDLEY: -- have the wherewithal --  

REPRESENTATIVE VEASEY: Not all of them.  

STEPHAN FINDLEY: I find that hard to believe.  

REPRESENTATIVE VEASEY: Well, you need to be a little more connected to your community.  

STEPHAN FINDLEY: Do you live in Elysian Fields?  

REPRESENTATIVE VEASEY: No.  

STEPHAN FINDLEY: I do.
REPRESENTATIVE VEASEY: I've been down there before.

STEPHAN FINDLEY: I know Elysian Fields like the back of my hand.

REPRESENTATIVE VEASEY: I've been down there before.

STEPHAN FINDLEY: I find it very --

REPRESENTATIVE VEASEY: I'm not going to argue with you over a place that I've been before --

STEPHAN FINDLEY: -- I find it very much --

REPRESENTATIVE VEASEY: -- you may live there, but --

STEPHAN FINDLEY: -- I find it very (inaudible) that we're going to disenfranchise a single vote --

REPRESENTATIVE VEASEY: You just said that --

STEPHAN FINDLEY: -- in Elysian Fields --

CHAIRMAN SMITH: Whoa, whoa, whoa. I'm trying to let this go, but let's make sure this is a question and answer format.

REPRESENTATIVE VEASEY: Right. And
I -- and I just wanted to just find out from him --

CHAIRMAN SMITH: Yeah.

REPRESENTATIVE VEASEY: -- that he

wanted to make sure those folks could go back and
vote and make sure their vote would count --

STEPHAN FINDLEY: Ask a question --

REPRESENTATIVE VEASEY: -- if they
don't have an I.D. --

CHAIRMAN SMITH: Ask a question.

REPRESENTATIVE VEASEY: And so he's
telling me no. And that's all I need to know. I
don't need any more explanation.

I appreciate you coming down from east
Texas. Thank you very much.

STEPHAN FINDLEY: You bet.

CHAIRMAN SMITH: Is there any
question he asked that you didn't get an opportunity
to answer that you wish to?

STEPHAN FINDLEY: No. I think I made
myself perfectly clear that I am color-blind. I
look at content of character. And everybody that
complies with the law should have the right to vote.
Even if they don't (inaudible) required documents,
we still vote a provisional ballot. We are not
trying to exclude anybody. We are trying to ensure
that every vote cast counts and is not
disenfranchised by a fraudulent vote. That's what
we're trying to do. It --

CHAIRMAN SMITH: Any other questions,
Members, for this witness? Thank you,
Mr. Findley --

STEPHAN FINDLEY: Thank you,
Committee.

CHAIRMAN SMITH: -- for your time.

At this time the Chair calls Mark Hester,
who is testifying on behalf of the Brain Injury
Association of Texas against Senate Bill 362. Would
you please state your name and who you represent.

MARK HESTER: Yes. I'm Mark Hester.
I'm a member of the Brain Injury Association of
Texas. I'm a -- I'm a board member. And one thing
I didn't want us to overlook is the fact that I'm
representing a group that I belong to by way of my
sometimes trait that's dis -- discriminated against,
and yet it's -- it's not always immediately evident,
and that is my brain injury.

Now, I -- my -- my -- my fell --
fellow clients that I have just spent the last three
days with at our Brain Injury Association
Conference, you know, are -- are -- are befuddled
sometimes by why it is that I'm able to attend and share that -- to -- to try to keep myself especially on track and not so prone to tangential discussions, you know, heading that way or this way, that -- that -- which is the nature of my brain injury, the -- a -- an organic variety. It's not due to a -- a -- an impact or a physical trauma. It's a -- it's what they -- it's what folks impaired by a disease process are affected or encumbered by.

And the reason I'm here in particular is to share the fact that that organization has membership like myself that are -- I think for the most -- well, I say -- I'm going to say that for the most part -- I -- I -- it would be -- it would be almost impossible for me to believe that there was some type of deliberate discrimination between myself and my fellow citizenry, because we're like, you know, everybody else that's living and breathing the best that they can and that's to get the most out of what life may yet have to offer them. And so we -- we get an eminent charge -- and I'm saying this, folks, just to emphasize the fact that we're not -- the -- the group that I'm representing doesn't have all of the medals and ribbons to represent our successes in life like some folks are
able to achieve. But I'll tell you right now we get a charge out of being able to have our view influence anything of the such where we can be accounted for, taken into a certain degree of measure. And -- and we -- it -- it's something that we can do by being able to vote in an easier process than what is being, as best as I can understand it, a somewhat more restrictive process than what was previously allowed. And -- and -- and -- and I -- I -- again, I don't think it is necessary -- I don't think this -- this isn't an intentional discriminatory move. It's just something that maybe doesn't -- it -- it doesn't shine -- shine the -- the light beam at this issue as readily, because my fellow citizenry that's likewise affected cognitively, like I am sometimes, via short-term memory or -- short-term memory impairment, not being able to think about two different things at one time, these are the kinds of things that everybody takes for granted. But let me just share the fact that it doesn't take much at all to confuse a taken-for-granted process of going to this particular place that you've gotten used to where you will be able to exercise your right to have an impact upon the society in which you live.
And that's just got to be a -- a -- it -- it -- it's a charge for my fellow clients that they desire so much, because, listen, there's few things that they can automatically experience in a real satisfying, grateful manner.

But I'll tell you from the get-go that when I was treated in the brain injury rehabilitation facility, I was a client until they realized that this guy's got a Master's in health and physical education and a minor in psychology, and he taught middle school students and did that for ten years, and then led a teacher organization in his school district. And it -- it -- it was a case of me having had a good bit of life engagement -- engaging experiences that I've benefited from as well as the charges that I came in contact with and influenced, including, now, my thousands of students that I made an impression on, and they made an impression on me, via my ten years in the public school. I was -- I was teaching and coaching.

And so I -- and I know it's too late, but my intent to make a long story short, if it's not too late, is -- is to share with you that the -- the group that I'm here today representing is just
counting on the voting process to be one that they can access without any additional restrictive discriminatory hoops, reasons that they'll have to tread through or jump or climb over, because, you know, I've got fellow clients that I used to work with who -- who were so gratified by just being able -- that I shared with them the fact that, hey, look, you -- you make a difference. You matter. There's nobody that's going to take that away from you. I mean, you -- you can go and lodge your interest and desires at a polling place, and your influence by doing so will have just as much of an effect as, you know, King -- King Roy, which doesn't exist, but that was my attempt at sharing the fact that as -- as -- as small as they may think they are, they are empowered to have as much sway or influence by the --

CHAIRMAN SMITH: Mr. Hester.

MARK HESTER: Yes. I'm sorry.

CHAIRMAN SMITH: That's all right.

I hesitate to interrupt you. I have given you several times the amount of time that the other witnesses have.

MARK HESTER: Uh-huh.

CHAIRMAN SMITH: And I've done that
on purpose because of the nature of your disability.

MARK HESTER: I sure appreciate it.

CHAIRMAN SMITH: And I want to give

the members of the panel an opportunity to ask you

some questions.

MARK HESTER: Thank you so much.

CHAIRMAN SMITH: And I want to ask

you a question or two. I want to make sure it's

clear I'm not cross examining you --

MARK HESTER: No, no.

CHAIRMAN SMITH: -- I want to give

you an opportunity to educate me about your

situation.

MARK HESTER: Certainly.

CHAIRMAN SMITH: How -- how -- how do

you currently vote?

MARK HESTER: How I do currently --

CHAIRMAN SMITH: When you go vote --

MARK HESTER: Uh-huh.

CHAIRMAN SMITH: -- what

documentation or identification do you use when you

vote?

MARK HESTER: I do whatever I happen

to have in my clothing that day.

CHAIRMAN SMITH: Okay.
MARK HESTER: And so I usually have
my wallet and all of its contents.

(End of Volume 1.)
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These are the kinds of things that everybody takes for granted, but let me just share the fact that it didn't take much at all to confuse a taken-for-granted process of going to this particular place that you've gotten used to, where you will be able to exercise your right to have an impact upon the society in which you live, and that's just got to be -- it's a charge for my fellow clients that they desire so much, because listen, there's few things that they can't automatically experience in a real satisfying grateful manner, but I'll tell you from the get-go, that when I was treated in the brain injury rehabilitation facility, I was a client until they realized that this guys got a Master's in health and physical education and a minor in psychology and he taught middle school students and did that for ten years, and then led a teacher organization in his school district, and it was a case of me having had a good bit of life engagement, engaging experiences that I benefited from, as well as the charges that I came in contact with and influenced, including now my thousands of students that I made an impression on and they made an impression on me, via my ten years in the public school. I was teaching and coaching, and so I know it's too late but my intent, to make a long story short, if it's not too late, is to share with you that
the group that I'm here today representing is just
counting on the voting process to be one that they can
access without any additional restrictive discriminatory
hoops, ropes that they'll have to tread through or jump
or climb over, because, you know, I've got fellow
clients that I used to work with who were so gratified
by just being able that I shared with them the fact
that, hey, look, you, you make a difference, you
matter. There's nobody that's going to take that away
from you. I mean, you can go and lodge your interest
and desires at a polling place and your influence by
doing so will have just as much of an effect as, you
know, King Roy, which doesn't exist, but that was my
attempt at sharing the fact that as small as they may
think they are, they are empowered to have as much sway
or influence by the --

CHAIRMAN: Mr. Heston.

MR. HESTON: yes, I'm sorry.

CHAIRMAN: That's all right. I hate to
interrupt you. I have given you several times the
amount of time the other witnesses have.

MR. HESTON: Uh-huh.

CHAIRMAN: And I've done that on purpose
because of the nature of your disability.

MR. HESTON: I appreciate it.
CHAIRMAN: And I want to give you the members of the panel to ask you some questions.

MR. HESTON: Thank you so much.

CHAIRMAN: And I want to ask you a question or two and I just want to make sure it's clear I'm not cross examining you.

MR. HESTON: No, no.

CHAIRMAN: I want to give you an opportunity to educate me about your situation.

MR. HESTON: Certainly.

CHAIRMAN: How do you currently vote?

MR. HESTON: How do I currently --

CHAIRMAN: When you go vote, what documentation or identification do you use when you vote?

MR. HESTON: I do whatever I happen to have in my clothing that day.

CHAIRMAN: Okay.

MR. HESTON: So I usually have my wallet and all of its contents from, you know, credit cards and such that I live on, you know. I don't -- I don't do much other than kind of keep a compact package to take whatever it is.

I might have my, you know, license, and don't be scared, don't be afraid you might run into me
on the roadway, because I can --

    CHAIRMAN: You do have a driver's license?
    
    MR. HESTON: I do, and I can drive just fine.
    
    I just, you know, desire for there not to be a sudden
    malfunction in the cab of my vehicle that might cause a
    problem.
    
    CHAIRMAN: And you understand that you, under
    this legislation, you can use that driver's license to
    vote just as you can under current law?
    
    Did you know that under the Senate bill, you
    can use that driver's license to vote just as you can
    under current law?
    
    MR. HESTON: Well, I -- you're bringing to
    mind something that I think I come across. But you
    know, I'm one of the few that has the capacity to drive.
    
    CHAIRMAN: Right.
    
    MR. HESTON: Amongst that group that I
    represent.
    
    CHAIRMAN: Okay. Have you looked, by chance,
    at the list of none photo identifications that are
    available?
    
    We heard some testimony today from a witness
    that brought to our attention that perhaps we ought to
    include in that list photo identifications from a
    private university in the state of Texas.
MR. HESTON: Yes.

CHAIRMAN: I mean, that's why we're having these hearings, is for people like you to identify things that we haven't thought about.

MR. HESTON: Okay.

CHAIRMAN: Have you had a chance to look at the list?

MR. HESTON: I can say that I glanced over it. I don't have the capacity to remember. Just like you just got my attention.

CHAIRMAN: Yes.

MR. HESTON: And opened my eyes and realized that I probably have been going on for 45 minutes, but nevertheless --

CHAIRMAN: I don't think it was quite that long.

MR. HESTON: Okay. Well, nevertheless, see, I'm hugely fortunate in that I attend the brain injured association because I can advocate for my fellow members in the association in that that I'm able to drive and I can work the copier and I can type and I can even write a story or two if I get so motivated, but yes, go ahead. I'm sorry.

CHAIRMAN: I just want to give the other members of the panel an opportunity to ask you any
questions they would like to ask you. Representative Heffer?

REPRESENTATIVE HEFFER: Mr. Heston, I just want to thank you for coming here today.

MR. HESTON: My pleasure, sir.

REPRESENTATIVE HEFFER: And I want to assure you that you represent a very important segment of our population, and I think it would behoove that committee to ensure that whatever steps we need to take to ensure you're right to vote is protected, to do so.

MR. HESTON: Thank you very much.

REPRESENTATIVE HEFFER: So I want to thank you for being here today. You certainly do represent your citizenry well.

MR. HESTON: Thank you so much.

REPRESENTATIVE HEFFER: Thank you for your testimony here today.

MR. HESTON: I appreciate it.

REPRESENTATIVE HEFFER: Thank you.

CHAIRMAN: Any other questions for this witness? I think that's all we have. We thank you, Mr. Heston, for taking the opportunity to do this today.

MR. HESTON: I appreciate the opportunity.

CHAIRMAN: Absolutely. Good job. At
this time, the Chair would caller Eric Nichols, who is speaking on behalf of the Office of the Attorney General as a resource witness and is neutral on Senate Bill 362.

Please state your name and who you represent.

MR. NICHOLS: Thank you, Mr. Chairman. Eric Nichols, Deputy Attorney General for Criminal Justice here on behalf of the Office of the Attorney General. I appeared as a resource witness before the committee in its last session. Actually that was earlier this morning. But I'm here, I understand, to answer one particular concern that the committee had in addition to what I testified to earlier this morning, which concerns a matter that I raised in my earlier testimony but may not have put enough of a punctuation mark on it, and that is the issue about public testimony concerning matters that are the subject of ongoing criminal investigations through our office.

And I want to make clear that it was on the record that among the matters that we have under active investigation for potential election code violations include two elections that occurred in the year 2008 in Hidalgo County in the city of Progresso.

One was an independent school district
election. The other was a municipal election. The other matters that I've heard some reference to in the debate over this legislation concern Harris County, and our office has active investigations concerning both the primary and general elections in Harris County in 2008.

The reason why I'm mentioning this is that from the perspective of a person who works with both our prosecutors and our investigators on these types of investigations, I would find it extremely unfortunate if, in the context of a public hearing on legislation such as this, that either the committee or individual witnesses would engage in a discussion about facts of matters that are under active investigation. And the reason for that is many fold but I'll give you two.

Number one, there's a need to protect the integrity of ongoing criminal investigations. And number two, in all criminal investigations, both inside and outside of grand jury, we respect the rights of people who report crime and we respect the rights of the people who may be accused of crime. And until such time as an investigation is completed and a determination is made that somebody is going to stand to account for charges, it's wholly inappropriate to engage, in our view, in a public discussion about those types of allegations. So I would certainly ask for and respect
the committee's desire to provide some indulgence to not engage in a discussion about facts of matters that are under investigation, and I would also encourage any witnesses who are here that may be aware of the fact that the matters that they may wish to talk about are under investigation to refrain from discussing those. That is not to interfere with someone's ability to exercise their rights, to testify about the legislation, what they see as the advantages or disadvantages of a particular piece of legislation.

My comments deal specifically with the discussion of facts of matters that are under investigation, and I hope, Mr. Chairman and members of the committee, that that is a little bit more clear than I was at 1:15 a.m. this morning, but if the committee has any questions on that or other subject, I would be happy to amplify.

CHAIRMAN: Representative Anchia?

REPRESENTATIVE ANCHIA: Thank you for being here today, Mr. Nichols. I want to make sure I understand the admonition completely. If someone is here and wants to testify about specific facts that may be the subject of an ongoing investigation by the Attorney General, you are advising that that may adversely impact the investigation of the Attorney
General.

MR. NICHOLS: Yes, sir.

REPRESENTATIVE ANCHIA: And it is your further admonition that if someone has come here to testify in favor or against the Senate bill, that they should limit their testimony specifically to the provisions of the bill?

By way of example, I think that provision A, B, C, or D is good for the following reasons, correct?

MR. NICHOLS: That is exactly our preference.

Thank you Representative Anchia.

REPRESENTATIVE ANCHIA: Thank you.

MR. NICHOLS: And so we're going to have no choice but to leave that to the discretion of the witnesses on the list, whether you be from Houston or Progresso or any other part of our state and you're aware or familiar with any ongoing active criminal investigations, we can't and don't wish to prevent you from testifying on how you feel about this particular piece of legislation, but you're the one that's going to be talking and so you need to make sure that you do not say anything about any facts or matters related to items that you have reason to believe are under active criminal investigation, and to the extent that you're not sure you can do that, then it's up to you on whether
you want to testify. I presume all of you do not want
to do is do anything to undermine the ability to
prosecute any crime of any kind in this state.

Any other questions of the representative of
the Attorney General?

NEW SPEAKER: I just want to make sure I
understand. Are you asking this committee to refrain
from asking questions about specific instances that have
been involved -- I'm sorry -- that have been discussed
in the newspapers?

MR. NICHOLS: To the extent that they are the
subject of ongoing criminal investigations, and that's
why I wanted to particularly point out the situation
with Hidalgo County and Harris County.

NEW SPEAKER: There's no legal prohibition,
you're just asking us to respect your wishes?

MR. NICHOLS: I'm asking for the committee's
indulgence on that and appreciate whatever consideration
the committee can provide.

CHAIRMAN: Representative (Inaudible)?

REPRESENTATIVE: Technically speaking,
wouldn't there be some legal reason for that though? I
mean, it's not just your indulgence, it's the fact that
we could compromise a pending case.

MR. NICHOLS: That is certainly a possibly,
plus we have to take into account that both witnesses
and persons who may be the subject of investigations may
have rights that, that, if they're testifying before a
public body such as this, may be compromised. And so
for that reason as well, to protect the rights of
individual witnesses, I just think it's the most prudent
course of action to do what I've suggested.

NEW SPEAKER: And to be clear, you're
just not asking you to indulge us in our choosing not to
ask you questions, but ensuring that they don't enter
testimony specific to their case simply, they need to be
very pointed and specific to the legislation and only
speak to that.

MR. NICHOLS: Yes, sir.

CHAIRMAN: Representative Peña?

REPRESENTATIVE PEÑA: My understanding of
any legal prohibition would be the discussion of grand
jury testimony, is that correct?

MR. NICHOLS: Grand jury proceedings are
secret by law, yes, sir.

MR. PEÑA: Right, but other than that,
it's simply a request made to us, without legal
restriction?

MR. NICHOLS: If it's not -- if it
doesn't relate to grand jury proceedings, it's not
subject to grand jury secrecy; however I think there are
other legal considerations that come into play.

MR. PEÑA: I appreciate what you're
trying to tell me. I just want to make sure I
understand.

MR. NICHOLS: Yes, sir.

MR. PEÑA: There are many times --
I'm an attorney and many times I'm asked
to -- when there are criminal proceedings against an
individual, for example, in a sexual assault case, I'm
asked, or the judge is asked to hold me back from
conducting discovery because it just seems unfair or
you'd rather do one thing at a time, and in this case,
you have no -- you have no way to legally bind us,
you're simply making a request?

MR. NICHOLS: I'm making a request that I
believe is based on both law and good policy.

MR. PEÑA: You understand the impression
that that leaves on many of the people who read the
papers, and when there are allegations made of voter
impersonation, that those are just blanket allegations,
without any cross examination or examination, and that
leaves a -- it can leave a bad impression on the reader
or on the citizenry out there.

MR. NICHOLS: Representative, I'm a
Prosecutor by profession and one of the things that I strongly believe in that persons are innocent until such time as they are proven guilty in a court of law, and I believe that very strongly and I believe that anyone who reads a paper should feel the same way.

MR. PEÑA: Yes. Now let me just say, just as a statement, I've said here and I have friends here from the valley. There is a level of political, dirty politics. For example, in the treatment of the elderly with mail-in ballots that I'm concerned about, but when an allegation is made of voter impersonation, you can understand my concern, when other witnesses have said that they've never seen any of it found in the valley, you can understand that, right? You can appreciate my concern.

MR. NICHOLS: I appreciate your concern and I've heard a number of things said by persons who are on different sides of this issue about the lack of evidence of voter -- voter impersonation and so forth, so I understand, I think, where you're coming from.

MR. PEÑA: Right. Well, I'll listen to the testimony.

MR. NICHOLS: Yes, sir.

MR. PEÑA: But I also want to make this statement. I'm probably one of the strongest opponents
against voter corruption in my community. I will come out and blast people, and my friends here who are the owls, understand who are against voter corruption as well.

Will understand that I've taken great steps to talk about corruption, and in all my experience, like Mr. Wood, I found little evidence of voter impersonation. I simply haven't seen it. And I simply want to make that statement because the papers have all covered this event in Progresso, and I understand how politics is done in my smaller community in the valley, but I also would like people to understand that you can't take a bear statement as gospel, that there needs to be an examination of the facts.

MR. NICHOLS: And you and I agree a hundred percent on that, which gets to my point, that that examination of the facts needs to be done, it needs to be done in a professional manner by professional investigators, professional prosecutors, before anyone reaches a conclusion one way or the other.

MR. PEÑA: Let me say if, in fact, there is any voter impersonation that has occurred, I would ask that you prosecute them to the fullest.

MR. NICHOLS: Yes, sir.

MR. PEÑA: But that doesn't leave my
skepticism as to the things I've read in the paper, based on the experience I've had in living in the community. But anyway, I respect your request.

MR. NICHOLS: I appreciate it.

CHAIRMAN: Representative Bonner?

Chairman Bonner.

REPRESENTATIVE BONNER: Chairman Peña, I respect completely, I think what we're trying to do is make sure this committee doesn't engage in the rhetoric or discussion that's been in the newspapers, and that we leave that out of this, because this committee is not the proper place to get the facts and decide whether this is appropriate or inappropriate.

I think what we're trying to do is ensure what you want to ensure, which is that we not go into these discussions and we not have allegations brought that can't be discovered fully, true or untrue, by this committee. Is that fair, Mr. Peña?

MR. PEÑA: I understand what you're saying, and my goal, as is everyone here, is to find the truth and to find some, and that's all I'm attempting to do.

REPRESENTATIVE BONNER: Yes, sir.

CHAIRMAN: All right, Representative Brown's question, before she asks it, I would just like
to show on the record that Lynn Harper has joined us.

Representative Brown.

REPRESENTATIVE BROWN: One question. You were with us last night until we adjourned, correct?

MR. NICHOLS: Yes, sir.

REPRESENTATIVE BROWN: Did you hear anything that he gave you that you were concerned about that we've entered into?

MR. NICHOLS: Well, I did want to mention Harris County, because there was some discussion about Harris County. I don't know if issue is going to come up again today or not, and that is why.

REPRESENTATIVE BROWN: Was the video a problem?

MR. NICHOLS: No, the video was a news report, but in terms of getting into questions of wanting to get copies of records so that people can do signature comparisons, I think I heard a reference to that during the committee's hearing, wanting to talk to witnesses who are involved in this outside the professional criminal investigation process, any effort by either, by anyone outside the criminal investigation process to interview witnesses, collect documents, all of that has the capacity to interfere with an ongoing criminal investigation, so I appreciate your clarifying
that.

REPRESENTATIVE BROWN: Thank you.

CHAIRMAN: Any other questions of this witness?

I don't see any questions. Thank you.

MR. NICHOLS: Thank you.

CHAIRMAN: Thank you, Mr. Nichols. At this time, the Chair calls Marilu Ybarra, representing a group from Progresso, who's testifying in favor of Senate Bill 362. Do you wish to testify? Just state your name.

MS. YBARRA: Yes, my name is Marilu Ybarra?

CHAIRMAN: And you represent yourself?

MS. YBARRA: Yes, sir.

CHAIRMAN: And do you have anything you wish to share with us today, in light of this discussion we've just had?

MS. YBARRA: Okay. We leave this effect on the borders for every election in Progresso, so please help us to pass this leg -- I don't know how to --

CHAIRMAN: Legislation?

MS. YBARRA: Yes.

CHAIRMAN: Thank you very much. Members,
do you all have any questions of this witness?
Representative Peña, Chairman Peña?

MR. PEÑA: Ms. Ybarra?

MS. YBARRA: Yes, sir.

MR. PEÑA: I want to assure you that everybody here is against it and it's our intention to have good government not only in the valley but throughout Texas, I want you to know that and I want to thank you.

MS. YBARRA: Okay.

CHAIRMAN: And you want us to show you in favor of Senate bill 362?

MS. YBARRA: Yes, sir.

CHAIRMAN: And we will. Thank you.

MS. YBARRA: Thank you.

CHAIRMAN: The Chair calls Annabell Medina, representing herself as a taxpayer testifying in favor of Senate bill 362.

UNIDENTIFIED FEMALE: She's in favor.

CHAIRMAN: Thank you. Just state your name.

MS. MEDINA: My name is Annabell Medina. My name is Annabell Medina.

CHAIRMAN: And you're here representing yourself?
MS. MEDINA: Yes. I'm from Progresso, Texas.

CHAIRMAN: All right. Anything you wish to tell us?

MS. MEDINA: Well, we just wish for that law to pass because we are having trouble there, people voting without an ID, voting for somebody else with a card.

CHAIRMAN: Thank you. Any questions members, of this witness? And just to be clear, I think I've already established this, but you wish us to show you as in favor of Senate bill 362, right?

MS. MEDINA: Yes, that's right.

CHAIRMAN: Thank you.

MR. MEDINA: Thank you.

CHAIRMAN: At this time, the Chair calls Pedro Lopez, representing himself. Is he close by or --

UNIDENTIFIED FEMALE: He went to the bathroom.

CHAIRMAN: Okay. Well, I want to give him an opportunity to testify.

The Chair calls Ramey Coe, representing the Organization of Chinese Americans. Are you here? I got to give these people an opportunity to testify.

Ramey, if you are hearing me or seeing me --
There you are.

MR. COE: (Inaudible).

CHAIRMAN: I understand. Please state your name and who you represent.

MR. COE: My name is Ramey Coe. I represent the Organization of Chinese Americans.

CHAIRMAN: You're testifying against Senate bill 362?

MR. COE: That's correct, sir.

CHAIRMAN: Okay, thank you. Please proceed.

MR. COE: Just to tell you a little bit about OCA, we were founded in 1973 as national organization. There are over 81 chapters and affiliates currently dedicated to advancing the social, political and economic well-being of Asian Pacific Americans, as one of 14 national civil rights, Asian American civil rights organizations in D.C.

Photo ID requirements for voting have a particularly onerous effect on the ability for Asian Americans to vote. A recent survey of voters in California, Washington State and New Mexico, Asian American voters, that is, showed that Asian Americans are eight percent less likely to have photo ID than their white counterparts.

Additionally, and these are some things that
aren't necessarily against all of elements of the bill
but things I'd like the committee to keep in mind when
looking at possible changes or amendments to the bill,
to be aware of the fact that the expense and time
required to obtain an ID is especially problematic for
naturalized citizens. Half the Asian American
population is foreign born, a higher proportion than any
other ethnic group in the United States.

Even if photo IDs are provided for free,

obtaining documents such as naturalization certificates
to obtain the ID or other documentation requires a great
deal of time and expense. Naturalization certificates
cost $380 and can take up to a year to receive.

Photo ID requirements give poll workers an
enormous degree of discretion at polling places, which
can be particularly problematic for naturalized Asian
Americans who have limited experience the legalese
surrounding ID laws.

A law would raise the risk of communication
difficulties that would deny Asian Americans the right
to vote. Numerous studies have already documented many
cases in the past several elections that where Asian
Americans were asked to show ID at polls in various
states, mis-understandings arose that frequently
resulted had in the legally eligible voters being denied
the right to cast a ballots.

Now one thing in particular I'd like to emphasize is the problem with name matching requirements, and this is just something perhaps to keep in mind about the bill itself. In 2008, various Asian Americans organizations, including the Asian American Justice Center, documented numerous cases of Asian Americans being denied the right to vote in states with voter ID laws because of name matching problems. This was particularly a problem in Florida. Chinese, Japanese and Korean names are not written with the English alphabet and have multiple parts. When Asian Americans transliterate these names for documentation and IDs, there are frequently inconsistencies, either because the person has refined the spelling over time or because errors are made in transcription by workers unfamiliar with Asian names. These can range from incorrect hyphenation to switched letters, to improperly combining or splitting separate parts of the name. Many Asian Americans also adopt American names for daily use, so sometimes they have different names on different ID. For example, my cousin's passport and Social Security card use her transliterated Chinese name but her driver's license says Kathy.

What all of this points to is the fact that
Asian American voters, as a community, have numerous concerns with various elements of this legislation and the way that it might impact their right to vote.

CHAIRMAN: Before I let members of the committee to ask you questions, Mr. Coe, can you give me some sense, how many people do we have in the overflow room?

MR. COE: I think we have about I'd say 20 to 30.

CHAIRMAN: Okay, and if you're listening or you can see me, I guess you can see me, I think we have 20 do 30 empty seats in this room, and so to the extent you would like to, I welcome you to join us here in this room so that as we call random people to testify, you might be more readily available.

Any questions for this witness? Representative Brown?

REPRESENTATIVE BROWN: Yes. Thank you for coming to testify. When a person is naturalized and they come to this country and are naturalized, aren't you given some kind of document proving that naturalization at that point?

MR. COE: Sometimes, there's frequently cases where an official naturalization certificate, for whatever reason, doesn't make it to the person. A lot
of times, also there's problems where, over a course of
time, that certificate is lost. A lot of people, it's
not a document people keep on them, it's not a document
that a lot of people have readily available. My
parents' naturalization certificates, for example, are
in their safety deposit box.

REPRESENTATIVE BROWN: So that wouldn't be
that difficult for them to prove their identity with
that paper?

MR. COE: No, not for my parents, no, but for
other Asian Americans.

REPRESENTATIVE BROWN: I just wondered if this
was presented and people just tossed it like it wasn't
valuable.

MR. COE: Oh, no, I don't think it's because
people don't think it's valuable. I just think that,
you know, people here who have been naturalized for --
there's a significant number of Asian Americans now who
have been naturalized for 20, 30 years, and over the
course of moving, you know, papers gets shuffled around
and sometimes even important documents get lost.

REPRESENTATIVE BROWN: But you feel that would
be the exception and not the rule, that most people
would still retain that document and not be forced to go
spend $300 to obtain one?
MR. COE: I think it's an example of the type of additional documentation hurdles that people who are naturalized citizens tend to face. I couldn't give you an exact number of exactly how many people that would effect, but between naturalization documents and other types of documentation issues related to that, you know, I just want to point out that that is an additional burden.

REPRESENTATIVE BROWN: Is there a proof of any kind of identification prove in China in order to participate in an election or do you have --

MR. COE: Well, there's not a lot of elections in China.

REPRESENTATIVE BROWN: I guess not. Touche. Okay, would there be any other time that you have to prove identity in China?

MR. COE: Well, in China, this is actually a tradition dating back through the imperial period of Chinese history. All Chinese residents were required to register with local magistrates, and in fact, to this day, that survives.

When you're born, you have to go and get this document registration, and actually there's a lot of restrictive rules around, that you can't move without permission because the government has to be able to keep
track of where you are at all times, et cetera, et cetera.

REPRESENTATIVE BROWN: It's like a birth certificate?

MR. COE: Kind of. It's more like an all-purpose passport. Well, it's not a passport. It's more like an all-purpose government identity card, but the reason everybody has it is because it's very strictly enforced by the government to ensure that all people are monitored.

REPRESENTATIVE BROWN: I wanted to establish, do you think -- do you see the need for us to be able to prove identity in this country in order to participate in something like an election?

MR. COE: Yes, I do think there are certain needs.

REPRESENTATIVE BROWN: Do you have any suggestion for us, something that would help the Chinese community that would be easier to -- easier on you?

MR. COE: Well, I mean, just one suggestion off the top of my head is some type of provision addressing the problem with names. That's, I think, one of the most frequently noted problems that happened in the 2008 election, which is the problem with a lot of voters having problems because their names didn't match.
REPRESENTATIVE BROWN: Well, rather than everyone here having to learn Chinese, I understand it's a rather difficult language --

MR. COE: Right.

REPRESENTATIVE BROWN: Do you think it would behoove you and your citizens to adopt a name that we could deal with more readily here, such as you're talking about, and I'm not talking about changing your name, I'm talking about the transliteration, or whatever you refer to this, that you could use with us.

MR. COE: Well, transliteration typically is technically governed by certain academic standards right. Like for Chinese, there's the Wade-Giles transliteration system and the Pinyin transliteration system. For Korean and Japanese, there are other various systems. I think two or three for Japanese and three for Korean, so that's transliteration. That's basically where you try to keep the pronunciation of your name but you write it in English alphabet. But a lot of Asian Americans will, for the purpose of daily use, adopt, you know, quote, unquote, American names, so for example, again, my cousin, she goes by Kathy normally, on a day-to-day basis, and Kathy is what it says on her school transcripts and it's what it says -- well, she's not in school any more but it's what she