TRANSCRIPT OF PROCEEDINGS BEFORE
THE SENATE OF THE STATE OF TEXAS
EIGHTY-FIRST LEGISLATURE
(COMMITTEE OF THE WHOLE SENATE)
AUSTIN, TEXAS

IN RE:

CONSIDERATION OF
SENATE BILL 362

COMMITTEE OF THE WHOLE SENATE

TUESDAY, MARCH 10, 2009

BE IT REMEMBERED THAT AT 12:38 p.m., on
Tuesday, the 10th day of March 2009, the above-
entitled matter was heard at the Texas State Capitol
Senate Chamber, Austin, Texas, before the Committee of
the Whole Senate; and the following proceedings were
reported by Aloma J. Kennedy, a Certified Shorthand
Reporter of:

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EXHIBIT 7

2:13-cv-193
09/02/2014
DEF0376
LAYING OUT OF SENATE BILL 362

SEN. FRASER: Thank you, members. The three-minute rule is in effect.

I've been sitting here for four hours waiting to lay this out. And, actually, we have a lot of discussion about how I should lay this out, discussion on it. And I think the bill speaks for itself. And I am going to be very brief, probably three or four minutes, and allow the witnesses to move forward, because I think we've wasted enough of the public's time and that we should move forward with hearing from the witnesses.

Members, this bill, I think probably most of you are going to be very familiar with it. It's something we've talked about a lot. Someone back a while ago when we were having lunch asked me the question, said, "How did the talk about this bill get started?"

And I actually came back and sat down, and I've got probably, interestingly, more research and more reading and debate on this bill maybe than one I've ever done, because I'm very interested in the concept. But I think probably if you track it back in our nation's history, is that we look at the ongoing threat of voter fraud that this country has addressed
secondary choices are a lot of secondary choices.

They could show their library card.
They could show any government piece of mail that was mailed to them. Basically anything that would show their identification as a secondary source of identification is going to be allowed under my bill. And when we start discussing that, I'll be glad to go over the list that is listed of things. But in Texas, the bill that we are laying out actually has a secondary choice. Then if someone doesn't have a photo ID, there is a secondary choice to identify themselves.

I should also clarify that we are only addressing the in-person voting; we are not addressing mail-in ballots, early voting, any of the other things in the election cycle.

I think I'm going to go ahead and close so we can start either the questions and/or bring in the witnesses. But I think it's important to note that in upholding Indiana's photo ID law, in the decision that was given by John Paul Stevens in his majority opinion, he stated, "Confidence in the integrity of our election process is essential to the functioning of our participatory democracy. Voter fraud drives honest citizens out of the democratic
itemize --

SEN. FRASER: I'm getting heckled over here. People from the other side are moving over to -- he's trying to implement the egg-timer rule of three minutes.

SEN. ZAFFIRINI: I see.

SEN. FRASER: I'm for that.

SEN. ZAFFIRINI: Well, on Page 6, line 14 of your bill, you list types of documentation that you acceptable as proof of identification under this chapter. In 2007, in House Bill 218 which you sponsored in the Senate, you included a student identification card as proof of identification, as acceptable documentation, but a student ID card is not included in your 2009 bill. Could you explain why?

SEN. FRASER: Senator, could I refer you to Section 6.

SEN. ZAFFIRINI: What line, what page, Senator?

SEN. FRASER: It is -- just a second. The reference you're making is the public institutions of higher learning, the student ID card is still included. The wording changed, but it's covered by No. (6)(A).

SEN. ZAFFIRINI: So you're saying that
on Page 6, beginning at Line 8 where it reads, "a valid identification card that contains the person's photograph and is issued by:
(A) An agency or institution of the federal government; or
(B) An agency, institution, or political subdivision of this state," you're saying that that would include institutions of higher education and that, therefore, student identification cards would be acceptable proof of identification?

SEN. FRASER: Yes.

SEN. ZAFFIRINI: Good.

SEN. FRASER: Isn't that what that says? It says "an agency, institution or political subdivision of this state." The University of Texas is considered a subdivision of the state. It says that an identification card that contains a person's photograph that is issued by. I think the answer to your question is "Yes."

SEN. ZAFFIRINI: All right. In your old bill -- I'm looking at it now -- you have this language -- and in addition to that, you specified the student identification card. But so long as you clarify your legislative intent, that's acceptable to me.
you have placed in front of us today on voter ID have
an affirmative role for states in recommending that
they reach out to non-drivers by providing more
offices?

SEN. FRASER: I'm sorry. I'm not even
getting close to following the question you're asking.
The bill that I'm laying out today says that when
Wendy Davis walks into the voting booth, you've got to
prove that you're really Wendy Davis. It's that
simple.

SEN. DAVIS: And the bill does not
include a request of the state that it open more
offices for the purposes of obtaining a photo ID for
non-drivers, it does not include that proposal.
Correct?

SEN. FRASER: They can use non-photos.
I mean, there is no provision right now, there is
nothing in the bill that every person in the state
could not comply with, because you can use a piece of
mail that had been mailed to you, your library card.
There's a long, long list of things that you could
use. You could even use as your piece of
identification the mail that the registrar sent to you
for your voter registration. That's a form of
identification.
back to my question. Maybe it wasn't specific enough.
Have you talked to any African-Americans or Hispanics
that are in support of your bill --

    SEN. FRASER: Yes.

    SEN. WEST: -- support? And will they
be here to testify?

    SEN. FRASER: I'm not advised. I --

    SEN. WEST: Okay. Have you talked to
any African- --

    SEN. FRASER: I haven't looked at the
list of who is going to testify.

    SEN. WEST: Have you talked to any
African-Americans or Hispanics about the impact that
your bill will have on their right to vote?

    Let me tell you what I'm getting to.
Have you talked to any African-Americans? Have you
done an assessment in terms of whether or not this
particular bill and the methods that you are employing
will be retrogressive as it relates to the minority
voters of the State of Texas?

    SEN. FRASER: I think the answer is the
same answer I gave you about four questions ago, is
that I looked at -- and I've spent a lot of time
examining the data of actual voter turnout that
happened after the implementation of a photo ID bill
in Indiana and in Georgia. And I have invited the
election judges from both states to come and share
that with you today, and I feel sure that they will be
glad to answer your questions.

SEN. WEST: And based on your
observation of what occurred in those particular
states, you believe that your bill, if enacted in law,
will not have any retrogressive impact on the minority
voters of the State of Texas?

SEN. FRASER: I think my bill is going
to increase African-American and Hispanic turnout in
Texas. I think those people today feel
disenfranchised because they feel like there is fraud
going on in votes today --

SEN. WEST: Well, have you talked to
any --

SEN. FRASER: Are you interrupting me?
SEN. WEST: Yes. I --
SEN. FRASER: Just a second. I get to
finish.

SEN. WEST: But you say you feel like
those people. My question is, who have you spoken to,
to come to that assertion that those people feel as
though that there's fraud and all that stuff? What
African-Americans and Hispanics -- have you spoken to
some to make that assertion, in the State of Texas?

And I'll listen to you now. I'll listen to you now respond to my question.

SEN. FRASER: I have laid out a bill and researched, asked questions about the way people vote. I believe I have a bill that will encourage people that their vote will count and their vote is not going to be diluted by those that cheat. I think that will encourage voters, as it did in Indiana and in Georgia. And I believe that this bill is not only good for the people of the State of Texas, but I'm pretty familiar with the ethnic makeup of the people you represent. And I think this bill will be extremely good for Royce West's senatorial district.

SEN. WEST: Well, and I appreciate your thoughts. But let me ask you again, you made some assertions that you believe that it's going to be good for every one of Royce West's district and ethnic minorities in the State of Texas. You made assertions that this will prevent people from cheating and all that other stuff. And I'm asking you, as relates to voter impersonation, have you talked to any African-Americans or Hispanics that said there was a problem in the state, that this is a problem in the state? Have you talked to any African-Americans in the state?