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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process.

So with that said, please know that whatever deliberations and whatever bills you pass related to elections, we look forward to working with you and helping you to -- helping you in terms of implementing the bills that you pass.

With that, I would ask that since I am a resource, that I'm here to answer questions. We also have, Mr. Chairman, our General Counsel John Sepehri here to answer questions as well, but we are open now to any questions we may -- you may have for us today, this morning.

QUESTIONS FROM SENATE FLOOR

SEN. DUNCAN: The Chair recognizes Sen. Fraser.

SEN. FRASER: Deputy Secretary Shorter, thank you for being here. We -- it doesn't escape us that you've been sitting over here since ten o'clock this morning being available to this body. And as someone that serves the state, we appreciate you being here.

The questions that I have today for you are -- I think I want some clarification, making sure that the bill that I'm laying out that I am understanding correctly the interpretation of someone
that fills out an application, sends it in, receives a registration card and then takes that registration card and attempts to vote with that.

MR. SHORTER: Yes, sir.

SEN. FRASER: And I guess the first question I would have is the election code is under Chapter 63 and, in fact, the start of that is Section 63.001, the Regular Procedure for Accepting a Voter. Do you happen to have that --

MR. SHORTER: Yes, sir, I do.

SEN. FRASER: -- that law in front of you? And I would ask you -- if possible I'd like to walk through and make sure I understand the Texas law and what provides for the ability for someone to vote.

Here in my hand I have the voter registration card that I believe that is issued. Is that correct? It is issued to a voter. It looks like it is mailed out, and this would be the card that I would use when I would walk into the --

MR. SHORTER: Senator, that does appear to be our voter registration card.

SEN. FRASER: And it looks like -- it says "Except as otherwise provided, acceptance of voters shall be conducted as provided" under this section. "(b) On offering to vote, a voter must
present the voter's voter registration certificate to an election officer at the polling place." So it appears to me that if I walk in a polling place and I take this voting card and I show it to the person at the polling place, the first thing they're going to do is accept this card that I'm offering.

MR. SHORTER: That is correct, sir.

SEN. FRASER: Okay. "(c) On presentation of a registration certificate, an election officer shall determine whether the voter's name is on the registration certificate is on the list of registered voters for the precinct." So I'm assuming that after I hand him the card, if I remember correctly, they've got a list in front of them, they look and find my name on the list, they look at my address and they determine am I voting in the right precinct. I think -- is that what they're looking for?

MR. SHORTER: Yes, sir.

SEN. FRASER: Okay. "(d) If the voter's name on the precinct list of registered voters, the voter shall be accepted for voting."

MR. SHORTER: That is correct.

SEN. FRASER: Now, is that what happens?

MR. SHORTER: Yes, sir, that is the -- what it's going to say on that.
SEN. FRASER: Okay. I want to clarify.

On this card, there's several other things on the card. One of them is, it has date of birth. Now, is the person that I'm giving this to looking at that date of birth, and has it been reflected in state law that that's something they check?

MR. SHORTER: According to state law right now, as it is written now, date of birth is not something that is checked.

SEN. FRASER: On this card, it has an area for my sex. We've had a lot of fun today with the sex change argument, but on the card it says that there is a registration for someone's sex. My card says "male," and I put it there. Is that something when I hand this card to the registration person that they would be verifying on the card?

MR. SHORTER: They would not be verifying it under current law.

SEN. FRASER: Okay. So let me -- let me make sure I understand the way this works. I have a card in my possession. I walk in and I give this to the person. They look at the list, they determine I'm in the right precinct. If I'm on the list and I'm in the right precinct, they hand me my card back, and they hand me a ballot, and I go over and vote. Is
that correct?

MR. SHORTER: Yes, sir.

SEN. FRASER: Okay. Well, I'm a little confused about how -- what could happen because let me continue this questioning here. I live in Horseshoe Bay, Texas. It is a small community, a retirement community, which by the way, most of them are AARP members. And the retirement people there that still are going to vote, when they walk in, the people in the polling place, they know me as their Senator. And if I walked in and I brought my voting card and I put it in, they'd say "Senator, it's good to have you today," and I would register and I would vote and then I would walk back out to my car.

But what would happen after I voted that -- in my car I had my brother Steve's voter registration card, and I walked back into that polling place that I just left and I laid Steve Fraser's voting card down and said "I'm here to vote." Now, the registrar probably would say "Well, Senator, you were just here, and you just voted." And I said "No, I'm Steve Fraser. I'm his twin brother. I'd like to vote." What authorization under state law does that polling place person have to tell me that I am not authorized to vote?
MR. SHORTER: Under current state law, there is no authorization to prevent that polling person from --

SEN. FRASER: So if I present my brother's card and even though they know or they suspect -- greatly suspect that I am not Steve Fraser, do they have the authorization under state law to stop me from voting?

MR. SHORTER: I don't think -- based on my understanding of state law and based on my consultation with our staff, they don't have the authorization to stop you.

SEN. FRASER: Okay. Let me -- let me carry it a step further. Let's say that I'm not in Horseshoe Bay. I'm in Houston, Texas. And in Houston, Texas if I was voting, probably they wouldn't have any idea who I was. And I walked in the voting booth and I didn't have my card or my brother's card, I had my wife Linda's card, and I went in to vote. And my name -- Linda Fraser's name was on the list in the precinct. They would check and see if her name was there, and they would check the address, and I'm in the right place, would they hand me a ballot and allow me to vote? Is there anything under state law that they would check the person verifying the -- you
know, that I'm not Linda Fraser in that? Is there
anything under state law that would cause them or
allow them not to allow me to vote?

MR. SHORTER: Senator, under these
provisions of the law as they are, there are no
provisions that would prevent that.

SEN. FRASER: Okay. Let's carry it a
step further. There was a case that was represented
to me this week -- there have been a lot of these now
that we've been working on this -- this happened in
Plano. A poll worker in Plano had a lady came in,
bright red hair, big blue hat, feathers on the hat,
one of those people you would remember when they came
in. She voted. An hour later she came back in with
somebody else's registration card, went down to the
next poll person and was registering to vote.

The person she just voted with went to
the election judge and said "This person was just
here. They just voted. She's trying to vote again,"
and the election judge told them "I'm sorry. We have
nothing under state law to stop them. You have to
allow them to vote." Now, is that -- under current
law could that have happened?

MR. SHORTER: Under current law as it is
written, that could have happened, yes, sir.
SEN. FRASER: Okay. Let's carry it a step further. Let's assume there's an unscrupulous person that has the address of someone that they know was a registered voter and that person has passed away. Let me back up and ask the question.

My understanding is that when someone dies that your office requests death records, and that you now have the ability to try to take people off the roll. Is that correct?

MR. SHORTER: Well, Senator, what happens on a weekly basis, the Bureau of Vital Statistics submits to our office their records on deceased individuals, and we forward that information to the counties for that person to be taken off the roll.

SEN. FRASER: How long does it take for that data to -- to have the person deceased till you get it and you get them taken off, what is the time lag?

MR. SHORTER: Senator, I don't know the exact timeline that it takes, but the challenge that we sometimes have is that the information that is forwarded to our office from vital statistics, there's a lag between the time that we get it and the time the individual sometimes actually has expired.
SEN. FRASER: I've been told it's six months. Is that the average time that it takes to remove them off the roll?

MR. SHORTER: We do have instances of knowing it has taken six months.

SEN. FRASER: Okay. If it took six months and if someone died and if someone sent in a letter of a change of address and said that person just died, asked for a new registration card to be sent to X address and they did that with every one that died during that period, and there were as many as 30 or 40 or 50 of these people and the same address -- request change that went to the same address, do you have the ability or does the County Clerk have the ability to catch that under our current system?

MR. SHORTER: If they all went to the same address?

SEN. FRASER: If someone sent in a change of address --

MR. SHORTER: Yes, sir.

SEN. FRASER: -- of a valid voter and said "Send me their registration card and send it to this address" --

MR. SHORTER: Yes, sir.
SEN. FRASER: -- and whether it was one or two or ten or thirty or fifty, that they change that address, if someone sends you in a change of address, would you likely send it to that address?

MR. SHORTER: Yes, sir, we would.

SEN. FRASER: So it's possible that someone could collect, could harvest multiple cards at this address. Hypothetically is it possible they could hand them out to random people that didn't belong to the card, and that person -- the random person could walk in with the fake card and give it to the person at the polling place and vote that card?

MR. SHORTER: Hypothetically, yes, Senator.

SEN. FRASER: Well, hypothetically if it could happen and someone could do it, we have to assume that somebody has thought about that, and that some of these people that we've heard on these stories of people that were dead that voted multiple times possibly that could have been what happened. Is that correct?

MR. SHORTER: Yes, sir.

SEN. FRASER: Okay. If Senate Bill 362 was in place and that person that stole that identification or stole the card or the Troy Fraser
that was voting Steve Fraser's card, if they had to
come in and show either a photo ID proving who they
were or they had other means of identification that
they would have to show, would that not give us a lot
better chance of identifying that that person is
fraudulently voting?

MR. SHORTER: Yes, sir, if you could
verify that.

SEN. FRASER: Okay. Well, let's change
this for a second. I have the -- your voter
registration card here in front of me. I know it
looks like it's got a lot of spaces for things to fill
out, but down at the bottom it's got a place to fill
in your driver's license number, and there's another
place that says your social security card number.

MR. SHORTER: Yes, sir.

SEN. FRASER: The data that I received
from you it looked like that because of motor voter
we're receiving about -- I think the number is
somewhere in the high 80s. You know, 75 to 80 percent
of people right now are using their driver's license
number. There is a smaller number, you know, 10,
15 percent uses a social security number, but there
were a number of people -- I think there were 3,700
people in Texas last year -- 37,000 people in Texas
last year that used neither. They said "I don't have a driver's license. I don't have a social security card," and they turned this in.

Now, if they turn this in to the Secretary of State or to the registrar in Houston, the guy that was just up, once they do that, would this be processed, and will they be issued -- even though they have no forms of identification, they don't give you a driver's license number or a social security card, all they gave you was just a blank card, will they be issued a voter registration card?

MR. SHORTER: Senator, they will be issued a voter registration card if they sign the affirmation statement at the bottom.

SEN. FRASER: If they sign the bottom saying "I'm who I say I am" on the bottom, they send this in, they're going to get a registration card?

MR. SHORTER: That is correct.

SEN. FRASER: Okay. But I also understand that when they go to vote there's going to be a flag on that, and when they come in they've got to show something to prove that they are who just signed up. Is that correct?

MR. SHORTER: Yes, sir, they will have to --
SEN. FRASER: Okay. But you also -- if I understood the person from Houston, is that when they fill this out, they mail them a notice that they're going to have to provide some kind of identification. And if they took that letter that they just mailed them in and said "Here is my proof of identification. They just mailed this to me," basically they could game the system by showing no identification, mail it to the address, take that as their form of identification, and they could use -- and let me give you kind of a ridiculous case. But if I filled this out as Mickey Mouse and it was 103 Lighthouse Drive and I sent it in, would you send me a card for Mickey Mouse?

MR. SHORTER: You would get a card, Senator, if you have a -- have signed the affirmation.

SEN. FRASER: If I sign the bottom of it, you're going to send me a card for Mickey Mouse.

Okay. Now I've got a registration card that says Mickey Mouse. I'm going to walk in to my precinct with that card, and you've also sent me a notice saying I've got to show other identification. I take the letter you just mailed me, walk in to my polling place, I lay down my Mickey Mouse card, I also lay down the letter you just mailed me, if I give them
that, are they going to allow me to vote?

MR. SHORTER: If you're using that
letter -- if we're talking about the letter from the
government agency, it will be counted as a form of
identification.

SEN. FRASER: Okay. So if someone is
unscrupulous and they know how to do this, let's say
some random group like ACORN that decided they wanted
to try to use something to register people to try to
get a card and to game the system and then to go in
and vote and falsify that vote by not giving the
proper identification, the scenario that I just laid
out, is that possible under current law?

MR. SHORTER: It is possible, Senator.

SEN. FRASER: Okay. In the this last
election cycle -- and I'm sorry. I'm not going to ask
you that question there. We should have asked the
registrar because of the people that voted late in
this last election cycle I have been told that they
suspected thousands and thousands of that scenario
that I just suggested.

But if I took that Mickey Mouse voter ID
and I laid it in front of the person, would the person
say "Thank you, Mr. Mouse. Here is your card," and
they would allow me to vote? Is that not correct?
MR. SHORTER: Theoretically, Senator, that -- that could happen.

SEN. FRASER: Okay. So I guess what I'm trying to establish with you is that it sounds like today if I want to game the system and I want to cheat, it's very difficult for either the Secretary of the State or that election clerk or that election judge to identify that I'm cheating and know for sure. Is that correct? Especially if I'm voting in Houston or Dallas or someplace where they have no reason to know who I am, is it difficult -- would you say that it is difficult for them to identify, to determine for sure, that that person representing themself as Mickey Mouse really is Mickey Mouse?

MR. SHORTER: Senator, I would say that there may be -- they may have an opportunity to identify it. However, to do something about it based on what is currently in statute would be difficult.

SEN. FRASER: Okay. Well, actually that was the next question. It's difficult to identify, but it sounds like it's even more difficult to proceed to prosecute because if you can't identify it, you don't have the authority to ask them questions to prove who they are. And even if you think you know that it's the wrong person, if you accuse them of
doing that, there's really nothing under current law
to allow you to do that, is there?

MR. SHORTER: Well, they're a registrar
who has some concerns, has reasonable concerns, does
have the capacity to challenge, but there's not
provisions for once those challenges are made for you
to do much with it.

SEN. FRASER: Okay. Under current law,
as we say here, even if there's a challenge -- and
let's say that -- let's go back to the Horseshoe
Bay -- let's go to the Horseshoe Bay example.

MR. SHORTER: Yes, sir.

SEN. FRASER: If I voted twice there,
they'd know it was me and probably they would say it's
a challenge, and they probably could call the D.A. and
say "The Senator just voted twice. We need to check
into it." But the question is, I just voted twice, I
just placed two ballots, what would happen to those
ballots? Would they be put in the pile to be counted?

MR. SHORTER: Yes.

SEN. FRASER: Okay. So I just voted
illegally. You knew I voted illegally. You're going
to report me to the D.A., but I just voted. And if
that is a close election, that County Commissioner
that I voted for, and they're going to be within one
or two votes, I just impacted an election by voting illegally.

MR. SHORTER: Would you allow me to defer to my general counsel on whether or not that actual vote would count twice?

SEN. FRASER: I'm sorry. I didn't say it was going to count twice. I voted twice. I'm saying I voted as Troy Fraser and I voted as Steve Fraser, and both of those votes I voted under current law. The vote, my understanding is, and I've asked the registrar of those counties what they would do, if someone comes and votes and they place a vote, they have to put it in the pile to count. But even if there's appeal, they could pursue it and possibly get an indictment. But I think what you're saying is if it's hard to catch them, it's even much harder to prosecute.

MR. SHORTER: And, Senator, on that -- on that particular question, I think my best response to you is for you to allow me the opportunity to research that one and get back with you as soon as possible --


MR. SHORTER: -- because I'm really not clear on that one.
SEN. FRASER: The other question I would ask you and that I want to clarify, if someone suspects the scenario that we just talked about where they suspect somebody has voted illegally, it got put in the pile to count and they think that they voted twice like the lady with the big hat, if that is referred to someone to check it out, if it happens in Dallas, probably that's going to go to the District Attorney, or they could send it to -- directly to the Attorney General, or it's possible it could be sent to you, but if they send it to you, aren't you going to refer it to the District Attorney and the AG? Is that correct?

MR. SHORTER: If a complaint is sent to the Secretary of State's Office, our office looks at the complaint, and there's a general assumption among the staff and the Secretary of State's Office and that assumption is if the information that is being presented on that -- on that complaint is actually considered true, and if it's true we -- of course understand, Senator, our office does not do the investigation. But if the allegations as presented would present a crime under the elections code, our office would refer it to the Attorney General's Office.
SEN. FRASER: Okay. And I guess the follow-up question to that is if it's hard to identify and it's hard to prosecute and there's two other sources, the assumption is that the number of these going to your office probably -- is it great? If they're having trouble identifying it and they're having trouble prosecuting it, do you --

MR. SHORTER: Correct. Senator, the number -- in terms of -- I can give you some statistics. In terms of the Secretary of State's Office since September 1, 2007, there were 50 written complaints sent to our office, and those -- those were -- our office looked through those. We looked at them to see if there was merit. Actually related to -- complaints related to voter impersonation, we found about seven of those complaints. Two of them were actually referred, one was not referred, and one is pending. One is pending with our office now to be actually referred to the AG's Office.

SEN. FRASER: Thank you, Mr. Shorter. I do appreciate the information.

SEN. DUNCAN: Sen. Van de Putte or -- Sen. Van de Putte? And the court reporter has been going for about almost two hours. If we could -- you take as long as you need, but I would propose that we
let her take a break in about ten minutes, if we could.

SEN. VAN de PUTTE: Thank you, Mr. Chairman, and thank you very much for being here particularly in the late -- excuse me -- the early hour that we're in now in the next day.

I wanted to ask a few of the questions earlier yesterday. In speaking to Sen. Fraser when he laid out the bill, I asked several questions at that time. He said that the Secretary of State's Office would be the most appropriate. So the questions that I'm asking you are actually the ones that Sen. Fraser had asked me to ask.

You. And please give our regards to my dear friend and fellow San Antonian Hope Andrade.

I wanted to ask you if you would just take a look at the bill, and hopefully you have a copy of that or your general counsel has that for you. On the first page in Section 15.005 --

MR. SHORTER: Uh-huh.

SEN. VAN de PUTTE: -- there's a timeline between the requirements when each voter registration certificate issued under Section 13.142 or renewal registration certificate issued under Section 14.001. In the Senate Bill that is proposed,
we have to do a lot of changes to educate our election
judges and our clerks. What happens in the timeframe
between the people with current registrations that are
catched between the renewal for purposes of education?

    MR. SHORTER: For purposes of
education of --

    SEN. VAN de PUTTE: Yeah.

    MR. SHORTER: -- of the new bill?

    SEN. VAN de PUTTE: Yeah.

    MR. SHORTER: Well, Senator, what we
would do -- what our office is planning on doing for
all elections-related bills, we're in the process
right now of doing the long-term planning for voter
education for our office. And voter education in our
office deals with some specific things. Voter
education in our office deals with we want -- we want
to talk about where to vote, how to vote, what do you
need to vote, what are the items that you need to
vote, all the resources. So we're planning that now.

    If this bill were passed or any other
bill that you would pass related to changes in a
requirement for voting, as we continue to develop our
module for voter education, we would be able to put
the requirements that this bill or any other bill has
into our planning module for voter education that
we're currently developing.

SEN. VAN de PUTTE: Since the proposed regulations and rules would be greatly changed from the process that Texas voters have used in the past several years with the requirements of the voter certificate and a photo identification, how would the Secretary of State's Office propose to inform voters of these changes?

MR. SHORTER: Senator, we would inform through the existing process that we have, which is a pretty extensive process. For instance, during the last year on voter education, it was a $3 million process that we undertook to inform voters of what's going to be going on in the election cycle that ended in November of 2008. We're doing that now.

It would mean that our office would have to make sure that all of the changes are implemented, and implementation would mean all notifications that would need to be made, we would have to get that done. All training for county Election Officials through our current -- through our current system of educating county workers, election workers, which we hold periodically through the year, we would implement or make sure that this new information is a part of that process. Poll worker training, which we're looking at
right now, we would also make sure that those things
within the bill that actively affect poll workers,
those changes will be put into what we're doing now or
what we're planning to do.

Generally after -- during a session when
a session is over, there are a lot of election bills
that are passed, and our pattern of preparing for
coming out of session, going into a season of getting
ready for elections, we start looking at what bills
have been passed. We're putting together the
structure now on what we're doing on voter education
and then fit those into the model. Sometimes when
there are major changes like this, it does require
more work on our -- a heavier workload on our staff,
but the staff at the agency has proven time after time
that they're capable of doing it.

SEN. VAN de PUTTE: Well, I believe that
the Secretary of State's Office and particularly this
Secretary of State, is more than willing and it's been
shown. My concern is that -- have you seen the fiscal
note that is attached to the implementation of this
bill?

MR. SHORTER: Yes, ma'am, I have.

SEN. VAN de PUTTE: According to the
fiscal note, your -- the Office of the Secretary of
State.

MR. SHORTER: Uh-huh.

SEN. VAN de PUTTE: -- is to absorb the cost. Given that, how do you plan to notify each of the voters, given that in Indiana and Georgia individual mailings were made to each registered voter informing them of the change in voter ID? And since we have no legal, I guess, basis, at least in our fiscal note, for the Secretary of State to implement that, how would the Secretary of State's Office plan to inform each voter, which were the requirements that they felt under -- to get pre-clearance under the Voting Rights Act, how would you all achieve that with zero money?

MR. SHORTER: Senator, we would -- we would achieve that by using the funds that we've been using to do it in the past. We would use the HAVA Funds that have been set aside for voter education. I remember your asking this question earlier about the zero fiscal note that our office put on it. We put it on there, and when this bill -- when a similar bill was filed like this in the previous session, staff shared with me that there was a zero fiscal note on it as well, and it was because HAVA dollars were able to be used.
SEN. VAN de PUTTE: I believe the fiscal
note for the voter ID bill in the 80th Legislative
Session that was passed by the House was at $600,000,
and so we --

MR. SHORTER: Yes, ma'am.

SEN. VAN de PUTTE: So that's what I
wanted to ask is that -- I know that Hope is very good
at squeezing dollars, but how do you -- how does the
Secretary of State's Office plan to inform -- and it's
not just the training. From what we understand of all
voter ID laws that have been passed, each of those
Secretaries of State have done an individual mailing,
not just posting on the Web, not that. Do you plan to
send an individual mailing to each voter with or
without the passage of this bill?

MR. SHORTER: That -- first of all, that
would be, of course, Secretary Andrade's decision.

As for that $600,000 fiscal note in the
previous bill, that was not a fiscal note that was
put on by the Secretary of State's Office. My
understanding is that was a fiscal note that was put
on by DPS. Even though that fiscal note was $600,000
put on by DPS, our fiscal note on that previous bill,
if I'm understanding correctly, is that it was still
zero because we were not looking at those funds to --
SEN. VAN de PUTTE: Okay.

MR. SHORTER: -- and we do still now.

For instance, right now in voter education, in HAVA dollars, we still have $2 million left. Our staff, in anticipation of bills coming out of the session, we've been working with the EAC already to see -- make sure that bills that are passing through the House and through the Senate or through the Legislature of Texas would be able to -- we would be able to use HAVA dollars for that. We feel comfortable that we can, but we don't want to get towards the end of the session and find out that we were incorrect.

SEN. VAN de PUTTE: Thank you. I would also ask the questions that I asked Sen. Fraser that they said that the Secretary's Office would be more appropriate. With regard to naturalized citizens, what is the difference between a certificate -- a citizenship certificate, which is in the first section of the bill that's allowable with the photo ID, and citizenship papers, which is allowed under the second part of the bill?

MR. SHORTER: Senator, I remember your asking that question earlier today, and I asked our staff today to help me and answer that question. They have not gotten back to me, of course, at four o'clock
this morning. But if you would allow me to get you
the answer to that in a few hours, I will provide that
for you.

SEN. VAN de PUTTE: Thank you. That
would be helpful to us since we have 56,000
naturalized citizens. And I believe the certificate
is the eight by eleven certificate that is issued at
the time of naturalization, which has a photo, but in
the case of many of our constituents who have been
naturalized it is a photo of them when they were a
young child or a young adult, and the citizenship
papers may be the little wallet size card. So it
doesn't have a photo.

MR. SHORTER: Yes, ma'am.

SEN. VAN de PUTTE: But I think because
of the language and since it's each of those
documents, it would be very helpful to us.

And I know that there are probably some
more questions from other members, but I know that our
Stenographer has been there, but when you come back, I
know that some of the questions, if I have the chance
to ask, or maybe one of the other members, is the
statistical and demographic data of our current Texas
voters and who are registered.

MR. SHORTER: Yes, ma'am.
SEN. VAN de PUTTE: So I will stop at this point the questions so that we can take a break, but just to let you know that's probably coming up.

MR. SHORTER: Thank you.

SEN. VAN de PUTTE: Thank you, Mr. Chairman. I'll proceed after.

SEN. DUNCAN: Do you want to maintain the floor when you come back?

SEN. VAN de PUTTE: I would love to maintain the floor after just to continue, but I don't want to go beyond the 4:40 a.m.

SEN. DUNCAN: Okay. We will then -- Members, with that we will stand at ease for ten minutes and be back at 4:50.

(Recess: 4:41 a.m. to 4:53 a.m.)

SEN. DUNCAN: Okay. Members, we'll come back to order. Sen. Van de Putte has the floor.

Before she begins again, we'll have -- I need to make this announcement to the folks who are in the gallery or who are waiting to be in public testimony. The Chair would request that anyone wishing to testify return to the registration desk and check in with the clerk. This will allow the clerk to pull the relevant witness cards, and we can proceed through public testimony more efficiently. All
witness information will be entered into the record
and witnesses present and testifying will be noted as
such. Those who do not testify will be entered into
the record as nontestifying but registering their
position for or against the Senate Bill 362. We think
this will be a way to help facilitate those and also
give us a little better idea of how to manage yours
and our time.

Sen. Van de Putte, you’re recognized.

SEN. VAN de PUTTE: Thank you,

Mr. Chairman.

Thank you. It’s good to be back with
you again. Before I ask some of the demographic data,
there was one part that I forgot to ask that I had
asked Sen. Fraser and wanted to reiterate. Under the
proposed bill, we have two different types of military
ID as well: Those military IDs that have a photograph
and the military IDs that do not have a photograph,
and they are listed, I think, in two different
sections of the bill.

My question is having to deal with the
inconsistencies of addresses with our military
members, not veterans. Once they’re veterans, they’re
living in Texas and not here because of the duty
station. Under the provisions of this bill or maybe
even currently, but currently our military members do not have to show a photo identification. Under this bill they would. How would a clerk or election judge treat the inconsistencies in nonalignment of address on the photo ID with the -- with the certificate?

MR. SHORTER: Senator, I don’t have that answer, but I will get it for you, and that would involve -- and I’ll tell you what I will go through: Asking my staff and also visiting with the clerks to see have they seen this, is this something that has happened already, or based on this particular bill would it happen.

SEN. VAN de PUTTE: Well, I don’t think we know because they don’t have to show a photo ID.

MR. SHORTER: Correct; you’re right; you’re right; absolutely.

SEN. VAN de PUTTE: And because many of those members that are here still have their own state’s driver’s license because -- or they’re issued the DOD license on some installations, it doesn’t reconcile with the voter certificate.

MR. SHORTER: Right.

SEN. VAN de PUTTE: And particularly for those career military who then become civilian, they keep their -- that because they may be going to
retire, and it's particular. So if you would do that?

MR. SHORTER: Yes, ma'am.

SEN. VAN de PUTTE: And in that also how would, under the proposed bill, we treat the inconsistencies in addresses in college students who may still keep their primary place of residence, which is their home and the home of their parents, for purposes of their driver's license because that's their permanent address and they are only temporary, yet choose to register in the town that they are now going to college. So the photo identification or driver's license does not match up with the certificate. So those are two instances where how would that -- those be treated.

MR. SHORTER: Yes, ma'am.

SEN. VAN de PUTTE: My other question is -- we know from some of the data that the affected groups and what we -- what is the state's burden to prove at the Department of Justice is the availability for African-Americans, Hispanics, language groups to be afforded the same ability, in other words, no discrimination? Can you tell us of the 13 million plus voters, do we know how many voters are African-American in the State of Texas?

MR. SHORTER: Senator, we don't know.