SENATE DEBATE ON
HOUSE BILL 589
VIVA/Election Reform

Rules Meeting

Held on
Tuesday, July 23, 2013

Senator Tom Apodaca, Chairman,
Rules and Operations of the Senate Committee
PROCEEDINGS

Senator Apodaca: Okay, the next bill is 589. Let’s discuss this before we go forth. Anyone who would like to speak on this bill will need to sign up back here. We’ll limit discussion to two minutes per person. We want everybody to have time to chat about this and we’re more than willing to stay here as long as it takes. Also, we’re not going to have any outbursts or anything of that nature. I think all signs have been confiscated, so let’s get started. We have House Bill 589 PCS. Senator Brown moves that we bring the PCS for 589 before us. All those in favor, say aye. Any opposed, say no. Okay, 589 is before us; Senator Rucho, welcome.

Senator Rucho: Thank you, Mr. Chairman and members of the Rules Committee; what we do have before us is a reform of an outdated and archaic form of State Election Code that hasn’t been adjusted in many years, at least three decades. What we have is reforms to introduce transparency to the election process and to create guidelines that everyone can understand very clearly and simply. And it also gives every opportunity to eliminate any type of political gamesmanship. What it does also is it fulfills a campaign promise that all of us have made and that is
election reform, ensuring both integrity and requiring that voters will show a photo identification at the polls. And what this does is it re-establishes a confidence in the electoral process and therefore our government. We will go point by point through this, Mr. Cohen and Ms. Churchill, Mr. Chairman, will end up explaining this, but some of the high points will include photo identification, which I think everyone has had a chance to review that bill, early voting changes, which help streamline and make the system work smoothly as it was intended when Senator Nesbitt and I worked on some of that way back when, in ‘97 I think it might have been, and then talking about some campaign finance reform and other changes that will be addressed in this bill because it is comprehensive in nature which will talk about the proper method of withdrawal from election races and also help us get more people involved when they vote that some of the down-ballot candidates and some of the down-ballot initiatives will be included in the election so that folks don’t just look at the top part of the ballot but will be able to have their voice heard throughout the entire ballot. And then we also are looking at trying to make North Carolina a bit more relevant in the presidential elections and so we have a proposal to handle the
people participate in the democratic process.

Senator Apodaca: Go ahead.

Mr. Rucho: Mr. Chairman, I’d like to comment if I may. My son turned eighteen January 30th, missed this last ballot; went through the school process and was pre-registered and the like, and it was very confusing as to when he was supposed to do that. What this does is offer some clarity and some certainty as to when that child or that young person is eligible to vote and registers to vote. And that’s what it’s designed to do.

Senator Apodaca: Follow-up?

Senator Stein: Did your son not know he was seventeen on election day?

Mr. Rucho: If you would like my son to come visit you; he did, but the clarity was the fact that it was confusing. We got a letter from the Board of Elections which I actually responded to and I asked for them to clarify it. It only made the situation a lot more complicated and complex and wasn’t understood -- clearly understood and therefore this is a perfect opportunity when they turn eighteen to vote, to register.

Senator Apodaca: Other questions on the amendment; let me send forth -- let me adjust an
Mr. Cohen: Page 37, part 25.

Senator Rucho: Mr. Chairman, what we’re trying to accomplish --

Senator Apodaca: Please.

Senator Rucho: Thank you, sir; Senator Stein, what we’re trying to do is put some consistency into the process and allow for the facilities to be similarly treated in one county as in being all the counties. It does give still some good flexibility to the county Boards of Election in selecting those.

There is probably a savings in the sense that by going from seventeen to the ten days you actually have more opportunity to open up more sites that would open up more opportunity for people to have access to voting during that period of time. And what it does by having that consistency, everyone has an equal access to voting. It does not stop, it still leaves the county the choice of opening on a Sunday or not opening on Sunday, but when it was originally put forward back in 1997, and, Senator Nesbitt, at that time you were a Representative, I believe, and I had this early voting bill in place and I was one of the co-sponsors of that bill, and it was designed to open up the opportunity for access. It’s been altered over the last number of years, maybe tainted in the direction, but what this
does is it sets an equal footing in every one of the
counties and that’s going to treat everybody equally
and fairly.

Senator Stein: Thank you; if -- that’s
not 100,000 people that need to vote another time and
there’s no guarantee or no direction in here as to how
many early voting sites to open up. So the more you
backload the vote, the more you’ll have on election day
and I know, Senator Rucho, you’re an expert in
electricity. You have peak load which is the most
expensive load and that’s going to be when most people
are in demand. And election day, the more people you
push to election day, the more precincts you’re going
to have to create, the more voting sites you’re going
to have to have which is more expensive on a marginal
basis than having more early vote.

Senator Rucho: Senator Stein, I think
probably you see a lot of the early days in the
seventeen-day cycle probably not utilized as much,
other than maybe the first day when a lot of folks get
excited and then the peak is reduced. But what this
does is it gives access with the same hours that will
be treating every one of the sites in every one of the
counties the same way and there will be the possibility
since there is some savings in the time to open up
Senator Apodaca: Oh, I’d have to disagree
with that. I think Senator Hise could do some
statistical analysis and come up with a pretty good
figure, but next question.

Senator Stein: Statistical analysis
question; this data from the State Board of Elections,
just in the even year elections, the state elections,
last six of them, primary in general, there have been
approximately 30 million votes cast in North Carolina
and there have been two instances of in-person voter
fraud. What evidence of in-person voter fraud is
compelling you to impose the ID requirement?

Senator Apodaca: Carry on.

Senator Rucho: Thank you, Mr. Chairman;

Senator Stein, I’m sure your understanding of how
society is today, you can’t live in this society
without identification, no matter whether you go into
buildings, whether you cash checks, whether you pay
your groceries with checks, whether you want to get on
an airplane, whatever it is, everyone has a form of
photo ID. This bill goes to its full extent in
allowing and helping individuals that may not have it,
especially since we’ve allowed the DMV to take an
active role in delivering and providing at no cost a
photo identification so that they can be used in this
manner. There are a number of instances that we know about as an individual basis. I’m sure you’ve heard the same thing and I’m sure you pay close attention to the fact that some folks have lost their opportunity to vote, because when they go to vote in an early vote, they were told that they had already voted. And for some reason that never seems to get recorded or reported. So what we believe the importance of the electoral process is the fact that we’re providing integrity and honesty in the system and what that means is that confidence level will be instilled in the electoral process and therefore back in government and that’s something we should all be striving for.

Senator Stein: A brief comment, Mr. --

Senator Apodaca: Please.

Senator Stein: The notion that everyone has a photo ID is just wrong. There -- in our society --

(Public applauds.)

Senator Apodaca: Okay, all right now, we’re not going to tolerate that. I’ll clear the room. We’re going to sit here and act respectful of everyone.

Carry on, Senator.

Senator Stein: Thank you; and I ask the same of the audience to not interrupt.
million?

Senator Rucho: Well, the problem that we found and what I believe exists is the fact that a lot of Boards of Elections have a very hard time of working their way through a system when someone comes up and registers to vote and votes at the same time. There’s no way and there’s no simple way to validate. What we’re trying to do is give the Board of Elections an opportunity to do their job correctly, validate those individuals and be sure that the election is above board.

Senator Apodaca: Thank you; additional questions from the committee; okay, I think I’ll take some from the audience. Let’s start -- comments; comments, not a question; comments, let’s see. Allison Riggs, please come up and you have two minutes; thank you for coming today.

Ms. Riggs: Thank you; my name is Allison Riggs and first I’d like to comment on what a farce introducing this bill at this late date that does this much damage. The damage to democracy in this state from this is unacceptable. This bill is voter suppression at its very worst. You’re making North Carolina a national laughingstock and you should be ashamed. This bill is a naked attempt to pre-determine
election outcomes by keeping people from voting. This bill steals from North Carolinians opportunities to vote that you know are disproportionately used by voters of color and low income voters. This bill as a whole can only be interpreted as one thing, a cynical ploy to make it harder for certain people to vote. Those are poor people, people of color, elderly people and young people. This bill disrespects and violates state and federal constitutional and statutory protections for the franchised. North Carolinians won’t stand for this. This bill erases the years of progress we’ve made in improving election administration, making more friendly the election experience for voters and encouraging civic participation. North Carolinians won’t stand for this. Voters love same day registration. They love early voting. This bill encourages bullying at the ballot box. You’re creating a situation in which polling places will now be a free for all and the voters who are least likely to be able to withstand that bullying are going to be subject to it even more. This bill does not revise and reform thirty years of election laws. Many of these reforms were enacted since 2000. What it does is it takes away the opportunities that you’ve granted to North Carolinians in the past that
have been beneficial. It takes those away and it
disrespect the right to vote.

Senator Apodaca: Thank you; is it Brent
Laurenz? Is that right; thank you.

Mr. Laurenz: Yes, sir, my name is
Brent Laurenz. I’m with the North Carolina Center for
Voter Education. As proposed, we have a lot of strong
concerns about this bill and the impact it would have
on voting and civic engagement in North Carolina. Of
particular concern is provision in the new version that
does not allow college ID’s to be used from public
universities in voting under the voter ID portion of
this bill. We think that’s a bad move because those
are public ID’s issued by public institutions. The
second thing we’re really concerned about is the
shortening of early voting. As we’ve heard, over 2.5
million voters used it last year. That’s about 56
percent of voters. It’s a wildly popular program
across party lines. It’s not a partisan issue, so
we’re concerned about that and the impact it might have
on longer lines on election day, confusion at the polls
and all that stuff. Second, we’re also concerned about
the elimination of same day registration; again,
another tool that can be used to improve civic
participation among citizens; ending pre-registration,
have withstood water hoses and been beaten and gone through lots and you’re building your legacy here today as you put these measures forward and so I just -- I don’t think it’s going to even help me to try to explain to you what it’s all -- what the damage is, so good luck to you.

Senator Apodaca: Thank you; next, Jamie Phillips; welcome.

Ms. Phillips: Thank you; I am Jamie Phillips. I am here on behalf of the North Carolina NAACP and Reverend Dr. William J. Barber, President. I want to point out as every single person before me has, that these changes to voting laws are impacting specific groups of people. The fewer young people and minorities who vote, the better it seems in your minds. We get it. No one is being fooled. Shouldn’t a democracy ensure elections are free, fair and accessible to make sure every citizen has a say? It is obvious to many North Carolinians, including people who have voted for you in this room, that this bill has been specifically crafted to make participation disproportionately harder for certain voters, specifically seniors. Of registered North Carolina voters who lack ID, nearly 25 percent are seniors over the age of sixty-five even though they make up only 13
percent of the state’s population. Seniors are also hard hit by provisions making it more difficult to add satellite voting sites to accommodate seniors and voters with disabilities. The youth; in a sad move to restrict youth participation in our democracy, this bill specifically bans college student ID’s from being used for voting, eliminates pre-registration for sixteen and seventeen years olds and eliminates the requirement for high school voter registration drives. We should be encouraging the civic participation of young people, not blocking it. And finally, the most blatant and harmful impact of these changes are in voters of color. 31 percent of registered North Carolinian voters who don’t have photo ID are African-American despite comprising just 22 percent of the state’s population. The bill also bans out African-Americans despite comprising just 22 percent of the state’s population. This bill also bans out precinct provisional ballots, striking the votes of people who move, making it much easier to challenge voters’ eligibility and create an intimidating presence at the polls. All we ask is for your conscience and goodwill to overcome your political interests; thank you.

Senator Apodaca: Thank you; last, we have Joshua Vincent; please; welcome.
not sure we should be dictating to them and telling them to do this. Their goal is to get that election process done in a timely and an effective manner. You know, the original purpose of the early voting was to accommodate the fact that this society has changed where a lot of folks had a lot of time, today with our busy society going from one location to the other and doing things. That’s why early voting was put out there, at least in my way of thinking, Senator Nesbitt, and I see that as a good step. I see that there were steps taken that have abused it for gamesmanship and partisan advantage. And what this does is it levels the playing field. Every county will follow the same rules and everyone will be given the same opportunity to vote. And, you know, that’s what this is about.

Senator Apodaca: Senator Meredith?

Senator Meredith: Thank you, Mr. Chairman; I have a question. Senator Rucho, Senator Nesbitt brought up a point about people coming to the polls and having issues. In 2014 does the bill not state that we will -- can you --

Senator Rucho: That’s a great question, Senator Meredith. This is a phased-in approach. And during the primary and the general election of ‘14, the individuals that come to vote will, one, they’ll say,
you know, I’ve got my ID and that’s great. Well, you don’t need it, but you’ll have it; you’ll need that in the 2016 election cycle. And so there’s going to be an opportunity for the ones that are likely to vote will be there plus a lot of other information shared so that everyone understands and they’ve had a period to adjust, a phased-in or transition period to know that on the 16th everyone will know that that is a requirement and -- we used to vote one day, Senator Nesbitt, before we brought in early voting. We survived it. I don’t know in your county, but in my county there are two and three and four hours of waiting in early voting lines and people either stay there or don’t stay there or they find another suitable time. We’ve given them lot of other opportunities to -- you know, to practice their right of voting and this will do the same thing, but probably in a more efficient manner.

Senator Apodaca: Thank you, Senator Rucho; I didn’t hear fair and legal one time. Senator Brock moves that we vote to approve the PCS as amended with -- rolled into a new PCS with any corrections for alphabetical errors or grammatical errors made and unfavorable to the original. All in favor, say aye; any opposed, say no; so passes. Thank you; we are