SENATE DEBATE ON
HOUSE BILL 589
VIVA/Election Reform

Senate Session

2nd Reading

Held on
Wednesday, July 24, 2013

Senator Louis Pate, Deputy President Pro Tempore, Presiding
year and a half allows for that transition. In 2014 the requirement of a voter ID will not be there. The people that do go vote will be told that it will be necessary in 2016 so that we can have a voter ID process in place to help guarantee the fact that all the votes matter equally. There are thirty states which currently have voter ID. North Carolina is one of the last in the Southeast to introduce this measure for honesty and integrity in the electoral process and we believe it will go a long way to building confidence back in our voters and our citizens. The second part of it is going into early voting which our bill streamlines early voting to a process of ten days rather than seventeen while providing counties the flexibility to increase the overall number of early voting hours, ensuring ample time for voters to make their choices or voices heard. This also gives the flexibility for the Boards of Election to expand the number of available sites, and as they do that, it makes it — provides more access to the voters in early voting to go to those sites and reducing the long lines by expanding the number of locations. And this can be done by narrowing the numbers of hours — excuse me, ten days from seventeen. You can actually have more polling sites opened for about the same amount of
money, so that works in a very beneficial way in
providing access to the voters to be able to go and
vote. What it does do is it also sets standards as to
the voting hours across the 100 counties. Everyone
will be treated the same way. Lack of consistency has
been a problem. People say, well, why am I not voting
or why don’t I have the same amount of time? We want
consistency throughout the entire 100 counties in the
state to do so. It also allows time for -- to verify
voters’ information by repealing same day registration
and which will ensure accuracy. It’s been a challenge
for the Board of Elections to be able to identify and
validate everyone that has come there on the basis of
one-day registration and what this does is it just
strengthens the requirements for also absentee ballots.
It also has a situation where we talk about campaign
finance. Our bill takes public money out of politics.
Funding campaign is not prudent or appropriate for the
use of tax dollars. There are a lot of folks that say,
hey, I never wanted my money spent for that, and
therefore that is out of the game. The current program
requires candidates to participate and adhere to a
relatively low spending threshold in the campaign
finance reform and/or in the government supported
funding. There is also a provision, and I’ll mention
the fact, it was reported that there will be an
increase from the $4,000.00 to a $5,000.00 maximum. I
believe it was 1982 that $4,000.00 maximum was
established. And if you just do the CPI from then to
now, that $4,000.00 would be really $16,000.00. But
what we’re trying to say is that there will be a
$5,000.00 limit. It will be adjusted I think every two
years by using the CPI index. I know everybody in this
room fully understands that the money is less, but the
cost of campaigning, whether you use TV, media, direct
dmail or whatever, constantly goes up. And so what this
does is it helps eliminate some of those problems. We
have a situation where the bill reduces the opportunity
to gain shift in the timing of candidate withdrawal.
What that does is it ensures that all parties will have
a fair notice on open seats. We eliminate straight
ticket voting allowing voters to choose the person, not
the party, and it also allows and helps each of the
voter pay close attention to the nonpartisan elections
which at this point, the judicial elections and a lot
of other elections, some county commissioner elections,
and those down-ballot races and initiatives do deserve
the scrutiny and the vote of the individuals that are
voting. It also provides that the earliest someone can
register is on their eighteenth birthday. There is a
lot of confusion. In my own son’s situation, he had pre-registered and then got a letter, wasn’t quite eighteen, thought he was supposed to vote. The bottom line is, everyone that turns eighteen will know it’s time to go vote and therefore will get registered appropriately. And finally, the bill restores North Carolina’s voice in a presidential election by moving up the date of the North Carolina primary. That will be a primary election for a presidential preference. Many times having an election in May, primary election, we in North Carolina don’t have very much say in the selection of a presidential candidate in the parties. This thus gives us an opportunity to become active in that process and allow our citizens to act accordingly. I will comment about one report that was on WRAL. They commented about the fact that when someone is at the polls at the time, let’s say, 7:30 when the polls close, anybody in line, the same way the law exists today, at 7:30 if that line goes well beyond that, everybody votes. WRAL should be sure their facts are accurate before they make a misstatement like that. Mr. President, I believe I’ve gone over the list. I’ll be delighted to attempt to answer any questions on this and I would urge that everyone take advantage of this election reform and give us an opportunity to pass this
Senator Rucho: Thank you; yes, I do. I will say to you, Senator Bryant, the bottom line is -- and just to use an example, let’s say it cost $1 million in Mecklenburg County to run this early voting for seventeen days. It will be less for seven days, but you can use that same amount of money to expand the number of locations, have more access throughout the entire county and therefore we believe that will solve the problem that has been questioned about voter lines. I know we in Mecklenburg County can use that because many times during presidential years we have two and three hour waits, so we would welcome that and I’m sure every other county would enjoy that same opportunity.

Senator Bryant: Follow-up, Mr. President.
Senator Pate: Does the gentleman yield?
Senator Rucho: Yes.
Senator Bryant: That decision, though, is left to the county boards of commissions and they could decide to have one site, would that be true? Is that correct?
Senator Rucho: Yes, that flexibility is there and what they will do is meet the needs of their citizens. And if they don’t meet the needs of their citizens, the wrath of the citizens will be put upon them.
amendment I send forward addresses that point and it’s pretty straightforward. All it says is however many hours you as a county had early voting in the primary over seventeen days, have the same number of hours available over ten days. And if you need more sites to get to the total number of aggregate hours, do that. If you need to have it open longer in the day, do that. It has a standard for the off-year election where fewer people vote. It has a standard for the primary when fewer people vote and then it has a standard for the general election of the presidential year when the most people vote to ensure, as Senator Rucho has assured us with his ever confidence, that the counties will not end up shrinking the availability of early vote. So if you all want to ensure that the citizens of this state have the same access to early voting that they have today with ten days as they have for seventeen days, you will support this amendment and I encourage you to do so. I have put up on the dashboard something interesting. It’s the chart, four-page chart, and what it does is it shows a couple of interesting things. One is it shows how many people vote early and you can see as Senator Rucho said in committee yesterday, that there’s a big number of people vote the first day and then it drops off to the end. The data shows something
else. What you see is a fairly stable number of people vote on every weekday. There’s a drop-off on the Sunday vote, but it’s still an important time for people to vote. The next page of that chart actually shows who votes and what you’ll see is that in the first seven days in North Carolina, the experience has been that African-Americans disproportionately vote on the first seven days of early voting which coincidentally are the days that you all are stripping out of the early vote process. Also I’d like to put a note on the dashboard, there’s a study in the Election Law Journal by Michael Herron and Daniel A. Smith entitled Souls to the Polls: Early Voting in Florida in the Shadow of House Bill 1355. This describes the experience -- it’s also on the dashboard. Do you have that one; thank you. It shows the experience of what happened in Florida. It shows it empirically. It shows it -- who is disadvantaged when you make this change. You all would be shocked to know that it’s African-Americans, Hispanic, younger and first-time voters who are disproportionately affected by a reduction in early voting. I’m sure you all are shocked of that reality. I encourage you to support this amendment; thank you.

Senator Rucho: Mr. President.
that they have -- factually empirically have done. My amendment will mitigate the damage of reducing early voting by ensuring the same number of hours. My amendment will mitigate the damage by reducing the number of hours. The key is to make sure you have the same number of poll hours available to voters. I agree with you that if you do that, then the damage is going to be less so, but if you just shrink early voting without a guarantee, the counties are going to offer voting to people, pushing people to election day which is a work day which can impact on people’s ability to participate.

Senator Meredith: Thank you.

Senator Hise: Mr. President.

Senator Pate: Senator Bryant, for what reason -- for what purpose do you rise? Senator Hise, for what purpose do you rise?

Senator Hise: See if Senator Stein will yield for a question.

Senator Pate: Senator Stein, do you yield?

Senator Stein: I yield.

Senator Hise: Senator Stein, just to clarify from what I heard you say; if counties under their choice maintain the number of poll hours that
they currently have, they open additional sites and maintain them, that they have mitigated the impact to minority communities from reducing the days by seven?

Senator Stein: They have not -- I'll answer. They’ve not eliminated it, but surely the impact will be less if there are more hours. But what we have seen in experience, we’ve had two general elections where we’ve had this number of early voting days, actually three or four general elections, it just continues to increase, is that more and more people are availing themselves of early voting. If you shrink it, you’re not only going to hurt African-Americans, you’re hurting everybody. In fact, Republicans are participating in early voting at an increasing clip faster than are Democrats. What you’re doing is you are inconveniencing the people of North Carolina from their ability to participate in the election of their representatives. And we should make voting as convenient as possible.

Senator Hise: Follow-up.

Senator Pate: Senator Hise asks another question. Senator Stein, do you yield?

Senator Stein: I do yield.

Senator Hise: Back to the point we were getting to originally, so it is your claim that any
effect that you believe could be perceived can be mitigated by the decisions the counties make?

Senator Stein: It is conceivable if the counties expand the number of early vote sites and increase the number of hours it would mitigate the damage. That doesn’t mean that there would not be damage, but it would be mitigated.

Senator Apodaca: Mr. President.

Senator Pate: Let me make one housekeeping notice. Senator Jenkins is excused for the rest of the evening. Senator Apodaca, for what purpose do you rise?

Senator Apodaca: See if Senator Stein will yield to a question, please.

Senator Pate: Senator Stein, do you yield?

Senator Stein: I’d be happy to.

Senator Apodaca: Senator Stein, I’m intrigued by your amendment.

Senator Stein: Thank you.

Senator Apodaca: And I think it might be something we can work with. Would you be willing to displace it a moment so we can huddle up and maybe make this work? I think it really has some good points in it.
few facts about elections. One of them, there are thirty states which currently have a voter ID in place and thirty-three states have passed voter ID laws. Forty-one states do not currently have same day registration. Thirty-eight states do not currently offer pre-registration for teenagers younger than eighteen years old. Thirty-five states do not currently offer straight ticket voting. These are all the facts and these are working in other states. We’ve taken a good step forward with the early voting as we’ve described if we include Senator Stein’s suggestions. You know, we already anticipate the Board of Elections will increase -- the State Board of Elections will in essence mandate an increase in the number of locations and probably in the hours which will surpass what presently is occurring. We would anticipate that this will solve all of the problems that are being addressed and I think they will prove to be a non-issue. That being said, Mr. President, I’d like to send forward an amendment.

Senator Pate: Gentleman may send forward his amendment. Clerk will read.

Reading Clerk: Senator Rucho moves to amend the bill.

Senator Rucho: Mr. President.
The people I hear from want to know why in the world we haven’t done this to get voter integrity out there. And you say, well, there’s only a couple of cases, Senator Stein. If you don’t check it, you ain’t going to detect it. We don’t know how many thousands of cases. And one-day registration, you think it’s such a great idea to have mobs and mobs of people up there that have never bothered to register in a huge election and they want to come in on election day and register to vote and then you’ve got to deal with that provision and check all those out. That creates havoc. That creates the opportunity for fraud and everything else. If you don’t think enough about voting to make sure you’re registered -- it used to be 30 days in advance, Senators, until recently. This is good common sense voter integrity election law and I’m proud that we can offer this bill and not a single soul will be disenfranchised. What it does, it does disenfranchise fraud. And a lot of people don’t like it, but, folks, the people I’ve talked to, minorities as well as Whites, say sure, it’s common sense and we ought to be able to prove who we are, and anybody that would say that we shouldn’t have to do that, to me don’t want election free and election with integrity. I think that’s what this bill does and I’m proud that we could
people to vote and to register them. Do you want to
return to the Jim Crow South? Recent data shows that
more than 318,000 registered voters in North Carolina
lack a photo ID. It is no surprise that the photo
requirement disproportionately affects African-
Americans. We are 23 percent of all registered voters,
but 34 percent of those without a North Carolina photo
ID. We too as women are disproportionately affected.
We make up 54 percent of voters, but 64 percent of
those without a state issued photo ID. Democrats, of
course you know this, are nearly three times as likely
not to have a photo ID as Republicans. Nowhere in this
bill is a photo ID required for an absentee ballot,
however. Mr. President, I’d like to send forth an
amendment.

Senator Pate: Senator Robinson, you may
send forth your amendment. Clerk will read.

Reading Clerk: Senator Robinson moves to
amend the bill.

Senator Robinson: This amendment --
Senator Pate: Senator Robinson, you may
explain the amendment.

Senator Robinson: Yes, thank you, Mr.
President; this amendment would assure that anyone who
shows up at the polls without one of the approved state
Senator Rucho a question.

Senator Pate: Senator Rucho, do you yield?

Senator Rucho: Yes.

Senator Pate: He yields.

Senator Bryant: Senator Rucho, my question is, were you aware of the disproportionate use of straight party voting by Black voters as you were considering this provision in the bill?

Senator Rucho: I was never aware of the chart that you have before you. I have confidence in every voter in the State of North Carolina to choose people that they believe are the ones they wish to vote for regardless of party and also I’m very concerned about the fact that a lot of the nonpartisan and down-ballot candidates are ignored and that really is not the way we would like to have democracy occur in North Carolina.

Senator Bryant: Follow-up, Mr. President?

Senator Pate: Senator Rucho, do you yield to another question?

Senator Rucho: Yes.

Senator Bryant: I was wondering, given this information and there’s probably even more information available about this correlation, are you
awful lot of people, but yet allowing those
corporations to give unlimited contributions to those
parties. The totality of what we’re looking at today
is something that I wish we were not having to vote
upon at all. And certainly the voter ID issue as it
first emerged, well, we now have a compilation of what
I think are some of the worst tactics that we could put
together in one bill during elections. Voter ID is
where this all started. Well, yeah, we can go back to
2008 and what do we know? There were forty-nine cases
of fraud in this state and we had four million people
out there voting; forty-nine cases. That’s it, forty-
nine. Go to the State Board of Elections. They’ll
send you over the data. And if we look at the number
of people who don’t have voter ID’s today, yes, there
are approximately 318,000 people, and that will come
from your State Board of Elections. If you want exact
numbers, I can give them to you. So there are people
who will be potentially disenfranchised who are unable
to exercise that privilege in voting and it will become
more challenging. It doesn’t disguise the fact that in
many respects with the redistricting that has occurred,
with the new districts that are upon us today, with the
fact that when Obama ran in North Carolina back in 2008
and won by about 12,000, 13,000 votes, this past year
2012 he lost by about 100,000. We’re not a blue state. We’re not a red state. We’re a state of people who are independently minded. But we do know that when you deliberately manipulate the voting rights of people in this state so that a certain segment of the population might be disproportionately impacted, that might swing the election one way or the other, in my mind that’s the wrong thing to do. We need a level playing field and this bill doesn’t provide it. And I don’t plan to vote for it and I would encourage all others not to.

    Senator Rabin: Mr. President.
    Senator Pate: Senator Rabin, for what purpose do you rise?
    Senator Rabin: To speak on the bill.
    Senator Pate: You have the floor.
    Senator Rabin: When we talk a little bit about constitutional rights, I have, like you have, sworn to support and defend at least two times and at least once for this state. I enjoy my constitutional rights and I want my constitutional right to vote to be sure that my vote counts 100 percent and is not diluted. That dilution to me is what causes some of the suppression of votes that I’ve heard so much about. The second thing I’d like to say is I also recall not too long ago in this chamber we passed a bill, we’ve