SENATE DEBATE ON
HOUSE BILL 589
VIVA/Election Reform

Senate Session

3rd Reading

Held on
Thursday, July 25, 2013

Senator Tom Apodaca, Chairman,
Rules and Operations of the Senate Committee, Presiding
Senator Rucho: Thank you, Mr. President; I think everyone has it before them. We've shared it earlier with Senator Nesbitt and Senator Stein and other members. And what it does in this amendment is, one, it re-establishes the criteria per request of the Cherokee as far as their ID is concerned, complying with the law. It has a couple of technical clarifications requested by the Wake Board -- Wake County Board of Elections. There was a change we discussed with Senator Stein. The formula that we used yesterday on that bipartisan amendment dealing with the number of hours has been clarified and I think is now clearly delineated and will be better understood by the boards of elections. There is also a provision, some boards had asked us, you know, we are holding to the 2012 hours or 2010 hours, based on which day election is, and that might be more than we actually need, so we offered them an opportunity to change the number of hours by a unanimous decision of every member of the local or the county board and once that is done, a request to the state board for full approval by the majority of the -- excuse me, full unanimous approval by the State Board of Elections. And then there was a change in the issue of how the check-off funds were utilized. As you all know, the check-off funds are
struggling over expanding that right to suffrage to more and more people. The post Civil War 14th and 15th Amendments, they guaranteed the right to vote to all men above the age of twenty-one, including African-Americans, a right that they had for about a quarter of a century. Women achieved their hard-earned right to vote with the passage of the 19th Amendment in 1920. In the 1960's with both the 24th Amendment eliminating the poll tax and the Voting Rights Act, the right to vote that existed on paper for African-Americans became real. Finally, in 1971 we guaranteed the right to every young adult of age eighteen or more. Yet even with all these developments, because of our state's legacy of disenfranchisement and discrimination, North Carolina ranked among the worst states in civic participation throughout the entire 20th Century. The General Assembly addressed this deficiency with a number of reforms to remove obstacles and barriers to participation. We passed laws to allow absentee ballot voting for people who couldn’t be there on election day and have continually made that process easier. In 2010 -- I mean, in 2012, 218,000 people voted in North Carolina absentee. Early voting was enacted in 1997 providing more people more convenient times to cast their votes because some people were working on
Tuesday. Last election, 2.5 million North Carolinians voted early. North Carolina enacted same day registration because they knew that some people weren't registered and may not have it on the top of mind to register in advance before election day. In 2012, 100,000 people in North Carolina voted registering the same day. We as a legislature passed pre-registration for sixteen and seventeen year olds so that they could pre-register, and when they turned eighteen, they automatically got their card. Last year, 50,000 kids have pre-registered so that they can participate in the democratic process. These reforms have benefitted the people of North Carolina and here's a fact. In 1988 only 45 percent of voting age adults cast a ballot for President. North Carolina ranked 48th in the nation in civic participation. Just twenty-four years later in 2012, 65 percent of the voting age people in North Carolina voted for President and now we're ranked 11th in the nation in terms of people participation in choosing their government. Do I have to tell you all that that is a good thing? When people vote, they take greater ownership of their government. They become invested in their society. The more people who vote, the greater legitimacy of that government because everybody has voted and no one can complain that the
government is not truly representative of the people. To impinge on people’s right to vote, to limit their liberty, is to undermine government and it is wrong. Yet this bill does precisely that in a host of ways. It started out as a six-section bill. On Monday night, we got it overnight, it had grown into a 60-page election bill monstrosity. Senator Nesbitt talked about the bill yesterday and he actually said something where I disagree. He said he couldn’t find a single provision that actually made it easier for people to vote. I went through the bill, counted about twenty provisions that affect people’s right to vote in measures large and small. I actually came up with one. You all make it easier for people to vote absentee and that’s a good thing. I support it. But every other provision in this bill has the effect of reducing people’s participation in choosing their government. The bill eliminates pre-registration of young people. As I said, 50,000 people a year are doing this. The idea is they have Civics class in high school. They get excited about government and they pre-register. We want kids to take Civics, but when 50,000 of them want to exercise and put into practice their civic obligations, we’re saying to them you can’t do that anymore. I asked Senator Rucho why are we doing that
to our young people. His answer was that he and his
son were confused by a letter they had received. I am
sorry, but that is a sorry reason to keep young people
from registering to vote. We gave you a chance to fix
this yesterday and you voted on party lines to keep --
to eliminate pre-registration, denying young people an
easy opportunity in Civics class to become civic
participants. The bill ends same-day registration. In
the last election, 100,000 people did this. That is
fantastic. You know why we instituted registration
before the election? It was done by Democrats in the
late 1900's to minimize the participation of African-
Americans in the election. By eliminating same-day
registration, you all are going back to the sorry old
history that we should not embrace. It also hurts
young people because young people are the ones who are
as a cohort coming into the election process. They go
to a college town and they can't pre-register. They're
worrying about settling into their dorm rooms, not
going to the county board of elections. We should help
young people participate. The bill shortens early
voting by a week. 900,000 people vote in that first
week. Two and a half million vote early. We discussed
this yesterday and I think the amendment we passed and
perfected today mitigates the damage, but it is still a
bad idea because we had an amendment by Senator McKissick that would have ensured that on the presidential general election let’s keep it seventeen days. But you all voted that down, thereby creating problems -- potential problems for election lines. Those problems are going to be dramatically expanded because you all are taking away from the citizens of North Carolina their option to vote straight ticket. It is an option. Nobody has to vote straight ticket if they don’t want, and yet the majority of the people of North Carolina, including more than a million Republicans, said that’s an option I want to exercise. Two and a half million people vote straight ticket. If you estimate that it takes about ten minutes more to complete the entire ballot rather than straight ticket, by the two and a half million people who vote straight ticket, divided by the 60 minutes in an hour, that’s 460,000 hours more collectively that will be spent in the polling booths as a result of this elimination of straight ticket option. You all are substituting your judgment for that of the people and that is a convenience you should not deny the people of North Carolina. I asked Senator Rucho what analysis have you all done to analyze the impact on election administration by the combination of eliminating
straight ticket and shortening election period early vote; none; none. We will see what happens and when there are long lines that have the effect of deterring participation in the election, you all own that. According to the State Board of Elections, which cross checked its database with DMV, there are more than 300,000 registered voters who do not have a driver’s license. 138,000 of them voted in the last election. Because of this bill, tens of thousands of North Carolinians who have participated in our elections likely will not. Your extreme version of voter ID means that people who have a driver’s license but have forgotten the driver’s license when they go to vote have to do one of two things. Either they have to go home and come back, which if they do, a number of people won’t make it back, or they have to vote that day and then after the election then go to the courthouse to cast that ballot. That happened in Indiana and an analysis I saw of certain precincts, one out of thirty-two, one out of thirty-six of the people who cast those provisional ballots ever made it back to the courthouse. Why if somebody goes to the trouble of casting a vote do we want to make it harder and create another barrier for them to actually get their vote to be counted. Senator Robinson offered an amendment that
would have made it absolutely parallel, the same
process for identifying who you are as an absentee
voter, that's what we will put in place for in-person
voters. The number of -- the number of instances of
absentee fraud is something like a factor of 17 more
for absentee fraud than in-person fraud when the number
of people who vote absentee is a minuscule percentage
of those who vote in person. And yet you all are
making it easier to vote absentee, but making it harder
for people to have their vote count, people who go to
the polls to vote. That is wrong for the people of
North Carolina. Your restrictions will
disproportionately affect certain people. It will
disproportionately affect seniors. You make it more
difficult to site satellite sites for disabled and the
elderly. Seniors are less likely to have driver's
licenses. The length of time that you're going to
require everybody to vote will make it longer to vote
and longer to wait in line, will have a
disproportionate effect on seniors and disabled. Young
people we're losing eliminating same day registration.
You all are eliminating pre-registration. Young people
are less likely to have a driver's license. And you,
unlike Georgia which we spent a lot of time talking
about yesterday, will not permit them to use their
state issued college ID. They have an ID, but it's not
good enough. No, we have to make you go to the DMV and
get another document. We're trying to create a step
and then a step and then a step knowing you know that
at every step people will fall out of the process.
That's not democracy. That is not freedom. It will
disproportionately affect minorities. Minorities take
advantage of early vote, and in particular the first
week of early vote, more than the general population.
They take advantage of same day registration, like
college students do, more than the general population.
They disproportionately don't have driver's licenses.
And the biggest instance where they do things
disproportionately as Senator Bryant talked about
yesterday was straight party voting. You wrap all
these election changes into one. In fact, it was in
today's Washington Post that the Department of Justice
is readying their Complaint to file against North
Carolina when this gets enacted because of its impact
on the participation of minorities in North Carolina
and the electoral process and that is wrong. The only
good news about this bill is that when Congress
revisits Section 4 which the Supreme Court ordered them
to do when they struck down the coverage jurisdictions
in Section 4, is you're giving them a poster child for
what state -- and not just 40 counties in North Carolina, the whole State of North Carolina will be subject to Section 5 in the future. Why are you making it harder for seniors, young people and minorities to vote? Might it be because these folks disproportionately vote Democratic? Might it be that? Yesterday Senator Tillman informed us how more people voted in Georgia in 2010 than they did in 2006 after the voter ID law went into effect in Georgia. What he didn’t tell us was that in 2006 there was no Senate race and it was an incumbent Governor running for re-election. In 2010 there was an open Governor seat and a U.S. Senate seat. No one is saying that the changes you all are making are going to overwhelm or underwhelm what happens in the main. But in the margin it will affect the outcome of elections.

Senator Tillman: Mr. President.

Senator Apodaca: Senator Tillman, what purpose do you rise?

Senator Tillman: To see if Senator Stein will answer a question.

Senator Stein: I will be happy to when I’m finished with my remarks.

Senator Apodaca: Continue, Senator Stein.

Senator Stein: Thank you, Mr. President;
Senator Stein: I guess I’ll have to make it a compound question. Senator Tillman, you talk about this is about integrity of elections. I would like to know how telling people that they no longer have the choice to shorten their time in the ballot box and do straight ticket voting, going to pick -- you know, you can go and pick any one race you want opposite anytime, just speeds up the process. How that and how denying high school kids the opportunity to participate in their democracy and pre-register so that when they’re eighteen they get a card, how do either of those have anything to do with integrity of elections?

Senator Tillman: They all have something to do about the -- reforming the electoral process and in doing that, the rules are going to be the same for everyone and we’ve set the rules in place. But if we voted for over 200 years on one day and now we can’t vote in a week, there’s something wrong with that. And if you don’t think enough about voting and wait to register until you get there on election day, folks, you’ve not thought very much about the election and it doesn’t mean very much to you to say, oh, I didn’t register. We normally had -- we used to have to wait 30 days and now you want to crowd everybody in there on election day and vote them and that’s where you have
they were able to take their finger and sign a voter
registration card and mail it in. When these started
showing up at the Board of Elections around the
counties, a large number of them came in right after
training and a number of the county board of election
members called the State Board of Elections and said
what’s going on; we got all these cards and they look
like they were signed by exactly the same person,
according to Mr. Bartlett and his counsel at the time,
and only one member of the State Board of Elections,
the other four didn’t know about it until about the
time we found out about it after the election. They
were told, oh, no, you can take those. But wait a
minute. We just went through election training and we
were told you can’t take computer online registration
in our state. There’s a lot of problems with that. We
don’t know who these people are. No, it’s okay. It’s
been approved. That’s 11,000 right there that we
cought after the fact. How could that have been
stopped? Well, it’s something called photo voter ID
which thirty states have in the United States. Almost
every other state here in the South has it and the
Democrats sure don’t want it and they’re using the same
talking points that were used in Georgia back in 2005;
voter suppression, Jim Crow era, going to reduce the
vote. And we’ve seen from Georgia that it’s not done that at all and we’ve even seen polls done by Elon College recently on how many North Carolinians think it’s reasonable to have to show an ID when you go into the election booth. 72 percent of North Carolinians, over half the Democrats in our state polled said they’d like it. And the people when they were polled, 97 percent of those said they already had an acceptable form of ID. Now, folks, those of you who were here the last time, you remember when we passed this bill. We passed it. It went to Governor Perdue. What did she do? She vetoed it. And do you guys remember, the same night after she vetoed our bill, she had a party at the Governor’s Mansion. Guess what you had to have in order to go in; a photo ID. It’s not a constitutional right to see Beverly Perdue. It is a constitutional right to vote and to reasonably expect people to identify themselves is not ridiculous. It’s reasonable. It’s what the people agree on and it’s what we should do. And I just wonder why the other party is so against making sure that legal authorized North Carolinians are voting. That’s a question we should all ask because they sure are fighting us awfully hard on what the large majority of North Carolinians believe in. Think about it, folks. What’s
reasonable? What do the people want and why do all these Democrat politicians not want it? I wonder. I just wonder.

Senator Soucek: Mr. President.

Senator Berger: Senator Soucek, for what purpose do you rise?

Senator Soucek: Thank you, Mr. President and members of the Senate; yesterday we heard -- to speak on the bill. I'm sorry.

Senator Berger: You have the floor.

Senator Soucek: Yesterday we heard Senator Nesbitt say he couldn't find anything that would help encourage participation. Senator Stein went and scoured pages and found one. Well, let me give you two more. Senator Tillman alluded to this idea. I talked to people. I know you have as well. You talked to them on the campaign trail. You've talked to them in your community and you asked -- that's great; it's nice to meet you, but I really don't intend to vote. You ask why and they say I don't think my vote's going to count; why should I spend the time doing it. When we increase the integrity of the election, when people say, you know, I've got an ID; I go in; it is who I say I am and the person in front of me and behind me and everywhere else, the person voting is who it says it
is, that gives them confidence. It gives them the
encouragement to go and vote. I say you disenfranchise
people by the discouragement of saying we have an
electoral process that has a lack of integrity. I say
that this encourages people to vote. We see the
evidence in other states with photo ID and it
encourages people to vote. The second thing, a term
I’ll call fractional disenfranchisement, what happens
here is, I’ll give you an example, every time you have
someone who votes fraudulently, you diminish everybody
else’s vote who voted. You believe in one person, one
vote. A fraudulent vote makes your vote less than one
person. I’ll give you a small statistical example to
illustrate the point. You have ten people voting; each
person has 10 percent participation. If one person
votes twice or fraudulently, you go now eleven people.
That gives you a 9 percent participation. Every
fraudulent vote, which we hear dismissively there’s
only forty or fifty, that’s kind of like blindfolding
someone in a crowd, then swinging their arms around
saying, hey, there’s only five people in this crowd.
That’s all there is. That’s what happens when you
don’t have an open process, when you don’t have
something to be able to look at and say here’s how we
have integrity in our electoral process. I say let’s
encourage people to vote with integrity with voter ID and I say lot every vote count because they’re not being fractionally disenfranchised with fraudulent votes; thank you.

Senator Hise: Mr. President.
Senator Apodaca: Senator Hise, what purpose do you rise?
Senator Hise: To speak to the bill.
Senator Apodaca: Senator has the floor.
Senator Hise: Thank you, Mr. President, members of the Senate; you know, I’ve heard a lot from the minority party about how much they expanded early voting and how they allowed opportunities. I want to let you know that they did that in a period in which they also controlled all the election boards in the state. So I stand here and tell you about the counties I represent that out of the entire early voting time period had four hours of early voting that did not occur between 9:00 A.M. and 5:00 P.M. Monday through Friday, did not occur during working hours. They systematically put it together and I will tell you that thanks to the changes in this bill and some to the amendment that came forward, individuals working a full-time job for the -- now will have for the first time the ability to early vote in my area because it’s
forcing them to look at hours outside of 9:00 to 5:00
and the last Saturday of the election to put it
forward. We’ve heard a lot about these straight ticket
voting numbers. I just want everybody to know that
that encourage -- they are counting every individual
who checks the party Republican or Democrat, not
excluding the individuals who still go through the rest
of the ballot and mark every other election. They’re
counting anyone who marks within the party affiliation
straight ticket voting. I think you will look and you
will see most of the blue or yellow or red handouts
that are given out at poll locations all over the state
indicating a party’s nominee encourages individuals to
not only vote the party affiliation but vote each and
every race that is coming forward. That’s what’s
handed out. That’s what’s printed and given out, so of
course a lot of individuals vote in that manner. A lot
of people believe that it’s asking which party they’re
in. Those results exist for why people fill that out.
It is not the extensive time change that’s going to
happen by not having people come in and just press a
button because you’ll find most people don’t just press
a button. What I have looked for in this bill as far
as election regulations is it is time we begin to add
uniformity to the system across this state, that we are
constituency because that’s the only voice that really
should count here. The provisions that I see aren’t
really restrictive. They -- like I said yesterday, and
we heard a lot today that we heard yesterday anyhow,
these are the things that protect my rights and the
integrity of my vote. It’s not in any way repressive
at all. When we get to the point even about let’s have
no straight party voting, I think it’s incumbent on
each of us when we go to the poll to know who we’re
voting for and most importantly why. And unless you
have that sort of provision in there, I don’t see how
that works out very well. You know, we all have our
perspective, like I said before, and mine comes from
considerably earlier where folks are supposed to take
the initiative to go after what they want. I do not
want a system personally when it comes to my vote that
models on what I think I’ve heard some people would
like to have in here and that’s the model of the
American Idol where everybody can just dial it up on
the phone and vote for whoever they want to vote for or
however they want to vote and we can’t count who’s
voting how many times. I think that this is a good
bill. I support it. Everything that I’ve heard from
my constituents supports it and I certainly hope
everyone in the room will vote for it.
anything I can say to add to what has been said up to this point. The only thing that I will say is that the provision of this bill that has garnered the most discussion and most debate, the voter identification provision is something that is supported by the vast majority of the people that sent us here. It is important for us to listen to what the people want us to do. This is something that they support across all demographic lines. I urge you to vote for the bill to implement voter ID, but also to bring needed updates to our election system and our election laws. So I ask that you vote for the bill.

Senator Apodaca: Discussion or debate; hearing none, the question before the Senate, House Bill 589 Senate Substitute as amended on the floor; all those in favor will vote aye. All those opposed will vote no. You'll have five seconds to vote. The clerk will record the votes: 33 in favor, 14 in the negative. Senate Committee substitute for House Bill 589 does pass 3rd reading and will be sent to the House with unengrossed Amendments 11 and 13 as a Senate Committee substitute to the House for concurrence.

Senator Bryant: Mr. President.

Senator Apodaca: Senator Bryant.

Senator Bryant: I just would like to make
the same motion as yesterday that the words --

Senator Apodaca: Senator Bryant, it's already been done; thank you.

(The proceedings was concluded at 5:24 P.M.)