EXHIBIT 7
IN RE: §
CONSIDERATION OF §
SENATE BILL 14 §

COMMITTEE OF THE WHOLE SENATE
TUESDAY, JANUARY 25, 2011

BE IT REMEMBERED THAT AT 8:05 a.m., on Tuesday, the 25th day of January 2011, the above-entitled matter continued at the Texas State Capitol, Senate Chamber, Austin, Texas, before the Committee of the Whole Senate. The following proceedings were reported by Aloma J. Kennedy, Lorrie A. Schnoor and Kim Pence, Certified Shorthand Reporters.
CONSIDERATION OF SENATE BILL 14 1/25/2011

PROCEEDINGS
TUESDAY, JANUARY 25, 2011
(8:05 a.m.)

CHAIRMAN DUNCAN: The Committee of the Whole will come to order.

OPENING INSTRUCTIONS BY CHAIRMAN DUNCAN
CHAIRMAN DUNCAN: Members, we talked yesterday a little bit about the process, and I thought I would go through that once again so that we’ll all kind of know what the plan is.

First of all, I intend to recognize Senator Fraser in just a moment to lay out the specifics of Senate Bill 14. And then after he lays the bill out, then members will be recognized for questions of the author or co-authors. Then after that is finished, then our invited testimony will begin. It’s the Chair’s intent to place a 10-minute limit on invited testimony. And then there will be no questions to interrupt the invited testimony as they’re laying out their positions or their testimony. Then once they’re finished, members will be recognized for questions.

When that’s done, we’ll have a resource witness panel that will be available for you. I’m advised that we have David Maxwell, Deputy Director of Law Enforcement with the Office of the Attorney General and Ann McGeehan, Director of Elections with the Secretary of State’s office and Rebecca Davio, Assistant Director for Driver’s License with the Department of Public Safety.

When we have completed the invited testimony and you’ve had an opportunity to question those who have been invited, then I will impose a three-minute limit on public testimony as well. And then there will be no questions to interrupt someone giving public testimony until their time has run. There is a timer at the front at the secretary’s desk. There will be a warning. I think it’s a 30-second warning. Members, we do have a court reporter.

Ms. Kennedy. Ms. Kennedy, would you stand so everyone can see you.

Remember Ms. Kennedy from last time? I think she went 12 or 13 hours. Because we’re making a record here, obviously we need to be mindful that the court reporter only has two hands and can only type one person at a time. So the Chair will be careful to help you remember that we cannot have people talking over each other.

Also we need to try to identify each other so that -- or identify yourself when you’re speaking or so that the record will be clear as to the source of the comments being recorded.

We will take periodic breaks in order to allow the court reporter a little time, but we will move expeditiously as we move through the process.

There is a document -- like last session, we will have an orderly process for admitting documents into the record. They will be labeled as exhibits and be referred to in the record and will be received in the record by exhibit number. So when you have an exhibit that you want to introduce into the record, we’ll do that, then, you’ll need to have it marked. And the secretary’s desk up here will have a procedure for marking your exhibits and receiving them in the record.

Once we have completed the public testimony and obviously we’re going to be interrupted by our Senate session which begins at 11:00. Once we finish the public testimony, then it will be appropriate for you to lay out any amendments that you may wish to have considered by the body. And once that’s completed, then obviously, we will vote on our resolutions to rise and report back to the full Senate.

That is basically the layout of the proceeding. Any questions?

SENATOR VAN DE PUTTE: Thank you, Mr. Chairman. Thank you for outlining the process and the procedures that we will be using today. My question is specifically with those members of the public who wish to offer testimony sometimes today who have disabilities. To my knowledge, we have people coming to the floor who are in wheelchairs and will not be able to use the podium. I wanted to ask what sort of amenities or accommodations we will have so that they will be able to have a wireless mic that will be

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SEN. VAN de PUTTE: Would it be possible for those members of the public who are offering testimony who have disabilities who are in a wheelchair to have some sort of a table or something so that they can refer to their notes? The problem with last time is that they weren't able to actually, because they don't have use of the podium.

CHAIRMAN DUNCAN: Senator, we can accommodate that.

SEN. VAN de PUTTE: Thank you very much, Mr. Chairman.

CHAIRMAN DUNCAN: Members, also I forgot to mention, the resolution that we passed yesterday allows us to have a staff person on the floor to assist us. And so if you wish to have that person sit, well, then, you'll need to ask the sergeant for a chair, and we have chairs available back there.

Any other questions?

All right. The Chair hears none.

Senator Fraser, you're recognized to explain Senate Bill 14.

The bill that we're laying out today is in compliance with the U.S. Supreme Court Decision which upheld the Indiana voter ID legislation because it:

1. deters and detects fraud
2. protects the confidence in elections
3. counts only eligible voters' votes

It also complies with the Supreme Court decision because it offsets burdens on voters by providing access to free ID cards, allowing for provisional ballots and absentee ballots, ensuring that obtaining photo ID is no more inconvenient or burdensome than the usual act of voting and providing an exception for elderly voters.

The current law as you know provides that when a voter shows up to vote, he or she must just show a valid voter registration card. If unable to do so, the voter may show a photo ID card or other official mail from a government entity, utility bill, bank statement, government check, paycheck or other government document with name and address -- and sign an affidavit.

Senate Bill 14, what we're doing with this bill, Senate Bill 14 would require a voter to show a photo ID except that people 70 or older on January 1, 2012, may continue to vote with just a registration card under current law.

Acceptable ID will include an unexpired card issued by the Department of Public Safety, a military ID, a passport or a citizenship certificate with photo. Voters who cannot produce an acceptable form of photo identification will be allowed to cast a provisional ballot. That ballot will be counted if the margin of difference is less than or equal to the number of votes.

LAYING OUT OF SENATE BILL 14

SEN. FRASER: Thank you, members.

Obviously, this is an issue that we know a lot about. We had a lot of experience with two years ago. The issue I think has been defined and talked about a lot. I think we all recognize the dangers of voter fraud have threatened the integrity of the electoral process for the entire history of the United States. The threat continues today. In 2005, there was a Commission, a bipartisan commission, the Carter-Baker Commission, that was appointed by the Election Commission. Of course, President Carter, a past president. James Baker, Secretary of State, they reaffirmed the dangers by saying, "Elections are at the heart of democracy. Americans are losing confidence in the fairness of elections. And while we do not face a crisis today, we need to address the problem of our electoral system.

The Commission concluded at the end of the day, "There is considerable national evidence of in-person voter fraud. And regardless of whether one believes that voter impersonation is widespread or relatively rare, there can be no serious dispute that the real effect can be substantial because in a close election, even a small amount of fraud could make the decision, because it offset burdens on voters by providing access to free ID cards, allowing for provisional ballots and absentee ballots, ensuring that obtaining photo ID is no more inconvenient or burdensome than the usual act of voting and providing an exception for elderly voters.

The current law, as you know, provides that when a voter shows up to vote, he or she must just show a valid voter registration card. If unable to do so, the voter may show a photo ID card or other official mail from a government entity -- utility bill, bank statement, government check, paycheck or other government document with name and address -- and sign an affidavit.

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1. **Chairman Duncan:** Senator Fraser, why
2. **Chairman Duncan:** (Off-the-record discussion at bench)
3. **Chairman Duncan:** The Chairman recognizes
4. **Senator Huffman for motion in writing.**
5. **Chairman Duncan:** Thank you, Mr. Chairman.
6. **Chairman Duncan:** At this time I move that the entire record
7. **Chairman Duncan:** and transcripts of the hearing related to Senate Bill
8. **Chairman Duncan:** 362 heard by the Committee of the Whole during the 81st
9. **Chairman Duncan:** Legislative session be included in the record and would
10. **Chairman Duncan:** move that it marked as Exhibit No. 1.
11. **Chairman Duncan:** Exhibit No. 1 includes all the invited,
12. **Chairman Duncan:** public and written testimony, in addition to all of the
13. **Chairman Duncan:** exhibits submitted by the members during the hearing on
14. **Chairman Duncan:** Senate Bill 362. The previous testimony and debate on
15. **Chairman Duncan:** Senate Bill 362 is relevant, because then and now the
16. **Chairman Duncan:** objective is to create legislation that protects the
17. **Chairman Duncan:** integrity and reliability of the electoral process.
18. **Chairman Duncan:** It includes 870 pages of transcribed
19. **Chairman Duncan:** testimony. There were 13 invited witnesses plus two
20. **Chairman Duncan:** resource witnesses, 36 public witnesses and 29 written
21. **Chairman Duncan:** articles presented. So it includes all the exhibits as
22. **Chairman Duncan:** well, submitted by members during the 81st legislative
23. **Chairman Duncan:** session on the Committee of the Whole, which totals 55
24. **Chairman Duncan:** total exhibits.

**SEN. WHITMORE:** Mr. President --
**SEN. VAN de PUTTE:** Yes.
**SEN. WHITMORE:** -- could we slow down?

**Chairman Duncan:** I think Senator Van de Putte was first on the list, Senator.

**Senator Van de Putte.**
**SEN. VAN de PUTTE:** Thank you.

**Mr. Chairman, I think. Mr. Chairman, inquiry. At what
point in the proceedings today would a motion be in
order to move that all of the testimony and record from
this issue from the 2009 legislative session be made
into the record? Would that be done -- would that
motion be proper at the point of original testimony or
at the beginning of these questions at this point?

**Chairman Duncan:** Senator, at any time

**Chairman Duncan:** that one would want to make that motion, it would be
recognized.

**SEN. VAN de PUTTE:** Mr. Chairman, would you recognize me for that motion at this time?

**SEN. FRASER:** Mr. Chairman --

**Chairman Duncan:** Before we do that, we do
have a motion in writing that Sen. Huffman intends to
introduce with the record.

**Chairman Duncan:** So don't we approach the chair; approach.

**Chairman Duncan:** We'll go into recess.

**SEN. HUFFMAN:** I am not advised on that,

**SEN. HUFFMAN:** but I would certainly have no objection and would move
25. **SEN. HUFFMAN:** for all of that to be included in the record, because I
26. **SEN. HUFFMAN:** think it would certainly make it, you know, more
27. **SEN. HUFFMAN:** complete and certainly would be relevant.

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1 is the case. Plus the fact that if you ask African
2 Americans or Hispanics in Texas, it's a very
3 straightforward question. When you have 82 percent of
4 the public, the people that you represent, saying, you
5 know, "I think that's a good idea," I'm having a lot of
6 trouble understanding how -- why you don't understand
7 that.
8
SEN. WEST: Okay. So the answer to my
9 question is, is that you did not conduct any type of
10 research on it other than looked at opinion polls and
11 referenced what went on in other states?
12
SEN. FRASER: No, we've done all --
13 there's been a lot of research done.
14
SEN. WEST: And that's what I was asking.
15 What research have you done --
16
SEN. FRASER: I just explained --
17
SEN. WEST: -- to make that determination?
18
SEN. FRASER: -- to you what we did. We
19 have looked at the experience of other states. And
20 you're going to have witnesses come from some of the
21 other affected states, and you're going to be able to
22 ask that question: Who has come forward in your state
23 and said it's a problem?
24
SEN. WEST: Okay. So you're saying, then,
25 that as a result of experiences in other states and an

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1 opinion poll, that that is the sum total of the research
2 that's been done by you in preparation of this bill?
3
SEN. FRASER: Senator, I think the people
4 in your district understand very clearly. If you ask
5 them a direct question, someone you represent, and said,
6 "Do you favor or oppose requiring a valid photo ID
7 before you're allowed to vote," this is -- that's not
8 rocket science.
9
SEN. WEST: Well, the
10
SEN. FRASER: "Should you be required to
11 show your picture ID when you go into vote?" That's --
12 that's -- to me, that's -- that's, you know, pretty
13 telling.
14
SEN. WEST: Well, the great thing about it
15 is, we're going to have an opportunity to do just that.
16 Because guess what? I've got a few people from my
17 district down here to testify, so you'll have an
18 opportunity to ask them that. Okay?
19
SEN. FRASER: Good.
20
SEN. WEST: But, again, that's the sum
21 total of your research, though. Right?
22
SEN. FRASER: I didn't say that was the
23 sum total of my research.
24
SEN. WEST: Now, would you agree that
25 Texas has a larger proportion of minorities than

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1 Indiana?
2
SEN. FRASER: Not advised.
3
SEN. WEST: So if -- if the demographic
4 information that we have from the U.S. Department of
5 Census indicated that, you would not disagree with that.
6 Correct?
7
SEN. FRASER: Well, I mean, every state
8 has a different demographic of the makeup of people
9 within the state.
10
SEN. WEST: Sure. I know that, yeah.
11
SEN. FRASER: Georgia is a -- you know,
12 they're -- they're a Section 5 voter rights state, but
13 their makeup is not exactly like Texas.
14
SEN. WEST: That's the point. That's what
15 I'm asking you. You said you weren't advised, so I was
16 just trying to point to you some set of facts that all
17 of us commonly know that we get from the Department of
18 Census, U.S. Department of Census. And if they give
19 different demographic information for the states, then
20 that would probably be controlling, and you would agree
21 that that's the best evidence that we have of what the
22 population is in those various states. That's all I'm
23 asking. Now, let me ask this.
24
SEN. FRASER: But you're trying to answer
25 my question, and I did not say that.

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1 SEN. WEST: No, I'm not. But are the
2 forms of identification listed in your bill the least
3 restrictive options in order to achieve the goal of
4 avoiding what you call voter identification fraud?
5
SEN. FRASER: Okay. You're going to have
6 to ask that again.
7
SEN. WEST: Are the forms of
8 identification that you've listed in the bill the least
9 restrictive options in order to achieve the goal of
10 avoiding what you have said is voter identification
11 fraud?
12
SEN. FRASER: And I think what you're
13 asking, which is going to be the easiest to use? And
14 the -- the data, if you look back at 2006, the number of
15 people that have registered to vote, about -- I think
16 the number now is 91 percent actually use their driver's
17 license when they registered to vote. So the assumption
18 is at least 91 percent of the people that voted -- or
19 that registered since 2006 had a driver's license. So
20 I'd say that's the -- if it's the -- the easiest thing,
21 I'd say a driver's license.
22
SEN. WEST: So this -- the list of
23 identifications that you use as the -- is the least
24 restrictive options that you could come up with?
25
SEN. FRASER: Well, I don't -- I'm not
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1. SEN. WEST: You've been referring to the 2 Secretary of State.
3. SEN. FRASER: -- these -- the questions -- 4. the questions you're asking, the question and the answer 5. are already in the record from two years ago that 6. you're asking the exact same question, and I'm answering 7. the exact same answer. It's already in the -- 8. SEN. WEST: And it may very well be. I 9. just don't remember. I haven't gone back and read that 10. entire record. It was like 26 hours. So if I'm being a 11. little bit redundant, please give me -- give me a little 12. space on that.
13. Let me go back to the questions I'm 14. asking. Studies have shown that African Americans and 15. Hispanics are more affected by poverty and, therefore, 16. are more likely to participate in government benefit 17. programs. Will the elimination of the government 18. documents as a form of ID disproportionately affect 19. African Americans and Hispanics?
20. SEN. FRASER: I'm not advised.
21. SEN. WEST: Okay. If in fact -- well, let 22. me back up and ask you this question.
23. Do you agree that African Americans and 24. Hispanics are disproportionately affected by poverty in 25. the state of Texas?
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1 polls --

SEN. FRASER: Issued before?

SEN. WEBB: Yeah, I mean, under current law. Let me back up, then.

Based on current law and the various government identifications that can be used for purposes of voting, by eliminating those whether they have an adverse impact on ethnic minorities in the state?

SEN. FRASER: Let me let me tell you that the people in my district voted or they're polling that they 92 percent of them say that they're in favor of this -- this requirement.

SEN. WEBB: Okay. So you don't -- and that's your response to my question?

SEN. FRASER: My response is, is that I think the people of the state of Texas which makes up I think it was 83 percent of African Americans and 85 percent of Hispanics said that they're in favor of it. Let me tell you that the people in my district voted or they're polling that they 92 percent of them say that they're in favor of this -- this requirement.

SEN. WEBB: Okay. So you don't -- and that's your response to my question?

SEN. FRASER: My response is, is that I think the people of the state of Texas which makes up -- I think it was 83 percent of African Americans and 85 percent of Hispanics said that they're in favor of it. I'm sorry. It's 82 percent Hispanic -- I'm sorry -- Hispanic, 80 -- 83 percent Hispanic, the African American, which is -- it's listed as a black vote, is 82 percent say they are in favor of asking for a photo ID.

SEN. WEBB: So it's -- it's this is a pretty easy question for them. Should you have to show your -- your photo ID, your driver's license, when you come in to vote? And they said, 'Sure. That's' -- you know, "That's fair."

SEN. FRASER: Yes.

SEN. WEBB: Okay. No more questions at this time.

SEN. FRASER: Thank you, Senator.

CHAIRMAN DUNCAN: Chair recognizes Senator Lucio for questions.

SEN. LUCIO: Thank you, Mr. Chairman.

Senator Fraser, under this legislation, there are no exceptions at all if you do not have a driver's license -- and correct me if I'm wrong -- military ID, citizenship certificates, or passports. Now, not even Senate IDs are appropriate for the purposes of voting. That means the state employee working in the building wishing to cast a ballot during early voting at the Sam Houston Building couldn't use a combination of their voter registration card and their Senate ID. Further, this bill's requirements for identification are stronger than what's used for new employees in obtaining driver's license, the way we understand it.

SEN. LUCIO: Yeah, it's coming up. I had 2 to --

SEN. FRASER: You've got about five or six thoughts. I -- well, I'm going to --

(Simultaneous speaking)

SEN. FRASER: -- one of them. But you're getting so many thoughts, I'll have trouble responding to them.

SEN. LUCIO: What are -- what are they going to do, Senator Fraser, when someone has conflicting last names, conflicting last names on IDs, on their voter rolls, and how many professional ballots will be cast? Are counties ready to resolve all those issues?

SEN. LUCIO: That might have been asked, I missed it, and I apologize for that because we've been busy, as we always are. But let me -- let me just ask this question, as a follow-up.

(Simultaneous speaking)

SEN. FRASER: You've asked me 12 --

SEN. LUCIO: Go ahead and address --

SEN. FRASER: -- so far.