amendment does.

MR. VEASEY: This is the bypass affidavit. It just says that if you come to vote and you do not have the proper identification, the very slim and narrow piece of proper identification that this bill calls for that you can actually go in there, sign an affidavit and say that, "Yes, I am Richard Raymond and I attest under oath that I am Richard Raymond."

MR. RAYMOND: Is this a loophole? Could people criticize this as being a loophole?

MR. VEASEY: I think that -- personally think that, Mr. Raymond, because Indiana and Georgia may have not discriminated against enough people as the Republican National Committee would have liked. And so, they want to create even a (inaudible) bill here, and that is why I think that they probably will not accept this amendment.

MR. RAYMOND: Thank you.

MR. VEASEY: Mr. Speaker, the second degree felony comes with a sentence of two to 20 years in prison and a fine up to $10,000. I don't think anyone would risk going to jail -- what this amendment does -- let me walk you through how discrimination used to happen before the Voting Rights Act.

Someone in the south or in Texas,
particularly an African-American, would go to cast a
ballot. When they would go to cast a ballot, a very nice,
gentle southern woman or man sitting on the other side of
the aisle that was the voting clerk, sitting on the other
side of the desk would ask and say, "Do you have your
voting card with you? Have you paid your poll tax? How
many bubbles in a bar of soap? Who was the better
president, Abraham Lincoln or George Washington?" Asking
a series of questions so they could discriminate and then
deny suffrage to the person on the other end of the table.

Under this current bill, the way it is
written right now, the same thing is going to happen 40
years later. Maybe the person on the other side of the
desk may be similar to the person 40 years ago and older,
but maybe not, and they will ask the person a series of
questions about IDs. If they do not have a very narrow --
when I say "narrow," I mean there are only a handful of
ways that you can vote under this bill, like maybe four or
five.

SPEAKER: Mr. Castro, for what purpose?
MR. CASTRO: Will the gentleman yield for a
question?
SPEAKER: Mr. Veasey, will you yield?
MR. VEASEY: Yes.
SPEAKER: Representative Veasey, so you're
trying to beef up the notice requirement to Texas residents about these huge changes in our voting laws; is that correct?

MR. VEASEY: Exactly.

MR. CASTRO: And is there going to be any extra cost to the state because of the amendment that you're trying to add onto the bill?

MR. VEASEY: No.

MR. CASTRO: Thank you.

SPEAKER: Ms. Harless, do you wish to speak again? Chair recognizes Ms. Harless to speak against the amendment.

MS. HARLESS: Members, this amendment actually in my opinion removes the photo ID provision by allowing just a person to promise they are who they say they are. I would appreciate if you would consider tabling this amendment.

UNIDENTIFIED REPRESENTATIVE: Mr. Speaker --

SPEAKER: For what purpose?

UNIDENTIFIED REPRESENTATIVE: Will the gentle lady yield for a question?

SPEAKER: Ms. Harless, will you yield?

Ms. Harless will yield.

UNIDENTIFIED REPRESENTATIVE: Actually, I'm
going to yield to Representative Veasey.

SPEAKER: Representative Veasey, for what purpose?

MR. VEASEY: Will the gentle lady yield, please?

SPEAKER: Do you yield, Ms. Harless?

MS. HARLESS: Yes.

MR. VEASEY: Ms. Harless, why on earth would anyone go into a polling place and lie and say that they are not who they are and sign a form that could put them in jail with a second degree felony just to cast one ballot? Help me understand the process here. Help me understand why that would be.

MS. HARLESS: We heard testimony in committee of many people suggesting that that occurred, and --

MR. VEASEY: Suggesting that occurred and producing evidence that that occurred are two different things.

MS. HARLESS: And I understand that and I appreciate that and I appreciate the vein that you're offering this, but the whole purpose of having a photo ID is so that when you go to the polls you are showing proof of who you are. We've laid out the criteria, and this guts the bill, basically, because at that point you can
just sign an affidavit and say you're who you're saying
you are without proving that you are that person.

MR. VEASEY: I don't think trying to make
sure that no one is denied the right to vote is gutting a
bill. I think it's actually a good step, but --

MS. HARLESS: Through this whole process
I've said that there are some things that we are not just
going to agree on. This is one of them.

MR. VEASEY: This is one of the things that
we're not going to agree on, but I want to make the point
for the record here because obviously with us being a
Section 5 state people are watching and we want to make
sure that we do everything that we can to make sure that
everyone can cast their suffrage.

Help me understand. If someone -- help me
understand why this is not okay because basically what you
just talked about earlier, one of the things that you
mentioned was we heard stories about voter fraud and voter
impersonation. We heard stories, but there was never
any proof.

Why should we pass such a stringent bill
and stringent law based on rumor and innuendo? Basically
rumor and innuendo that has sort of circled around voting
and African-Americans since after -- since reconstruction,
the same sort of -- sort of silly rumors that are based on
innuendo and things that people hear in other communities without even going into an African-American community or a Latino community and actually seeing what is going on, just plain rumors.

MS. HARLESS: Are you ready for an answer?

MR. VEASEY: Absolutely.

MS. HARLESS: SB14 is similar to the case -- the legislation that was passed in Indiana that was upheld by the U.S. Constitution. It is similar to the bill that was filed in Georgia that was approved by the Department of Justice.

SPEAKER: Members, would you confine your comments to the amendment and the opposition to the amendment?

MS. HARLESS: This amendment takes out the showing the photo ID provision, and I -- I would request that everybody vote to table this.

MR. VEASEY: The point of your amendment or the point of your bill is to make sure that no one casts a fraudulent ballot. The point of your bill is to make sure no one commits voter impersonation.

Now, if someone for whatever reason does not have a very narrow list of identification that you have required on this bill, I just want to make sure that they have the right to vote. And currently, under your
bill, they would not. They would just have to go home. They will have been discriminated against. They will not have had the right to vote.

SPEAKER: Mr. Veasey, would you confine your comments to questions, please? You can use the front mic when it's your turn.

MR. VEASEY: I'm asking a question. So, my point is you -- is why would you not want to accept this amendment so everyone can vote until proven that they were guilty by committing voter fraud or voter impersonation?

MS. HARLESS: This amendment changes the intention of the bill, which the intention of the bill is that we restore integrity in elections by people showing they are who they say they are when they show up to vote.

MR. VEASEY: Thank you, Ms. Harless.

SPEAKER: Mr. Veasey, do you intend to close? Do you wish to close? Mr. Veasey sends up an amendment. Ms. Harless moves to table. The motion -- the vote is on the motion to table. A record vote requested. A record vote is granted. The clerk will ring the bell. This is on the motion to table. Show Ms. Harless voting aye. Show Mr. Strama voting no. Have all members voted?

There being 99 ayes and 48 nays, the motion to table prevails. The following amendment. The clerk will read the amendment.
(End of Volume 1)
REPORTER'S CERTIFICATE

HOUSE FLOOR DEBATE

March 23, 2011

I, Shauna Foreman, Certified Shorthand Reporter for the State of Texas, hereby certify to the following:

That the above transcript of the meeting is a true record of the testimony given to the best of my ability, having been transcribed from videotape;

That a copy of this certificate was served on all parties and/or the witness shown herein on ________________.

I further certify that pursuant to FRCP Rule 30(f)(1), the signature of the deponent: _____was requested by the deponent or a party before the completion of the deposition and that the signature is to be before any notary public and returned within 30 days (or _____ days, per agreement of counsel) from date of receipt of the transcript. If returned, the attached Changes and Signature page contains any changes and the reasons therefor;

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I further certify that I am neither counsel for,
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TEXAS HOUSE OF REPRESENTATIVES

2011 (82R) SB 14

3/23/11 House Floor Debate (Emergency Calendar)
Volume 2

TRANSCRIBED ON APRIL 23, 2012
SPEAKER: Mr. Veasey, do you intend to close? Do you wish to close.

Mr. Veasey sends up an amendment.

Ms. Harless moves to table. The motion -- excuse me.

The vote is on the motion to table. Record vote requested. A record vote is granted. The clerk will ring the bell. This is on the motion to table. Show Ms. Harless voting aye. Show Mr. Strama voting no.

Have all members voted?

There being 99 ayes, 48 nays, the motion to table prevails.

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Dutton.

SPEAKER: The Chair recognizes Mr. Dutton.

REPRESENTATIVE DUTTON: Mr. Speaker and Members, on Page 6 of the bill, there are certain requirements that indicate that the voter registration certificate or the provisions of this bill do not apply. We just did away with the 70 year old amendment, and so, it leaves the disabled but what this amendment simply does, it says that if the election judge --

And I might back up a minute because I want to just share with you what the -- what the origin of this amendment happened to be.
Mr. Speaker, could we have a little bit better order?

SPEAKER: Members, can we have some order so you can hear Mr. Dutton explain his amendment.

REPRESENTATIVE DUTTON: Thank you, Mr. Speaker.

Both of my parents were election judges. Between them, they had over 50 years of being an election judge in Houston and Harris County.

And, generally, one of us, one of my siblings and I, we would -- on the morning of the election, we would essentially take either my mom or my dad to the polling place and, before I got elected, help them get the -- to set up the whole polling place so there could be an election.

Under this bill, if my amendment didn't pass, what would happen is I could do all of that, I could go and get it all set up, and once it was time for me to vote in that precinct, I would have to take out my ID and show it to my mother and dad.

That didn't make any sense to me, and so, that's why I am offering this amendment because I believe that most of the precinct judges, most of the election judges, if they're like the ones that I know, they know just about everybody in that polling place.
They know everybody there.

In fact, my mother and dad got to the point where they could tell you what time a particular person was going to show up at the polls.

And so, what this amendment does is simply makes an exception that says for -- in the instance where the precinct judge, the election judge actually knows -- personally knows the person -- I think that saves all of this other stuff that's going on with this bill but it certainly provides an opportunity for us to not to have to burden the election process because it simply that means the election judge actually affirms that they personally know who it is that is appearing at the polling place, and that's what this amendment does, Mr. Speaker and Members.

SPEAKER: Ms. Harless, is the amendment acceptable?

The chair recognize Mr. Hancock speaking against the amendment.

REPRESENTATIVE HANCOCK: Yes, Members, what this amendment does actually is it adds subjectivity to the election judge and really goes against what we need in total fairness and objectivity and that we stick with the current code and standards as defined in the statute.
I believe at this time the intention of the author is to table.

SPEAKER: Mr. Dutton, do you care to close? Do you care to close, Mr. Dutton? The Chair recognize Mr. Dutton.

REPRESENTATIVE DUTTON: All right. There was a little confusion. I didn't hear that he made the motion to table. I don't -- unless there's something going on in this bill that I don't understand, it is designed to protect the integrity of the voting process, and I don't know what better way to protect that than to limit the ability of someone to show up at the polling place and vote except by virtue of the fact that the polling -- the election judge actually knows the person.

I don't -- that makes no sense to me, and so, if I actually know the person and that person is personally somebody I know personally and even if they didn't have an ID but they had their voter registration card, I don't know why I wouldn't let them vote.

Can you imagine a scenario where I have gone to take my parent -- one of my parents over to the polling place, I, all of the sudden, got there about 6:00 o'clock in the morning, which we typically did, got the polls, helped them set up the polling place, helped them set up the voting booth and then said, "Oh, I
forgot my wallet at home, mom."
And then my mom said, "Why do you need that?"
"Well, you need that because this particular bill, Senate Bill 14, says I have to have a picture ID."
My mom would look at me and think I had absolutely gone crazy. And I think that's what most people are going to think about this legislature, that if you don't let the election judge say that I personally know this person, so why do they need to go home and get their ID, then there must be something other than protecting the integrity of the election process that this bill is attempting to do.
And so, with that, Mr. Speaker and Members, I would ask you to vote no on the motion to table and prove to the people in Texas that common sense is actually common in this legislature.

SPEAKER: Mr. Dutton sends up an amendment. Mr. Hancock moves to table. The motion is -- excuse me. The vote is on the motion to table. Record vote has been requested. Record vote is granted. The clerk will ring the bell. Show Ms. Harless voting aye.
Ms. Chen-Button voting aye.
Have all members voted?
Being 100 ayes, 48 nays, the motion to table
prevails.

Following the amendment, the clerk will read the amendment.

Is Mr. Eiland on the floor?

CLERK: Amendment by Eiland.

SPEAKER: The chair recognizes Mr. Eiland.

REPRESENTATIVE EILAND: Mr. Speaker,

Members, being someone that has been through a hurricane very close to the election date, this is the reason that I bring this amendment to you.

Those of us on the coast, when hurricane season is -- runs until November 1st, which is after the completion of hurricane season, this is a very real danger for us. And so, what we have is that if you have an area that has been -- that is a declared natural disaster by the governor or the president of the United States, then you sign an affidavit that says if you don't have a your ID because of that, then you think go ahead and vote.

This is a very real issue as in the storm in Galveston after Hurricane Ike, people were actually locked out of the island for many days and lost everything.

So, this is -- also wild fires in West Texas could be at issue. So, that's what this amendment does,
it just creates an ability to execute an affidavit if there's a natural disaster and you don't have a photo ID for that reason.

SPEAKER: Mr. Eiland sends up an amendment. The amendment is acceptable to the author. Is there any objection? The Chair hears none. The amendment is adopted.

Following the amendment, the clerk will read the amendment.

Mr. Raymond.

CLERK: Amendment by Raymond.

SPEAKER: The Chair recognizes Mr. Raymond.

REPRESENTATIVE RAYMOND: Thank you, Mr. Speaker, Members.

Member, under current law, an employer has to give you time to go vote. However, with this new -- with the new provisions that are being proposed in this legislation, an employer does not have to give you time to go get the ID -- the proper ID that you need to comply with this proposed bill.

So, my amendment would simply say that if you do not have the proper ID and you can show that your employer did not permit you to take time to go get the ID necessary, that you would then be exempt from the provision in this bill.
SPEAKER: Madam, door keeper, for what purpose?

DOOR KEEPER: Hear from the Senate at the door of the House.

SPEAKER: Admit the messenger.

MESSENGER: Mr. Speaker, I'm directed by the Senate to inform the House that the Senate has taken the following action.

SPEAKER: The amendment is temporarily withdrawn.

Following the amendment, the clerk will read the amendment. Representative Martinez.

CLERK: Amendment by Martinez.

SPEAKER: The Chair recognizes Mr. Martinez.

REPRESENTATIVE MARTINEZ: Okay. Thank you, Mr. Speaker, Members.

We need to understand that there's no such thing as a free ID, and according to Texas and DPS, a person applying for a state ID must apply in person, present documents that verify their identity, complete an application and consent to be photographed, fingerprinted and provide your signature.

So, you must perform one of the forms of primary ID and two forms of secondary ID or one form of secondary and two forms of supporting ID.
So, for primary ID, it includes Texas driver's license, U.S. citizenship certificate or certificate of naturalization, unexpired citizen ID card, resident alien card or temporary resident ID card, employment authorization card, foreign passport with a visa or U.S. military state card.

Secondary ID forms include original or certified copy of your birth certificate, an original or certified copy of the U.S. Department of State certification or birth abroad and, finally, an original or certified copy of the court order with the name and the date of birth, indicating the official change of name.

Some supporting IDs include vehicle titles, insurance policies, military records, original marriage license or divorce decrees, Social Security cards, actual pilot's license cards or expired driver's license.

So, Members, needless to say, it takes an ID to get an ID. So, therefore, we need to ensure that if we truly want to provide a free ID here in Texas for our voters that it actually is free, and to get this ID, it does cost you money.

SPEAKER: Mr. Walle, for what purpose?

REPRESENTATIVE WALLE: Mr. Speaker, will the
gentleman yield?

SPEAKER: Would you yield?

REPRESENTATIVE MARTINEZ: Yes. Yes, sir, I will.

SPEAKER: He will.

REPRESENTATIVE WALLE: Representative Martinez, doesn't the bill currently allow you to get a free ID?

REPRESENTATIVE MARTINEZ: What is that?

REPRESENTATIVE WALLE: Doesn't the bill currently allow you to get a free ID?

REPRESENTATIVE MARTINEZ: Well, the bill says it allows you to get a free ID but, as seen, it takes an ID to get an ID.

So, let's say, for example, that you lose your driver's license, Mr. Walle, what happens -- what has to happen, you need to go and try to obtain a birth certificate that you have to pay, you need to get a certified copy that you pay $22.

So, we're simply trying to say that if the State is interested in providing free IDs, they should truly be free. So, if you lose your ID, you don't have to go and pay to get a registered ID, that document should be free. That's all we're saying.

REPRESENTATIVE WALLE: Okay. Can you give
me an example of what fees you -- what fees you see
being incurred?

REPRESENTATIVE MARTINEZ: Sure. Like I
mentioned that earlier, if I currently don't know where
my original birth certificate is, it's probably still at
my parents' house, for example, if I lost my Texas
driver's license and tried to get the state issued free
ID card, I would still have to incur a cost because I
would have to provide a certified copy of my birth
certificate. So, if I didn't know where that birth
certificate was and I had to go and try and find that
and I had to get a certified copy of that birth
certificate, in trying to obtain and get a certified
copy of the birth certificate, you have to pay $22.

So, you're going to have to go down to your
local vital statistics and pay $22 in order to get that.
And we're simply trying to say that if we're interested
in obtaining a free ID card, that it should be free.

REPRESENTATIVE WALLE: Thank you.

SPEAKER: The Chair recognize Representative
Harless.

REPRESENTATIVE HARLESS: Members, I'd like
to make a motion to table this. The bill is about voter
ID, not issuing documents for free ID.

SPEAKER: The Chair recognizes
Representative Martinez.

REPRESENTATIVE MARTINEZ: Okay. Members, so then we're going to tell the people of Texas -- we're going to tell them that they're getting a free ID when they really aren't.

So, if you're going to go -- you lose your driver's license and you have to go obtain an ID, you're going to have to get a certified copy of your birth certificate, so, you're still going to have to get -- you have to pay for that.

So, all we're saying is if this is free, do not allow the people to have to go and pay for a certified copy of your birth certificate. If it's free, it should be a free across the board. So, let's not charge the people of Texas in order to vote.

That is a hidden poll tax on the people of Texas, Members, and I vote no on that motion to table.

SPEAKER: Mr. Martinez sends up an amendment. Representative Harless moves to table. The vote is on the motion to table. It's a record vote.
The clerk ring the bell. Representative Gonzalez from El Paso voting no. Show Representative Harless voting aye. Show Representative Berman voting aye.

Have all voted? Being 100 ayes and 49 nays, motion to table prevails.
Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Raymond.

SPEAKER: The Chair recognizes Representative Raymond.

REPRESENTATIVE RAYMOND: Thank you, Mr. Speaker, Members. This is an amendment I started laying out a little while ago. Members, as you know, what this bill proposes is that you have to have your voter registration card. You have to show you're registered.

Under current law, employers have to let you go vote. What they don't have to do is they don't have to let you go get the identification that you need to comply with this new proposed law.

So, what I do with this amendment is say if you're a registered voter, you've got your registration card and you go to vote but you don't have the requisite ID that's laid out in this bill and you present a paycheck or a copy of another official employment document that includes the information of the voter's employer and informs the election officer that the voter's employer does not permit the voter to be absent from work for the purpose of obtaining photo identification and that offices of the Department of
Public Safety are not open for at least two consecutive hours outside of the voter’s working hours.

Very simply, Members, there will be people out there who are registered to vote but whose employers will not give them the time, as they currently have to under law, give them time to go vote, they won't give them the time to go get the ID that they need. So, that’s what this amendment is about. Move adoption.

SPEAKER: The Chair recognizes Representative Van Taylor in opposition.

REPRESENTATIVE VAN TAYLOR: Mr. Speaker, Members, I rise in opposition to this amendment. This deals with people who already have jobs, and in order to have a job in this country, an individual must fill out an I-9 form. An I-9 form requires identification. So, I'm not really sure where this is coming from because these people already had ID to get a job in the first place. I move to table this amendment.

SPEAKER: Mr. Raymond, for what purpose?

REPRESENTATIVE RAYMOND: Mr. Speaker, will the gentleman yield?

SPEAKER: Will the gentleman yield?

REPRESENTATIVE VAN TAYLOR: I yield.

REPRESENTATIVE RAYMOND: Repeat that, Mr. Van Taylor, because I didn't quite hear you. I
apologize.

REPRESENTATIVE VAN TAYLOR: Sure. For an individual -- for a U.S. citizen -- and there are -- only U.S. citizens should be registered to vote in this state -- to have a job, they must fill out an I-9 form for their employer. To fill out an I-9 form, they have to have some form of identification.

REPRESENTATIVE RAYMOND: Okay. So, is there a scenario that you can envision, Mr. Van Taylor, where somebody went to work for you, let's say, ten years ago, right, and they had to fill out the proper forms and show you the proper ID, et cetera, right?

REPRESENTATIVE VAN TAYLOR: Correct.

REPRESENTATIVE RAYMOND: Ten years ago. Can you imagine that there would be an instance in this state of 25 million people where registered and eligible voters might for some reason ten years later -- might for some reason ten years later not have the ID that is being required in this bill? Could you imagine that scenario?

REPRESENTATIVE VAN TAYLOR: Yes.

REPRESENTATIVE RAYMOND: Okay. So, you can imagine what I'm trying to get to here, which is you're exactly right, if they work for Van Taylor and they show up at the polling place and they have a voter
registration card and they have something from Van Taylor, Inc. saying, you know, "I did not provide them time to go get a new ID as is required by this bill" --

REPRESENTATIVE VAN TAYLOR: There was a question there somewhere I'm sure.

REPRESENTATIVE RAYMOND: Yeah. I just said can you imagine that if somebody worked for you, you hired them legally ten years ago, some point since then they lost the ID, this bill passes, this bill becomes law, they lost their ID but Van Taylor, Inc. didn't let them -- give them time during the day to go get the ID that they needed, you can also imagine in a state of 25 million people that there could be instance likes that?

REPRESENTATIVE VAN TAYLOR: Well, in the example you just gave, there are opportunities for someone to get their driver's license either on line, as many of us have done, or -- or by mail.

REPRESENTATIVE RAYMOND: I'm not sure you can go get our -- what you're asking for in this bill, that you could get it on line.

REPRESENTATIVE VAN TAYLOR: The original form of identification, which you would have to have for the I-9 form, since we're only talking about the employed people who are U.S. citizens, you can -- you have to show up in person to get your first driver's
license, to get photo ID, we have to take your picture somehow, of course. Subsequently, after we've gotten your picture, you can renew for a number of times online.

REPRESENTATIVE RAYMOND: You haven't had your driver's license for six years?

REPRESENTATIVE VAN TAYLOR: One moment.

SPEAKER: Stop the clock.

REPRESENTATIVE VAN TAYLOR: There's extensive training for poll workers and election judges in how to handle it when someone doesn't have identification. We already have -- we have a provisional ballot system but the supposition that you're making that people may show up to the polls without an ID, which could happen and this bill envisions that and gives the voter the opportunity to take care of that, but your original premise that people who are employed in this state don't have photo ID doesn't hold up when you look at the federal requirement for the I-9 form.

REPRESENTATIVE RAYMOND: Well, it does, as you acknowledged just a minute ago that if somebody went to work for you ten years ago and you hired them legally, that ten years later, they might not have the ID that they had ten years ago. They might have lost
it. Would you -- you acknowledged that earlier. Would you acknowledge that now?

   REPRESENTATIVE VAN TAYLOR: I do.
   REPRESENTATIVE RAYMOND: Finally, let me ask this, Mr. Van Taylor: Do you know what those of us who are opposed to this legislation are doing? We're trying to protect voting rights. You recognize that, right?
   REPRESENTATIVE VAN TAYLOR: Absolutely, as are the proponents of this bill. We seek to protect voting rights by protecting the --
   REPRESENTATIVE RAYMOND: Then let me ask you this --
   REPRESENTATIVE VAN TAYLOR: -- by making sure that every vote counts, and that's what this bill is ultimately about and what we seek to do in our support of voter ID.
   REPRESENTATIVE RAYMOND: Let me ask you a simple question. Do you believe the Voting Rights Act is a good law?
   REPRESENTATIVE VAN TAYLOR: I believe the Voting Rights Act did a great thing to protect Americans' right to vote, all Americans regardless of --
   REPRESENTATIVE RAYMOND: So, you believe the Voting Rights Act is still necessary?
   REPRESENTATIVE VAN TAYLOR: Yes.
REPRESENTATIVE RAYMOND: Is that because you believe discrimination still exists?

REPRESENTATIVE VAN TAYLOR: I think of the Voting Rights Act -- there are many aspects of it that protect our ability to vote.

REPRESENTATIVE RAYMOND: Well, if it's protecting discrimination in the voting place, so, if you believe it's a good law, do you believe discrimination in the voting place still exists?

REPRESENTATIVE VAN TAYLOR: I'm not sure where you're going with this.

REPRESENTATIVE RAYMOND: No. No. This is -- it's I'm not going anywhere. This is very simple. This is about protecting voting rights, and I asked you if you believed the Voting Rights Act was a good law. You said yes, right?

REPRESENTATIVE VAN TAYLOR: This bill that we're debating right here on the floor is about voter identification at the polling station when people vote in the State of Texas.

REPRESENTATIVE RAYMOND: And any time you deal with a law that has to do with voting, you have to take into consideration the rights of people to vote. Any time you deal with a law as comprehensive and big as this -- as comprehensive and big as this, you have to
take into account people's voting rights. You would
agree with that, right?

REPRESENTATIVE VAN TAYLOR: I think that it
is important to remember that this bill is about making
sure that the right people show up on election day
and --

REPRESENTATIVE RAYMOND: That the right
people show up on election day?

REPRESENTATIVE VAN TAYLOR: Well --

REPRESENTATIVE RAYMOND: Who are the right
people?

REPRESENTATIVE VAN TAYLOR: The people who
are registered vote and can demonstrate they are who
they say they are through having proper voter
identification.

REPRESENTATIVE RAYMOND: Again -- and I'll
let you go after this but I just want to establish you
and I serve on committees together, it's been great
getting to know you. You acknowledge that we still need
the Voting Rights Act because the Voting Rights Act
prevents discrimination in the polling place and if you
still think we need it, presumably you believe there's
still problems?

REPRESENTATIVE VAN TAYLOR: Mr. Chairman, as
you well know, this -- this type of legislation, voter
identification, has been approved under the Voters Right
Act in other states. I mean, this is -- this has
already been litigated by other states.

But the point of your amendment, coming back
to what I think you wanted to talk about here today,
which is the ability of people who have jobs who somehow
might not have identification, those people in this
country who have jobs have to fill out an I-9 form.
That requires identification.

REPRESENTATIVE RAYMOND: And along those
lines, according to the -- what web site is this -- the
Workforce Commission, it says in order to get an I-9,
you have to have a voter registration card and a Social
Security account number to get an I-9, which means those
are the two things you need to get a photo ID.

REPRESENTATIVE VAN TAYLOR: That is -- those
are two possible combinations from list A -- excuse
me -- from list B and list C.

REPRESENTATIVE RAYMOND: That's all you
need. So, to get an I-9, you need a voter registration
card and a Social Security card. So, would you agree
then that if somebody has a voter registration card and
Social Security card, they ought to be able to vote,
too, if they're registered to vote, obviously?

REPRESENTATIVE VAN TAYLOR: Clearly.
REPRESENTATIVE RAYMOND: You do? Then I can offer that amendment. Do you want to -- do you want to tell Ms. Harless back there? Do you want to offer it together?

REPRESENTATIVE VAN TAYLOR: Look, we -- it is important that we have a voter identification requirement in this state to make sure that when people show up to vote, they are who they say that they are.

REPRESENTATIVE RAYMOND: Do you think it is sufficient, as it is under law, that in order to get an I-9 card, which you hang this whole thing on, that all you need are a voter registration card and a Social Security number? Do you think that's sufficient to get an I-9 card? That's what the law is. Do you agree with the law or disagree with it?

REPRESENTATIVE VAN TAYLOR: Mr. Chairman, this is a narrowly-defined bill. It is designed to make sure that the people who show up to vote are, in fact, who they say they are. The fact is it is too simple to steal a voter identification card and use that for in person ballot fraud.

I have witnessed it with my own eyes. We talked about this Monday, in Representative Anchia's district. I watched somebody walk in and say, "Somebody took my voter registration card. I'm here to vote," and
they were denied the right to vote.

SPEAKER: Representative Sheffield raised a point of order, gentlemen. Time is expired. Point of order --

REPRESENTATIVE RAYMOND: Mr. Speaker, I'd ask that the -- that our exchanged be reduced to writing and entered in the journal.

Thank you.

SPEAKER: Now that you've heard the motion, is there objection?

The Chair hears none. So ordered.

The Chair recognizes Mr. Raymond to close.

REPRESENTATIVE RAYMOND: Members, I know it's hard to listen when we've got an extended debate but as Mr. Van Taylor just mentioned, an I-9 form -- an I-9 ID is very important in his world as an employer, and all you need to get an I-9 form is a voter registration card and a Social Security number.

I -- basically, what I'm doing with this amendment is matching it up to what we do right now to get an I-9 form.

To not pass this -- to not pass this amendment, which the motion has been made to table, to not pass this amendment when current law in the State of Texas, which I imagine many of the members in here voted
for, says that all you need for an I-9 card is a voter registration card -- an I-9 ID is a voter registration card and a Social Security number, that that works there but when it comes to voting, you're going to vote down an amendment -- if you vote aye on the motion to table, you're voting down an amendment that says voting -- you have less protections as a voter and less rights as a voter than you do as a worker.

So, I ask that you vote no on the motion to table and -- and I think that Mr. Van Taylor asks that you vote aye.

SPEAKER: Representative Raymond sends up an amendment. Mr. Van Taylor moves to table. The question is on the motion to table. Record vote. Clerk will ring the bell.

Show Mr. Van Taylor voting aye. Show Ms. Harless voting aye. Show Mr. Raymond voting no.

Have all voted? Being 101 ayes and 48 nays, motion to table prevails.

Following the amendment, clerk will read the amendment.

CLERK: Amendment by Duke.

SPEAKER: The Chair recognizes Representative Dukes.

REPRESENTATIVE DUKES: Thank you,
Mr. Speaker, Members. This is a very simple amendment. It allows for a temporary driving permit issued to the person by the Department of Public Safety to be used as a valid form of identification enabled to vote.

A temporary driver's permit is issued by the State of Texas. It shows the name and address of the person and includes an expiration date.

In order to qualify, a person -- the permit must include the person's name, the Texas driver's license number, their birth date, their address, a physical description of them.

Having a temporary driving permit shouldn't hindered a person's ability to vote and, if adopted, would allow more individuals to have access to the voting process.

SPEAKER: Mr. Villarreal, for what purpose?

REPRESENTATIVE VILLARREAL: Mr. Speaker, will the gentlelady yield for questions?

REPRESENTATIVE DUKES: I yield.

SPEAKER: She yields.

REPRESENTATIVE VILLARREAL: Ms. Dukes, how long has an out of state photo ID been an acceptable form of photo ID for voting?

REPRESENTATIVE DUKES: Excuse me. Could you -- could you repeat the question?
REPRESENTATIVE VILLARREAL: Sure. How long has an out of state photo ID been an acceptable form of ID for voting?

REPRESENTATIVE DUKES: I'm not certain. Can you tell me?

REPRESENTATIVE VILLARREAL: Well, since the 75th legislature, in fact. I'm so glad you asked. Are you aware of any voter fraud involving the use of out of state photo ID?

REPRESENTATIVE DUKES: I can't recall any. Can you tell me?

REPRESENTATIVE VILLARREAL: Neither can I. I think there -- my understanding is that there has not been any documentation of an out of state photo ID being used in inappropriate voting.

REPRESENTATIVE DUKES: You know --

REPRESENTATIVE VILLARREAL: Thank you for your amendment.

REPRESENTATIVE DUKES: You know, one would assume that this bill is strictly about having an ID to vote, not about creating an additional offense within the law as a reason why an individual would lose their right to vote.

A temporary driver's permit usually is for, you know, individuals that may have an infraction far
less than the felony that a federal law or state law
requires in removing one's license and not having the
ability to vote. So, one would assume that one should
not be penalized for a valid temporary driving permit
from their right in the process to vote.

REPRESENTATIVE PHILLIPS: Mr. Chairman,
will the gentlelady.

REPRESENTATIVE DUKES: Yes, I yield.

REPRESENTATIVE PHILLIPS: Does the document
you're talking about have a picture on it?

REPRESENTATIVE DUKES: Yes, sir. It has a
physical description of the person.

REPRESENTATIVE PHILLIPS: Does it have a
picture?

REPRESENTATIVE DUKES: Their height, their
weight. In some cases, some of them do, in some cases,
but it shows their name, their address, their expiration
date. It's issued by the State of Texas.

REPRESENTATIVE PHILLIPS: Does it have --
REPRESENTATIVE DUKES: It has a driver's
license number.

REPRESENTATIVE PHILLIPS: But you can't
guaranty that it will have a picture on it if we vote
for your amendment?

REPRESENTATIVE DUKES: A temporary driver's
permit, though, it's still issued by the State of Texas
and it still has everything that --

Representative Phillips: Thank you.

Representative Dukes: -- that could be

used.

You are most welcome. And I move passage.

Speaker: The Chair recognizes

Representative Harless in opposition.

Representative Harless: Thank you, Members.

I would request that you vote to table this amendment.

Temporary ID has a photo on it. We got a letter from the DPS saying that when they issue a temporary ID or a driver's license, they have photos on them.

They also testified that their time turnaround is 15 days. I ask that you table this.

Representative Dukes: Mr. Speaker?

Speaker: Ms. Dukes, for what purpose?

Representative Dukes: Will the gentlelady yield?

Representative Harless: Yes.

Speaker: She yields.

Representative Dukes: It's not necessarily true that all of the temporary driving permits have a picture on them. There are -- as a matter of fact, when
I requested some information from DPS on Friday, there are large numbers of individuals that have these temporary permits that do not have their IDs on them and they look more like this than what you're talking about but yet they are not individuals who have committed a felony under the law as to why their license would have been removed.

Are you -- is it your intent to create an additional penalty under the law to take away a person's right to vote by preventing them from having the ability to vote with a temporary driving permit?

REPRESENTATIVE HARLESS: The -- the -- the specific ID spelled out in the bill is very, very broad. You can have a driver's license. You can have a Texas ID -- a Texas driver's license, a Texas ID, a passport. You can have a citizen certificate with your picture on it. You can have a concealed handgun license.

These are standardized forms, and they're the acceptable forms for voting in person at -- on a polling day.

Now, if you do not have one of those forms, you can always cast a provisional ballot and bring back the information and have your ballot counted.

REPRESENTATIVE DUKES: Explain to me why a temporary driving permit issued by the State of Texas is
not good enough under your bill since you're the author of it. In your mind, why is it not good enough to have a temporary driving permit?

REPRESENTATIVE HARLESS: Because there's not necessarily on -- DPS says that they have a photo on their driver's license and ID cards that are temporary.

REPRESENTATIVE DUKES: Not true. There are some that use a form that look just like this. If we need to walk -- I know this is a far distance. If we need to walk it down to you, then we can do that but there are some temporary permits that may not have that ID but what I don't understand is that if it's a government, State of Texas issued temporary driving permit, why is that not good enough when it already has a physical description of the person, it has their address, it has their age, it has an expiration date, the color of their eyes, their height, their weight, noting their sex, why is that not good enough?

Is it just that you're trying to say that anyone -- anyone, even if it's not a felony because that's the only reason why someone's license would be suspended and they would not have the right to vote under the federal or state law, are you trying to say now that a misdemeanor or someone who is brand new just shouldn't have the right to vote? Because you're
stretching it.

REPRESENTATIVE HARLESS: Do you want me to answer or do you want to --

REPRESENTATIVE DUKES: I want you to answer directly on that question.

REPRESENTATIVE HARLESS: Okay. The temporary ID receipt does not have the security features that a physical ID card or driver's license has and it is easy to be duplicated. That is the reason we have --

REPRESENTATIVE DUKES: If a temporary driving permit is good enough to be used to drive and for many other purposes, why is it not good enough to vote when you haven't found any problems that you've been able to prosecute in the State of Texas?

REPRESENTATIVE HARLESS: We are talking about security features and showing that you are who you say you are when you show up to vote. A driver's license and ID card issued with a photo has those security provisions in it. A temporary driver's license or a temporary ID does not have those security features in it.

REPRESENTATIVE DUKES: So, you're saying that --

REPRESENTATIVE HARLESS: So, I'm saying that I'd like to make a motion to table.
REPRESENTATIVE DUKES: So, you're saying to go in to vote, with these judges that are in the voting polling places, a temporary driving permit is not good enough for them but it's good enough for every officer who stops you on the street?

REPRESENTATIVE HARLESS: I'm saying that we have to protect the ballot box and --

REPRESENTATIVE DUKES: You have to protect the ballot box more than the police officer has to protect the street?

REPRESENTATIVE HARLESS: By making sure that you show a photo ID and that you are the person that you say you are, and the temporary ID and the temporary driver's license can be duplicated and --

REPRESENTATIVE DUKES: You're saying that the right to vote -- those -- not necessarily the right to vote but the people who are untrained working at the polls that they can't accept a temporary driving permit when the police officers can?

REPRESENTATIVE HARLESS: Well, under the bill, the training of the poll workers is now mandated. It's not optional. So, they will be trained on how to recognize the ID.

REPRESENTATIVE DUKES: So, you've just stated by your bill that anyone who is delinquent on
their child support, because they can have their
driver's license pulled and have only a temporary ID,
will no longer have the right to vote. That's a whole
lot of people.

REPRESENTATIVE HARLESS: They have a right
to vote a provisional ballot.

REPRESENTATIVE DUKES: But then you're
making them -- your bill still makes them go and buy
another form of ID. Why not use the ID that they are
issued, a temporary driving permit?

REPRESENTATIVE HARLESS: Well, and they'll
have a permanent ID as soon as it comes in, usually
within 15 days.

REPRESENTATIVE DUKES: It sounds more like
your bill is attempting to, one, create an offense under
the law that prevents people from voting when it's not
even a felony and the federal government doesn't prevent
them from voting and, two, just to prevent people who
you think are going to vote a certain way. Sad for the
State of Texas. Really sad.

REPRESENTATIVE HARLESS: I move to table.

REPRESENTATIVE BURNAM: Mr. Speaker, would
the lady yield? Mr. Speaker, will the lady yield?

SPEAKER: Just a minute, Mr. Burnam.

Ms. Harless yields.
REPRESENTATIVE BURNAM: I'm sorry.

Ms. Harless, did you yield?

REPRESENTATIVE HARLESS: Yes.

REPRESENTATIVE BURNAM: Thank you so much.

REPRESENTATIVE HARLESS: You're one of my favorites, of course.

REPRESENTATIVE BURNAM: Of course.

You may not be familiar, however, with the right of responsibility bill that Representative Berman and I both had in (Inaudible) public safety yesterday. And if you're not familiar with that bill, you may not be aware that every year -- every year for the last five years people have had -- 100,000 Texans a year have had their driver's license suspended. They've had that driver's license taken from them, and they are issued the form that Representative Dukes was showing you from the back mic.

And I'm just wondering what you propose to do. Are all 100,000 people per year just going to have to vote provisionally?

REPRESENTATIVE HARLESS: I don't know how many of those hundred thousand people are actually registered to vote.

REPRESENTATIVE BURNAM: Well, in theory, they have the opportunity, most of them, the ones that
are over 21 and qualify. So, let's just knock it down and say only 75,000 a year are denied the right to drive, their driver's license is suspended, are you going to say that these people are all going to have to vote provisionally?

REPRESENTATIVE HARLESS: If they don't have another alternative form of photo ID, such as a passport or citizenship paper with their photo on it or either a CHL license, if they --

SPEAKER: Representative Phillips raised a point of order. The gentleman's time expired. Point of order is well taken. Sustained.

The Chair recognizes Representative Harless.

REPRESENTATIVE HARLESS: I'm removing my motion to table so Representative Dukes may close on her amendment.

SPEAKER: The Chair recognizes Representative Dukes.

REPRESENTATIVE DUKES: Thank you, Mr. Speaker and Members. Thank you Representative Harless for giving me the ability to close on this amendment.

Members, having a temporary driving permit -- what class of voters would be excluded from voting if we didn't allow a temporary driving permit? A
temporal driving permit is issued to adult drivers, legal minorities and commercial truck drivers who may have lost their photo identification due to various offenses or alcohol related offenses.

These offenses are punishable under the Texas Transportation Code 524.011. Over 100,000 individuals per year will be excluded if they are not allowed to utilize their temporary driving permit, which does not include a photo of them.

Now, why is the ID needed? Because young voters, adult drivers and commercial drivers or truck drivers who have a temporary driving permit should not be further punished by not being allowed to vote because they made a mistake while driving.

We have even had some who have been allowed to pass on and run for higher office with these little minor mistakes. So, we shouldn't take away their right to vote.

A driving infraction or mistake should not be punished by disallowing a person access to the polls because he or she carries an alternative ID.

We need to make sure when persons are punished for one action in our community, they are not punished for another action, especially one as important as their right to cast a vote.
Under the federal --

SPEAKER: Mr. (Inaudible), for what purpose?

REPRESENTATIVE ALISEDA: Does the gentlelady yield?

REPRESENTATIVE DUKES: Yes, I do yield.

SPEAKER: She yields.

REPRESENTATIVE ALISEDA: I practice some DWI law back home in my district, and one of the common occurrences is that an individual gets stopped and has over the blood alcohol limit that's required by law, has their license taken, and then there's a suspension procedure, and they're given a yellow form that is a temporary driving permit and it's good until there is a hearing and an administrative law judge makes a decision.

When I have a client like that that needs identification, I send them down to the DPS office, and they are able to get a temporary identification card to use for the purposes that they need an identification for.

So, in those instance that you're citing, I don't see any reason why -- or maybe you can tell me why they could not go to the DPS office and get this temporary -- excuse me -- this identification card, which is used -- a photo identification card, which is
used for purposes of identification and is also a valid ID form for voting in this state under this bill.

REPRESENTATIVE DUKES: Why should they have to go and get an additional one? You're basically -- you're representing these individuals who are -- you're a defense attorney, is that what you're saying you are?

REPRESENTATIVE ALISEDA: Yes.

REPRESENTATIVE DUKES: With DWI?

REPRESENTATIVE ALISEDA: Yes.

REPRESENTATIVE DUKES: They've been charged by the Court once?

REPRESENTATIVE ALISEDA: Excuse me?

REPRESENTATIVE DUKES: They've been charged by the Court?

REPRESENTATIVE ALISEDA: Yes. They don't necessarily have to be charged by the Court because the charge still hasn't been filed. When the officer -- the DPS officer takes their identification because they've blown over the legal limit or because they've refused the blood test or the breath test, they are issued a yellow form, a license suspension form.

And they tell me, "What am I going to do now without a photo ID to go check out a movie," or whatever it is they need to do with a photo ID.

I send them over to the DPS office, and they
get a photo ID and they're able to function with their temporary permit, that little yellow piece of paper, and they use a photo ID from the DPS when they need to use a photo ID.

REPRESENTATIVE DUKES: Yeah, but, you know, that is -- what you're talking about is something a little bit different than the right -- the guaranteed right to vote.

They've had an offense under the law, and they are paying you to get them off of their DWI. So, you're giving them advice to do something but there are some folks who have these temporary IDs that they've already dealt with their situation. Now we're stating we're going to take away your ability -- or make it more difficult for you to have a right to vote.

REPRESENTATIVE ALISEDA: My point is they can go obtain the DPS ID, the same DPS ID that I tell my clients to go obtain.

REPRESENTATIVE DUKES: Why do you want to make it so much difficult for people to vote?

REPRESENTATIVE ALISEDA: It's not a question of making it difficult to vote.

REPRESENTATIVE DUKES: Yes, it is. Yes, it is, because it's not that difficult now. Who is it truly that you don't want to give the ability to vote?
REPRESENTATIVE ALISEDA: That is not -- that is not my purpose.

REPRESENTATIVE DUKES: Because I will tell you one thing, this temporary driving permit is going to affect a whole lot of people but not a whole bunch of them are going to live in my district. So, really, you need to think again about the argument.

REPRESENTATIVE ALISEDA: It is my purpose to see that the system is fair and also that it is as secure as we can make it. There is nothing you can't do in this society that --

REPRESENTATIVE DUKES: Many of us have been trying to do that since prior 1964, to make sure it was fair and secure but this law is changing a whole lot of the things that my ancestors went through. It's changing it by making it more difficult for my ancestors and people who look like me to have the ability to go and vote. It's making it more difficult for people who are disenfranchised to have the ability to go down and to get some form of ID because they will be charged an additional amount.

This same concept of disenfranchisement that's taken away so many rights under HB 1 that will come up next week but I'll talk about that next week but don't take away the right that my people have had and
access to vote. Don't try to make it more difficult for
my people to have the ability to vote.

REPRESENTATIVE ALISEDA: Ma'am --

REPRESENTATIVE DUKES: Do whatever you want
for your DWI folks, whatever. You advise them as you
please.

REPRESENTATIVE ALISEDA: Ma'am --

REPRESENTATIVE DUKES: But don't advise my
folks.

REPRESENTATIVE ALISEDA: Ma'am, I'm an
immigrant to this country, and I came from Mexico. Do
you know what they require in Mexico? They require a
biometric identification to vote.

REPRESENTATIVE DUKES: Well, we're in Texas.

REPRESENTATIVE ALISEDA: That means a
picture ID, including a fingerprint.

REPRESENTATIVE DUKES: We're in Texas.

We're in Texas, and a whole bunch of things are
different in Texas. We're in America. We're in
America, and a whole lot of things are different. And
one thing that we did have going for us, at least we had
civil rights but that seems to be being rolled back.

REPRESENTATIVE ALISEDA: Thank you, ma'am.

SPEAKER: Mr. Burnam, for what purpose?

REPRESENTATIVE BURNAM: Will the lady yield?
SPEAKER: Will you yield, Ms. Dukes?

REPRESENTATIVE DUKES: Yes.

SPEAKER: She yields.

REPRESENTATIVE BURNAM: Ms. Dukes, are you aware that my father-in-law and your constituent, the entire time you've been in office, Dr. Glenn Roarke, had his driver's license taken away from him for no cause, was not issued either -- any kind of documentation and had to make three different visits to three different DPS facilities here in Austin, Texas, taking over two hours each visit in order to get a temporary permit?

REPRESENTATIVE DUKES: No, I was not aware.

REPRESENTATIVE BURNAM: Ms. Dukes, are you aware that Tarrant County has grown exponentially in population over the last decade and now has over 1.7 million, almost 1.8 million people in it and there are still only three DPS offices in the county and all three of them are outside the loop, not on bus lines?

REPRESENTATIVE DUKES: Wow, that's going to make it pretty difficult.

REPRESENTATIVE BURNAM: Yeah. Thank you.

SPEAKER: Representative (Inaudible) raised a point of order that the gentlelady's time has expired. The point is well taken.

REPRESENTATIVE DUKES: Vote against the
motion to table.

SPEAKER: Representative Dukes has an amendment. Representative Harless moves to table. The question is on the motion to table. All in favor vote aye, all opposed no. Clerk ring the bell. Show Ms. Dukes voting no.

Have all members voted? By a vote of 99 ayes, 49 nays, 2 present not voting, the motion is tabled.

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Dutton.

SPEAKER: The Chair recognizes Mr. Dutton to explain his amendment.

REPRESENTATIVE DUTTON: Mr. Speaker and Members, as I read through the bill, one of the things that struck me was the reference to the personal identification certificate that's required under this bill.

And what this amendment simply does is just adds the two words voter's certificate to it so that it would now read a personal identification voter's certificate. And that's really all it does.

SPEAKER: The Chair recognizes Representative Harless to speak against the amendment.
REPRESENTATIVE HARLESS: Members, there's certain information on your voter's certificate, your voter registration card. You will still continue under this legislation to get a voter's registration card that tells you your home precinct, your senatorial district, your congressional district.

And this amendment replaces the voter registration card with a personal identification voter card. It's unnecessary and it would be expensive to the counties -- to the state. Sorry.

SPEAKER: Mr. Dutton, for what purpose?

REPRESENTATIVE DUTTON: Will the gentlelady yield?

REPRESENTATIVE HARLESS: I will.

SPEAKER: She yields.

REPRESENTATIVE DUTTON: Ms. Harless, will you take a look at that amendment again because I don't think you really intended to misrepresent what the amendment does. Your bill -- do you know that your bill contains a reference to a personal identification certificate in here?

REPRESENTATIVE HARLESS: Yes, that's the voter registration card.

REPRESENTATIVE DUTTON: But it's called a personal identification certificate; isn't that right?
REPRESENTATIVE HARLESS: Right.

REPRESENTATIVE DUTTON: And that's what it's termed. And all this does is just makes it clear that that personal identification certificate is really a personal identification voter certificate, which is what I thought you intended it to be.

REPRESENTATIVE HARLESS: Your -- your personal identification voter card that is issued in the bill is a voter registration card issued by the registrar.

REPRESENTATIVE DUTTON: But it's not --

REPRESENTATIVE HARLESS: What you're --

REPRESENTATIVE DUTTON: -- called anything, is it?

REPRESENTATIVE HARLESS: Excuse me. What you're doing in Section 20 is addressing the Transportation Code, which, in essence, would mean everybody would get a voter ID card issued through the Texas Department of Transportation, and that would make it very expensive.

REPRESENTATIVE DUTTON: No. No.

REPRESENTATIVE HARLESS: We talked earlier about this dollar --

REPRESENTATIVE DUTTON: I think if you'll read the amendment more closely, what you'll realize is
that that's not what it does. What it does is simply says if you're getting the personal identification card for voter purposes, then it would be called a personal identification voter certificate.

That's -- that's really all it does. It doesn't change that. It doesn't change the part that you're suggesting that it does.

REPRESENTATIVE HARLESS: So, tell me what the purpose of this is.

REPRESENTATIVE DUTTON: So that -- so that there's a distinction being -- ought to be made between just a regular personal identification card and one that is designed solely for -- to be used as a voter. That's all it does.

REPRESENTATIVE HARLESS: I don't see that.

REPRESENTATIVE DUTTON: Well, it might require you to look at the amendment a little closer and the bill a little closer, too, because I think -- well, not you. You've got to do it like this but it doesn't change anything.

REPRESENTATIVE HARLESS: Well, do you want to talk about this some more because we haven't discussed this?

REPRESENTATIVE DUTTON: I think we have all night.
REPRESENTATIVE HARLESS: Okay.

SPEAKER: Representative Dutton sends up an amendment. Representative Harless moves to table.

Representative Dutton to close.

REPRESENTATIVE DUTTON: Thank you, Mr. Speaker and Members. I thought this was an easy amendment but I guess not. Essentially, what this bill requires is if you want to go to the DPS to get a certificate for you to vote, then it's called under the bill a personal identification certificate.

What my amendment simply does is if you do that, it's called a personal identification voter's certificate. That's really all this does. And I don't -- I don't know. Maybe they don't -- it's not the amendment they don't like. Maybe it's the author but anyway, I move passage. I move -- all right. Okay. All these aw's, if you will change them to green light, to no votes, I will accept them.

SPEAKER: Mr. Dutton sends up an amendment. Representative Harless moves to table. All the aw's vote aye. All the nays vote no. Clerk ring the bell. Have all voted? 96 ayes, 49 nays, 2 voters not voting, the motion tabled prevails.

Representative Allen. Following the amendment, the clerk will read the amendment.
CLERK: Amendment by Allen.

SPEAKER: The Chair recognizes Ms. Allen to explain her amendment.

REPRESENTATIVE DR. ALLEN: Mr. Chairman and Members, this is a very simple bill -- amendment. It simply provides for those people who -- as already in the bill who already have expired IDs and in the bill, if the bill is expired for 60 days, you can vote. If the bill is expired for 61 days, you cannot vote.

An example would be a young man on my staff who is there now ordered his driver's license to be replaced -- to replace his expired driver's license September, 2010.

In January, he still had not received his driver's license. He had to wait in line all day to request it again. After haggling about whether or not it had been sent, he finally agreed to process a renewal form.

After that -- those of you from Dallas know that a fire occurred in the Dallas/Fort Worth mail facility. DPS sent him a letter asking -- informing him that his license had been destroyed in the fire and that it would take another two or three weeks.

On or about March the 9th, 2011, he finally received his license. About that time, he received his
notice that his driver's license had been destroyed in the fire.

It took him almost six months to finally get his license renewed. He didn't have a U.S. military ID card. He didn't have a U.S. citizen certificate. He didn't have a passport, nor did he have a concealed handgun license.

I can point out this situation to you. If he had been able to use his old driver's license or one of his IDs or state issued ID, as you have in the bill, he would have been able to vote.

Now, I want to save the State of Texas money. You say you're giving a free ID to those people who want to vote and walk in and request one for the purpose of voting.

SPEAKER: (Inaudible) for what purpose?

REPRESENTATIVE DR. ALLEN: I'm sorry, I'm laying out my --

REPRESENTATIVE GUTIERREZ: I don't think she's done yet, Mr. Speaker. I'll wait until she's done.

REPRESENTATIVE DR. ALLEN: -- for the purpose of voting. How much will it cost the State of Texas to furnish a free ID to all of the persons who will walk up and ask for a free ID for voting?
That would possibly include like I have lost my driver's license right now, probably be me standing in line. Or the person whose license plates -- driver's license who have expired, any form of ID that you have in this bill.

I'm simply asking that you extend the time to any driver's license -- or any ID issued by the state expired for any length of time. You are who you are. You do not change. This will save the state millions of dollars in free ID cards.

It will give the opportunity for grandma -- I know she's in there somewhere, we are in there somewhere, over 60, over 70, who doesn't drive any more but she had a driver's license, to use her old driver's license, for those who have had a wreck and become handicapped, had a driver's license, can't drive any more, could use their old ID.

I simply ask that you extend the 60 days until any length of time. It would save the state millions and millions of dollars.

SPEAKER: Mr. Gutierrez, for what purpose?

REPRESENTATIVE GUTIERREZ: Yes, Mr. Speaker. Will the gentlelady yield for questions?

SPEAKER: Do you yield?

REPRESENTATIVE DR. ALLEN: I will. Thank
you.

SPEAKER: She yields.

REPRESENTATIVE GUTIERREZ: Representative Allen, you're aware that the State of Georgia has a voter identification, voter impersonation statute, whatever you want to call it, they have a similar type legislation in Georgia, you're aware of that, correct?

REPRESENTATIVE DR. ALLEN: I've heard that today.

REPRESENTATIVE GUTIERREZ: Did you know that in Georgia, Representative Allen, they require the same thing, a Georgia driver's license, even if expired? So, the good people of Georgia have determined that your amendment is a good idea and it has worked for them. So, I think --

REPRESENTATIVE DR. ALLEN: I -- yes, I think it's a good amendment.

REPRESENTATIVE GUTIERREZ: So, you --

REPRESENTATIVE DR. ALLEN: It would be good. We wouldn't have to drag grandma to the DPS station. She could use her old card.

REPRESENTATIVE GUTIERREZ: So, if it's good enough for the people in Georgia, it should be good enough for the people in Texas, should it not?

REPRESENTATIVE DR. ALLEN: I think so.
REPRESENTATIVE GUTIERREZ: Well, Dr. Allen, I think you have a very good amendment. It's, obviously, worked for the State of Georgia. I think that what we're talking about here is reasonableness. And as you stated earlier, our identities don't change.

REPRESENTATIVE DR. ALLEN: That's right.

REPRESENTATIVE GUTIERREZ: And we shouldn't burden people by simply -- they no longer need to go get that driver's license any more. Their old ID should work.

REPRESENTATIVE DR. ALLEN: Right. It takes a burden off the people and a burden off the state, too.

REPRESENTATIVE GUTIERREZ: Thank you, Dr. Allen. I appreciate it.

REPRESENTATIVE DR. ALLEN: You're welcome.

SPEAKER: Mr. Coleman, for what purpose?

REPRESENTATIVE COLEMAN: Yes. Will the gentlelady yield for questions?

REPRESENTATIVE DR. ALLEN: Yes,

Representative Coleman.

SPEAKER: She yields.

REPRESENTATIVE COLEMAN: Representative Allen, first of all, if we tie something to a government ID that is not something that is permanent for all individuals and that ID expires because it is used for a
specific purpose, it wasn't -- not designed for voting --

REPRESENTATIVE DR. ALLEN: Right.

REPRESENTATIVE COLEMAN: -- do you think that an individual should be turned away or would they be turned away from voting if they had an expired license that went over a period of time, 61 days?

REPRESENTATIVE DR. ALLEN: No. I think that you are -- as I said, you are who you are, and after 61 days, you don't change. You're the same person. I think that could -- that document can be used for voting, too.

REPRESENTATIVE COLEMAN: Okay. Because the difference that we're talking about is the idea that it has a picture, correct?

REPRESENTATIVE DR. ALLEN: Yes.

REPRESENTATIVE COLEMAN: Now, this is an interesting question. I went to get a driver's license -- renewal of a driver's license. You know you do it on line.

REPRESENTATIVE DR. ALLEN: Uh-huh.

REPRESENTATIVE COLEMAN: Right? And in the period of time that you're waiting for your driver's license, you have a piece of paper with no picture on it.
REPRESENTATIVE DR. ALLEN: Right. Right.
REPRESENTATIVE COLEMAN: So, that would not
be a valid ID for going to vote under this bill; is that
correct?
REPRESENTATIVE DR. ALLEN: That is correct.
REPRESENTATIVE COLEMAN: Okay. So, what
happens if an individual comes in and tries to get vote
with an expired ID card or driver's license or whatever
the case may be?
REPRESENTATIVE DR. ALLEN: As this bill is
written, that person would not have the opportunity to
vote. It would be -- it would be among the 20 -- he
could vote and it would be filed in the provisional
ballots.
And you and I know that maybe 20 percent of
those votes are counted in the election. That, too, is
a fraud.
REPRESENTATIVE COLEMAN: And particularly
because we've heard earlier in earlier discussion that
provisional ballots in themselves -- it's actually in
the bill it says that, well, even though you've done
everything that you're supposed to do, you still -- your
vote still may not be counted under the provisional
ballots.
REPRESENTATIVE DR. ALLEN: Absolutely.
REPRESENTATIVE COLEMAN: I mean, that --
that is just bad law --

REPRESENTATIVE DR. ALLEN: Yes.

REPRESENTATIVE COLEMAN: -- and bad
circumstance. I appreciate the amendment that you
brought because, you know, we heard something about
finger imaging in Mexico --

REPRESENTATIVE DR. ALLEN: Yes.

REPRESENTATIVE COLEMAN: -- and we heard
something about people taking a driver's license to rent
a movie.

REPRESENTATIVE DR. ALLEN: Yes.

REPRESENTATIVE COLEMAN: Does the Red Box
ask you for your driver's license?

REPRESENTATIVE DR. ALLEN: No, it doesn't.

REPRESENTATIVE COLEMAN: Yeah, I was about
to say. Thank you very much.

REPRESENTATIVE DR. ALLEN: Yeah, and I
was -- like I said, I lost my driver's license. So, I
was over there trying to get a driver's license off of
the Internet, and it asked me for the number that's on
my driver's license. I don't have the driver's license.

REPRESENTATIVE COLEMAN: Exactly. There's
this fantasy world out there that some people live in
that you and I don't live in.
REPRESENTATIVE DR. ALLEN: Yes.

REPRESENTATIVE COLEMAN: Because as we go on line, the use of a picture ID for purchases or for any other thing, that is just not what's happening here.

REPRESENTATIVE DR. ALLEN: That's right.

REPRESENTATIVE COLEMAN: And in the real world somebody talks about a passport, how many people do you know in your district that have a passport?

REPRESENTATIVE DR. ALLEN: A passport?

REPRESENTATIVE COLEMAN: Yeah.

REPRESENTATIVE DR. ALLEN: Very few.

REPRESENTATIVE COLEMAN: Very, very few.

REPRESENTATIVE DR. ALLEN: I'm having to use mine now to get on the airplane.

REPRESENTATIVE COLEMAN: That's right.

REPRESENTATIVE DR. ALLEN: Very, very few people have a passport.

REPRESENTATIVE COLEMAN: The issue is I guess the folks out there who travel internationally quite a bit --

REPRESENTATIVE DR. ALLEN: Yes.

REPRESENTATIVE COLEMAN: -- they, obviously, have one but people who are taking the bus to work, they ain't even thinking about needing a passport to go on their vacation, do they?
REPRESENTATIVE DR. ALLEN: They don't have passport nor bus fare.

REPRESENTATIVE COLEMAN: Thank you very much.

SPEAKER: Representative Sheffield raised the point of order that the gentlelady's time has expired. The point of order is well taken and sustained.

REPRESENTATIVE DR. ALLEN: Thank you.

SPEAKER: The Chair recognizes Representative Harless to speak on the amendment.

REPRESENTATIVE HARLESS: Members, this amendment allows for an expired ID with no limit but I'm going to leave this to the will of the House, so --

SPEAKER: Mr. Hochberg, for what purpose?

REPRESENTATIVE HOCHBERG: Will the gentlelady yield, please?

SPEAKER: Do you yield?

REPRESENTATIVE HARLESS: Yes, sir.

SPEAKER: She yields.

REPRESENTATIVE HOCHBERG: Representative Harless, we're seeing a lot of each other the last few days, aren't we? We're --

REPRESENTATIVE HARLESS: I -- I -- it's always a pleasure to see you.
REPRESENTATIVE HOCHBERG: Likewise.

What -- what concerns me in particular about this provision in the bill is not only that we're saying that if it's over 60 days, it's no good when I don't change that quickly. I wish I changed that much in 60 days that I couldn't be recognized but that there's no provision for any kind of unforeseen circumstance, for instance, did you consider what happens if -- let's say there was a fire at the driver's license place and a bunch of licenses burned up. Could you envision that happening?

REPRESENTATIVE HARLESS: I never thought about that but we did allow for a provisional ballot.

REPRESENTATIVE HOCHBERG: But you still have to then come back in with your license within six days.

REPRESENTATIVE HARLESS: Or one of the --

REPRESENTATIVE HOCHBERG: Are you aware that there actually was a fire at the driver's license processing facility earlier this year?

REPRESENTATIVE HARLESS: Which one?

REPRESENTATIVE HOCHBERG: It doesn't -- from the DPS website, it says a DPS vendor mailing facility. It happened in February and they lost 14,000 driver's licenses, which had to then be replaced again. And they're still telling folks you should get it by about
April 1st. So, even after the normal processing time, they now added several months. And under those circumstances, if there had been an election, under your bill, I think folks would have been out of luck. You don't -- that couldn't possibly be something you intended.

REPRESENTATIVE HARLESS: The information I have is from DPS testimony in both the House and the Senate Committee, and they said that they usually can provide a driver's license after it's stolen or lost, within 15 to 20 days, at the longest 45 days, but as I've said, I'm not speaking against this amendment. I'm leaving it to the will of the House.

REPRESENTATIVE HOCHBERG: Thank you. Well, I think Ms. Allen has a -- Dr. Allen has a good amendment because it -- it takes care of these unforeseen circumstances at minimum and things getting lost in the mail that the voter and the driver has no control over. So, I appreciate you not moving to table this amendment.

REPRESENTATIVE HARLESS: Thank you.

SPEAKER: The Chair recognizes Representative Allen to close.

REPRESENTATIVE DR. ALLEN: Members, this is an opportunity for us to make the bill better than it
is. It's an opportunity for us to save money for the State.

Those of you who know me know that I don't file frivolous bills or frivolous amendments. I'm sincere about this.

This gives us an opportunity to let people vote on the ID that they have. We really don't change that much. And so, this time, we don't need to vote down party lines. We can vote for something that is good for the State of Texas, for its people and for the State and then they can save money and give its people an opportunity to participate in the voting process.

And I request your vote on this bill. Thank you.

This --

SPEAKER: Representative Allen sends up an amendment. The vote is on the amendment. Vote aye, vote nay. The clerk will ring the bell.

Show Representative Allen voting aye.

Showing Representative Harless as voting -- Representative (Inaudible) voting aye. Aye. No. Representative Crownover is no. Harper-Brown is going to vote.

Have all voted? Have all voted? By a vote of 56 ayes, 89 nays, 2 present not voting the motion failed to adopt.
Following the amendment, the clerk will read the amendment.

Representative Alonzo.

CLERK: Amendment by Alonzo.

SPEAKER: The Chair recognizes Representative Alonzo to explain his amendment.

REPRESENTATIVE ALONZO: Yes, Mr. Speaker, Members, this just clarifies or adds that an ID card that's approved by the State may be used as an ID. Right now we're identifying certain types of ID. If the State feels that there's a certain ID that's approved after, you know, we vote at the state level or different ways, then that identification card be used.

SPEAKER: Okay. The amendment is acceptable to the author. Is there any objection? The Chair hears none. It's adopted.

Following the amendment, the clerk will read the amendment.

Mr. Veasey.

CLERK: Amendment by Veasey.

SPEAKER: The Chair recognizes Mr. Veasey to explain his amendment.

REPRESENTATIVE VEASEY: This amendment actually in the spirit of bipartisanship was inspired by Representative Taylor of Collin County. Representative
Taylor was in an exchange -- was in an exchange, and I can't remember who was on the front mic but he said that you have to have a valid photo ID in order to fill out an I-9. And so, therefore, if you have to have a valid ID to fill out an I-9 --

REPRESENTATIVE MARTINEZ: Mr. Speaker?

SPEAKER: Representative Martinez, for what purpose?

REPRESENTATIVE MARTINEZ: The gentleman will yield for a question?

REPRESENTATIVE VEASEY: I yield.

SPEAKER: He yields.

REPRESENTATIVE MARTINEZ: So, then, Mr. Veasey, let me ask you, you have a valid ID and you fill out an I-9, then you get an employee's ID from your employer, then you should be able to use that to vote, am I correct?

REPRESENTATIVE VEASEY: Absolutely.

REPRESENTATIVE MARTINEZ: So, if you're talking to your employer and all of us -- me being an employer, we have our employees fill out an I-9, therefore, they should be valid because if they have a driver's license, which is required under that requirement for an I-9, or a Social Security number, then we, as an employer, can ask that employee to take a
photo ID and then they can use that to vote, and that's all you're asking for; is that correct?

REPRESENTATIVE VEASEY: Absolutely, that the employers of Texas that help keep people employed and keep jobs and help keep food on our tables, if they provide an ID, obviously, they have verified that that identification is valid and they -- and that's the only way that some of these places, like Lockheed and Coca-Cola and other places will issue an ID, and so, that ID ought to count to vote.

And I think that this is a bipartisan amendment because Mr. Taylor had spoke about it earlier. So, I move passage.

SPEAKER: The Chair recognizes Representative Harless to speak against the amendment.

REPRESENTATIVE HARLESS: Members, this amendment is asking that you allow a valid employee identification card from somebody's work. It's not a government ID. It's not a state issued driver's license. It's a valid employee ID card. And I -- I wish --

SPEAKER: Mr. Phillips, for what purpose?

REPRESENTATIVE PHILLIPS: Yeah, just a quick question.

REPRESENTATIVE HARLESS: Yes.
SPEAKER: She yields.

REPRESENTATIVE PHILLIPS: There's no limitation at all on this at all?

REPRESENTATIVE HARLESS: None.

REPRESENTATIVE PHILLIPS: I mean, this doesn't set out standards or practice or anything?

REPRESENTATIVE HARLESS: None at all.

REPRESENTATIVE PHILLIPS: Thank you.

SPEAKER: Mr. Veasey, for what purpose?

REPRESENTATIVE VEASEY: Does the gentlelady yield?

REPRESENTATIVE HARLESS: Yes.

SPEAKER: She yields.

REPRESENTATIVE VEASEY: Your Republican colleague from Collin County stated earlier that in order for you to be able to work at any place that you have to have a valid photo ID in order to fill out that I-9 and that employer has to verify that identification. So, why would that identification not work at a polling place?

REPRESENTATIVE HARLESS: The purpose of the types of ID that were chosen, a driver's license, a Texas issued ID card, a Texas issued driver's license, a passport is because there's a standardization of forms, they're uniform, they're easier for people to recognize,
they're easier for the poll worker to recognize, they're easier for the voter to recognize.

This throws all those standards out. It allows any type of ID that could be duplicated and it takes away all the security provisions in the bill, and I can't support it.

REPRESENTATIVE VEASEY: One of our largest employers in the City of Fort Worth is Lockheed Martin and -- you know, and -- and we have other large employers as well, American Airlines. So, people are used to seeing those identifications that live in the metroplex. There's a good likelihood that the clerk, particularly if you live in Fort Worth, it would be a very good likelihood that the clerk would have a relative or someone that worked at one of these places. So, they would also be able to easily identify those forms of identification, and it's the same justification that you just laid out. So, why not accept this amendment?

REPRESENTATIVE HARLESS: Because it's not issued by the state -- the government agency, it's issued by an employer. There is no standardization of form, and it takes away all the protections that we've put in this bill for a person to have an ID that a poll worker -- it's easy for them to recognize and it's easy
for the voter to understand.

REP. VEASEY: Are there different -- like you're an employer, you're in the car business, do you not -- do you not offer the same I-9 to your employees that every other employer offers to their employees?

REP. HARLESS: I do, and all my employees fill out an I-9. Typically, they use their driver's license and Social Security card. I've had some use ID cards if they didn't have a driver's license but --

REP. VEASEY: So, you're not using a separate form. That would be a standardization of forms. It's the same --

REP. HARLESS: I think this whole -- I think this conversation, we're talking about the I-9. I understand Representative Taylor's ability to get up here and want to talk about that form. That has nothing to do with the bill. The bill is about showing a photo ID when you show up to vote that is issued by a government agency and is easy to recognize because it has the same standardization.

REP. VEASEY: Okay. So, when he laid out -- when he laid out his justification that everybody has to fill out this standardized form, the
I-9 in order to work and get an ID, so, you accepted it when he came to you. So, why don't you accept it when -- I'm bringing you the same thing that you accepted from him. The rationale you accepted from him is what I'm laying out to you right now. So, why won't you accept it from me?

REPRESENTATIVE HARLESS: I didn't accept any rationale from him. He got up to talk against an amendment that was offered. I didn't -- I didn't accept --

SPEAKER: Mr. Legler, for what purpose?

REPRESENTATIVE LEGLER: Will the gentlelady yield for a question?

SPEAKER: Do you yield for a question?

REPRESENTATIVE HARLESS: Yes.

SPEAKER: She yields.

REPRESENTATIVE LEGLER: I'm a little familiar with I-9s from having a company, and I know they can bring a driver's license, in fact, under -- you have lists B and C, and one of the them is a driver's license or ID card issued by a state in the United States. It doesn't say State of Texas. It just says by a state.

It also says a document issued by the Department of Homeland Security, which means you can
have a visa to authorize working here and you can get
a -- you can fill out an I-9 form and you can be
authorized to work. That's how I see that.

What you're saying is that person may not be
a citizen and a resident in the State of Texas but
they're saying they can use that ID to government vote.
I think you're right about -- on this amendment, it
needs to be tabled.

REPRESENTATIVE HARLESS: Motion to table.

SPEAKER: Representative Veasey sends up an
amendment. Representative Harless moves to table. The
question is on the motion to table. All those in favor
say aye, vote aye. Those opposed vote no. Clerk will
ring the bell.

Ms. Harless voting aye. Mr. Veasey noting
no. Representative Hunter voting aye.

Have all voted? By a vote of 101 ayes, 47
nays, 2 present not voting, the motion to table
prevails.

Following the amendment, the clerk will read
the amendment.

Respective Gonzalez of El Paso.

CLERK: Amendment by Gonzalez of El Paso.

SPEAKER: The Chair recognizes
Representative Gonzalez to explain her amendment.
REPRESENTATIVE GONZALEZ: Members --

Mr. Speaker, Members, this amendment would allow native Americans to use their tribal IDs as an acceptable form of identification upon voting.

The (Inaudible) Pueblo, for example, is a group of individuals that would benefit from this amendment. Currently the population of the tribal -- or the native nation is enrolled at 1687 members, with 1105 of them residing in Texas. And of those 1687, 1044 of the native American population reside in El Paso, Texas alone.

Each member receives an enrollment card, also known as a picture ID, that is issued with an authorized signature of the tribal governor. To obtain this ID, the identification that is used is an original birth certificate, Social Security card and a state issued ID.

Let me repeat that because it does bear repeating. To get this tribal ID, you need an original birth certificate, Social Security card and a state issued ID.

Based on that, I believe that there's a significant layer and there are significant safeguards in place to ensure that a tribal ID should be sufficient when a tribal member goes to a polling place to vote.
SPEAKER: Representative Marquez, for what purpose?

REPRESENTATIVE MARQUEZ: Mr. Chairman, will the lady yield?

SPEAKER: Do you yield?

REPRESENTATIVE GONZALEZ: I don't know.

REPRESENTATIVE MARQUEZ: Representative Gonzalez, I think everyone heard you in El Paso.

SPEAKER: She yields for a conversation about El Paso.

REPRESENTATIVE GONZALEZ: Yes.

REPRESENTATIVE MARQUEZ: So, essentially, what this amendment is going to do is it's just going to allow native American tribes to be recognized, right, their ID will be a valid form of identification at the polls?

REPRESENTATIVE GONZALEZ: That is correct.

REPRESENTATIVE MARQUEZ: Okay. And are the enhanced tribal identification cards that are currently being issued by the government a reliable form of IDs for events such as voting? You spoke specifically about the (Inaudible) Pueblo.

REPRESENTATIVE GONZALEZ: Yes, absolutely, because the United States government is planning to use -- start using an enhanced tribal identification
card. This is going to recognize U.S. federally recognized tribes. In order to get this specific card, the tribe must meet the requirements set out by the federal government, and this itself shows that they are going to have to expose themselves to a background check.

So, these tribal cards are needed for the enhanced tribal identification cards. So, this would almost be equivalent to having to get a passport.

So, again, I think that these identification cards that are issued by the tribes are -- have significant barriers in place in order for them -- to qualify them for voter ID.

REPRESENTATIVE MARQUEZ: I think this amendment is extremely appropriate. Thank you, Representative Gonzales.

REPRESENTATIVE GONZALEZ: Thank you, Representative Marquez.

REPRESENTATIVE GUTIERREZ: Mr. Speaker, will the gentlelady yield?

SPEAKER: You yield?

REPRESENTATIVE GONZALEZ: Yes, sir.

SPEAKER: She yields.

REPRESENTATIVE GUTIERREZ: Representative Gonzalez, we heard earlier about the voter
identification requirements in the State of Georgia.
Were you here when we discussed that?

REPRESENTATIVE GONZALEZ: Yes, sir.

REPRESENTATIVE GUTIERREZ: Did you hear that in Georgia, you can use an expire driver's license? You heard that exchange between Dr. Allen and I?

REPRESENTATIVE GONZALEZ: I did hear that exchange, yes.

REPRESENTATIVE GUTIERREZ: Did you also know that in Georgia, they -- a valid tribal photo ID is allowed?

REPRESENTATIVE GONZALEZ: You know, I was not aware of that but I am not surprised by that.

REPRESENTATIVE GUTIERREZ: So, if it must be good for the people in Georgia, it must be okay for the people in Texas?

REPRESENTATIVE GONZALEZ: I would say so, yes.

REPRESENTATIVE GUTIERREZ: I think you have a good amendment.

Thank you, Mr. Speaker.

REPRESENTATIVE GONZALEZ: Thank you very much.

SPEAKER: Now Representative Harless will speak against the amendment.
REPRESENTATIVE HARLESS: Members, we had testimony of this both this session and last session. The reason we chose -- the reason the ID documents that were chose were the driver's license -- the Texas driver's license, the Texas ID card, voter's -- passport and all the different forms was that they were standard. It was easier for the poll workers to understand and read it and recognize it, and it was also easier for the voters to know what is expected.

With your tribal cards, you don't know for sure if they are official and if they have all the same security provisions that are issued by the State of Texas, and that was the purpose of that in our testimony on the committee.

SPEAKER: Representative Gonzalez, for what purpose?

REPRESENTATIVE GONZALEZ: Does the gentlelady yield?

SPEAKER: Do you yield?

REPRESENTATIVE HARLESS: Yes.

SPEAKER: She yields.

REPRESENTATIVE GONZALEZ: Thank you, ma'am. Would you say that 100 -- rather, 1687 members -- tribal members is a significant number in the State of Texas?
REPRESENTATIVE HARLESS: Could you say the number again?

REPRESENTATIVE GONZALEZ: 1687.

REPRESENTATIVE HARLESS: I think that's significant.

REPRESENTATIVE GONZALEZ: Now, being that 1044 of those members live in El Paso County, that's the county that I represent, those are poll workers that El Paso County members are going to have to -- are going to have to deal with, would you not agree with that?

REPRESENTATIVE HARLESS: Say that one more time, please.

REPRESENTATIVE GONZALEZ: Yes, ma'am. Would you not agree -- and I gave you a statistic that 1044 of those 1687 members live in El Paso County, which is the district that I happen to represent, and so, it is going to be the El Paso County election people that are going to have to identify these cards. And so, would you not say that since the majority of the people that I've just cited to you live in El Paso County, that they have some familiarity with what a travel card looks like?

REPRESENTATIVE HARLESS: Now, how many of these people do not have a driver's license or -- a Texas driver's license, a Texas ID card? Do you have those statistics?
REPRESENTATIVE GONZALEZ: I do not. However, I want to cite to my statement again and say that in order to receive a tribal ID, you must show an original birth certificate, Social Security card and -- not or -- and a state issued ID.

Now, we have sat here for the better half of this day and talked about how state issued IDs are acceptable forms of identification for voter ID purposes. So, would it not make sense then to have a tribal ID be an acceptable form of identification?

REPRESENTATIVE HARLESS: I understand when you say that the people that have these tribal cards, the majority of them live in El Paso but what happens if they move to Spring, Texas and register to vote and don't have an ID and they show up at the polls with a tribal card and the poll workers and election judges are not familiar? That was part of the reason why we wanted some standardization of forms.

REPRESENTATIVE GONZALEZ: And let's talk about that for a moment. Do we know how often tribal members migrate off of the counties that they live in? Because they do receive their federal benefits from the reservation in which they reside, do they not?

REPRESENTATIVE HARLESS: You would know a lot more about that than I do. You represent them, and
you're doing a great job.

REPRESENTATIVE GONZALEZ: Thank you.

I would say that the migratory habits, if you will, of people that are native Americans that are in the tribes -- the tribes that are in Texas don't migrate very often. So, even if they were to show this tribal ID, I think that a polling person would probably be able to call either the federal government or the actual travel council that issued the ID to verify who this person is. Would that not be a mechanism that could be used?

REPRESENTATIVE HARLESS: We just added another layer of requirements that someone has to do the day that -- a poll worker, election worker has to do when they show up -- someone shows up to vote, that we've just added another step that they're having to do, which could stop -- slow down voting.

REPRESENTATIVE GONZALEZ: Okay. But based on that question -- or based on that statement then, if a person doesn't look like who they look like on their vote photo ID, on their driver's license, for example, is the poll worker then going to ignore the person that that's presented the form of ID because they don't look like who they look like or are they going to do some sort of due diligence to find out is this person really
who they say they are?

REPRESENTATIVE HARLESS: Now we're talking about ID and not your amendment. Do we want to talk about your amendment?

REPRESENTATIVE GONZALEZ: Well, we are talking about the amendment. This is germane because we are talking about what is an acceptable form of ID. And, again, I think that we've listed several appropriate forms, and I think that a tribal form is definitely appropriate.

REPRESENTATIVE HARLESS: I --

SPEAKER: Representative Sheffield raised a point of order that the gentlelady's time is expired. The point is well taken. Sustained.

The Chair recognizes Representative Gonzalez to close.

Mr. Veasey, for what purpose?

REPRESENTATIVE VEASEY: With the -- I would like to move that we extend the gentlelady's time, please.

SPEAKER: Mr. Veasey moves that the gentlelady's time be extended. Is there any opposition? The Chair hears none. The Chair hears none. The time is extended.

REPRESENTATIVE VEASEY: Representative
Harless, I just a few questions for you. Do you yield?

REPRESENTATIVE HARLESS: Yes.

REPRESENTATIVE VEASEY: (Inaudible)

screaming in my ear. I apologize for that.

Why don't you work with Representative --
why don't you work with Representative Gonzalez to do a
carve out for her particular county? Because,
obviously, you're talking about -- there are thousands
of people that would be affected. So, why not do a
carve out for her?

REPRESENTATIVE HARLESS: I'm not interested
in doing any carve outs in the bill but I am interested
in listening to what she has to say.

REPRESENTATIVE VEASEY: I'm sorry, I'm
not -- I couldn't quite hear you. People are talking.

REPRESENTATIVE HARLESS: I don't know -- I'm
talking right here. No, I'm not interested in doing any
carve outs but I am interested in what she has to say
for one second.

REPRESENTATIVE VEASEY: Absolutely. I'll
pause.

SPEAKER: Representative Gonzalez withdraws
the amendment temporarily.

Following the amendment, the clerk will read
the amendment.
Mr. Dutton.

CLERK: Amendment by Dutton.

SPEAKER: The Chair recognizes Mr. Dutton to explain his amendment.

REPRESENTATIVE DUTTON: Mr. Speaker and Members, I know it's been a long day but this is a most important bill, and what this amendment does is simply adds a group of people who are most important to the election process, and what this amendment does is simply allows a student identification card that is issued by a public or private high school or institution of higher education that also contains the person's photograph to be able to use that as a basis for voting.

And I don't know whether that's acceptable or unacceptable but I think it's a good amendment and I hope you do, too, and I move passage of the amendment.

SPEAKER: Representative Harless?

The Chair recognizes Representative Phillips to speak against the amendment.

REPRESENTATIVE PHILLIPS: Yes, I would move to table Representative Dutton's amendment.

SPEAKER: Representative Dutton, do you want to close?

Representative Dutton to close.

REPRESENTATIVE DUTTON: Mr. Speaker and
Members, I wish I knew why Mr. Phillips would move to table the amendment without explaining what his reasons were.

I realize that this amendment is probably like most of the other amendments where there has been an opportunity not for reason to prevail but simply the numbers to prevail, and I -- I just think the students ought to be recognized and certainly ought to have an opportunity to use their --

SPEAKER: Mr. Phillips, for what purpose?

Mr. Dutton, do you yield?

REPRESENTATIVE DUTTON: As soon as I finish, Mr. Phillips. You had an opportunity up here. I'll give you that opportunity, though.

REPRESENTATIVE PHILLIPS: I didn't say you have to yield at this time.

REPRESENTATIVE DUTTON: We ought to recognize that students ought to have the opportunity to use their student identification cards that, again, are issued by state agencies. Essentially -- the institutions of higher education are essentially state agencies when I last checked.

And so, if we're going to allow state agencies to issue identification cards so that people can vote, what better way than to use a student ID that
also has the picture of the student on the ID so that it can be used.

And with that, Mr. Speaker, I will yield to Mr. Phillips.

SPEAKER: Mr. Phillips, he yields.

REPRESENTATIVE PHILLIPS: Thank you, Mr. Chairman.

I just want to -- you would agree with me that all the different institutions you're discussing do not have a standardized form that's easy for an election clerk or officer to recognize?

REPRESENTATIVE DUTTON: Depends on what you mean by standardized.

REPRESENTATIVE PHILLIPS: Standardized, that they're all the same, same shape, size, location of the picture, location of the information.

REPRESENTATIVE DUTTON: I have not seen them all but I would doubt that every one of them is exactly the same if that's what you mean.

REPRESENTATIVE PHILLIPS: And -- and they're -- also the people that issue those don't go through a certain training to ascertain -- to make sure that there's not fraud in trying to obtain those licenses?

REPRESENTATIVE DUTTON: I would beg to
differ with you. I would beg to differ with you, Mr. --
I don't know of anybody in a college or university --
maybe you do -- that is there and has a student ID
that's not who they say they are.

REPRESENTATIVE PHILLIPS: And you -- there's
no verification of citizenship on those as well; is that
correct?

REPRESENTATIVE DUTTON: That -- that would
be the case and that wouldn't -- that would be the case
also with a driver's licence.

REPRESENTATIVE PHILLIPS: And -- and you
would -- anyway, those are questions that I have. Thank
you.

REPRESENTATIVE DUTTON: All right. Thank
you.

Mr. Speaker, Members, this is a vote for
students. And I'm here to tell you that either today
you can show up for students or on election day, they'll
show up for you. And I would ask you to vote no on the
motion to table.

SPEAKER: Mr. Dutton sends up an amendment.
Mr. Phillips moves to table. The vote is on the motion
to table. The clerk will ring the bell. Mr. Phillips
is voting no. Mr. Dutton is voting aye. I'm sorry.
Mr. Phillips is voting aye. Mr. Dutton is voting no.
Show Ms. Kolkhorst voting aye. Mr. Martinez Fischer voting no. Mr. Gutierrez voting no.

Have all members voted? By a vote of 99 ayes, 49 nays, 2 present not voting, the amendment -- the motion to table prevails.

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Martinez Fischer.

SPEAKER: The Chair recognizes Representative Martinez -- Fisher to explain his amendment.

REPRESENTATIVE MARTINEZ FISCHER: Thank you, Mr. Speaker and Members. This is a real simple amendment. It just says that we mean what we say, and if we have respect for the integrity for state issued IDs by DPS, then we ought to have the same level of integrity for the IDs that are issued by any state agency.

So, this amendment says if any state employee or anybody that has a state issued ID with their photograph on it should be allowed to vote with that and it should be added to the list of approved documents, and so, with that, I move adoption.

SPEAKER: The Chair recognizes Mr. Phillips to speak against the amendment.
REPRESENTATIVE PHILLIPS: Thank you, Mr. Speaker, Members. I would ask that -- I respectfully oppose this amendment. As you know, one of those ones he's showing up apparently is expired. And so, that wouldn't be effective. They're not going to issue those any more.

And it gets back to uniformity. We don't have uniformity across all state agencies. They all look different. We're trying to have uniformity.

(Inaudible).

SPEAKER: For what purpose?

REPRESENTATIVE DUKES: Would the gentleman yield?

REPRESENTATIVE PHILLIPS: I certainly would.

SPEAKER: He yields.

REPRESENTATIVE DUKES: Thank you. Thank you.

Representative Phillips, what's wrong with this idea? I'm able to get in the capital with it.

REPRESENTATIVE PHILLIPS: Yes, but a voting clerk may not know what that is or may not even be familiar with the capitol. We're talking about --

REPRESENTATIVE DUKES: May not be familiar with capitol? And people are voting for people to be in the capitol? Why are they over there helping people
vote if they don't know what the capitol is?

REPRESENTATIVE PHILLIPS: I think you know what I'm saying. I think that's not being fair.

REPRESENTATIVE DUKES: It is fair. If you don't know what the capitol is, you don't need to be helping anybody vote.

REPRESENTATIVE PHILLIPS: They may not know you. They may not know what kind of form of ID you use. We're trying to perform uniformity across the state.

REPRESENTATIVE DUKES: Did you know that I can get on an airplane with this? I have used it to go through TSA. I didn't get (Inaudible) off but I was able to go through TSA with this. So, why can't we use it to vote?

REPRESENTATIVE PHILLIPS: Because there's not uniformity across all state agencies.

REPRESENTATIVE DUKES: Is the State of Texas uniform?

REPRESENTATIVE PHILLIPS: What are you -- the election laws are all uniform. They should be applied uniformly.

REPRESENTATIVE DUKES: Well, it sounds like you're just opposed to any form of ID. Now, you would think if we're the State of Texas and it -- the State of Texas has the different jobs. Everybody has to have a
badge with their picture on it, then it has been vetted in some form or fashion but you're still saying that's not valid.

So, then why should they be allowed to come -- we be allowed to come into the capitol building if this is no good?

REPRESENTATIVE PHILLIPS: Ms. Dukes, we're asking for uniformity so our election clerks will be able to know exactly what to count on and that we know --

REPRESENTATIVE DUKES: Come on.

REPRESENTATIVE PHILLIPS: -- the verification procedures.

REPRESENTATIVE DUKES: If it's a state issued ID, that's uniform. It's the same state. We're not talking about using Mississippi's ID or using Delaware's ID. We're talking about using Texas business IDs.

REPRESENTATIVE PHILLIPS: I -- I think that point has been made, and it's not uniform across the state.

REPRESENTATIVE DUKES: But the point has not been made. You're not being uniform because every single one of the agencies, whether it's the state government or federal government, require that you have...
a background check in order to get these badges. So, what's the problem?

REPRESENTATIVE PHILLIPS: Ms. Dukes, we're asking for --

REPRESENTATIVE DUKES: I mean, there are going to be bills that come up.

REPRESENTATIVE PHILLIPS: We're asking for uniformity to help election clerks so we can have confidence in our elections. I would move to table.

SPEAKER: The Chair recognizes Representative Martinez Fischer to close.

REPRESENTATIVE MARTINEZ FISCHER: Thank you, Mr. Speaker and Members. I think it just underscores what we're really trying to do here. I can't understand the distinction between one state agency and another, and I certainly don't think that Larry is trying to suggest that our state agencies are capable of producing fraudulent ID cards or inaccurate ID cards, and there's no requirement that they ever be uniform but all we need and all this debate has been about is having an ID with your photo on it that's trusted, and if we cannot trust an ID issued by the state, then I have concerns about trusting IDs issued by the Department of Public Safety. They, too -- they're no different of a state agency than the Health and Human Services Commission or the Texas
House of Representatives.

These cards are signed by the legislative liaison for the Texas Department of Public Safety. They signed in the front by the director of the Texas Department of Public Safety. It's a serious felony to not have this.

Larry says it's expired but that's my picture. That's my driver's license number. That's my district on this card. The employee ID that I have, well, she's still here, she still works for this body, and so, I don't see what he's talking about when he says that it's expired.

SPEAKER: Representative Truitt, for what purpose?

REPRESENTATIVE TRUITT: Will the gentleman yield, please?

SPEAKER: Mr. Martinez Fischer, do you yield do you yield?

REPRESENTATIVE MARTINEZ-FISCHER: Yes, I do yield.

REPRESENTATIVE TRUITT: Mr. Martinez Fischer, there's been some discussion about using some of the forms of ID that we're provided as House members. And are you aware that -- I have attempted on a couple of occasions when I misplaced my driver's license to use
a -- our -- one of the ID cards that's issued by the State to us showing that I'm a member of the 82nd -- I think at the time it was the 81st first legislature and an official -- and I was not allowed to use that to board a plane.

REPRESENTATIVE MARTINEZ-FISCHER: And that's why I'm trying to help you because we put this in the law, this -- Members, this is the Martinez Truitt amendment. It's a bipartisan amendment. If you want Vicki Truitt to be able to vote, then you've got to vote no on the motion because -- Members, let's do this for Vicki, Vicki Truitt. Number two on the motion to table, go red with me, I move we vote no on the motion to table. Vicki would want you to join us.

SPEAKER: Mr. Martinez Fischer sends up an amendment. Mr. Phillips move to table. The vote is on the motion to table. Those voting aye vote aye. Those voting no vote no.

Mr. Phillips is voting aye. Mr. Martinez Fischer is voting no. Show Ms. Truitt voting aye.

Have all members voted? By a vote of 97 ayes, 50 nays, 2 present not voting, the motion to table prevails.

Following the amendment, the clerk will read the amendment.
Representative Hernandez Luna to explain her amendment.

REPRESENTATIVE HERNANDEZ LUNA: Thank you, Mr. Speaker, Members. This is a similar amendment but also includes the federal agencies. These are congressmen, Department of Navy, Department of Military, allowing them to show their IDs as well. These are people that we rely on for the security of our country to advise our president, the cabinet on the security of our country, whether we can go to war. I think that that ID should be valid for them to vote as well.

SPEAKER: The Chair recognizes Mr. Phillips to speak against the amendment.

REPRESENTATIVE PHILLIPS: Thank you, Mr. Speaker and Members. I would -- again, this has gone through the committee process, and we're talking about uniformity so that those election workers, those polling workers at their local place will have some consistency and know what we require them to do.

And so, I would urge against -- this is quite a broad thing, an agency or institution of the federal government or agencies or institution or political subdivision of the state. So, if a city has a little ID card or -- or a water district has an ID card,
so, it's quite broad what this could cover. It's not just about the military. It's quite broad. And I would certainly move to table.

SPEAKER: Representative Castro, for what purpose?

REPRESENTATIVE CASTRO: Will the gentleman yield for questions?

SPEAKER: Mr. Phillips, do you yield?

REPRESENTATIVE PHILLIPS: Yes, sir.

SPEAKER: He yields.

REPRESENTATIVE CASTRO: Representative Phillips, you've said that the reason that you want to stick to just a few IDs is because there's uniformity among these IDs that are being issued; is that correct?

REPRESENTATIVE PHILLIPS: Yes. That is one of the many reasons why the committee has worked towards passing this legislation and it's been successful elsewhere.

REPRESENTATIVE CASTRO: And I would imagine as a corollary point of yours would be that there are different kinds of state IDs that are issued; is that right? In other words, the Department of Public Safety versus the --

REPRESENTATIVE PHILLIPS: I'm not sure what you mean by IDs because -- I don't know if you're
talking about employee IDs or --

REPRESENTATIVE CASTRO: Right.

REPRESENTATIVE PHILLIPS: Okay. This isn't -- this could have covered employee IDs, probably written that broadly but I don't think that's what this amendment was for but --

REPRESENTATIVE CASTRO: What's your understanding of what the amendment does? Which IDs would it allow?

REPRESENTATIVE PHILLIPS: This is federal or local government, not state IDs.

REPRESENTATIVE CASTRO: Okay. Well -- so, the federal and local governments issue different -- IDs that look differently; is that right?

REPRESENTATIVE PHILLIPS: Yes.

REPRESENTATIVE CASTRO: In other words, San Antonio may issue one that looks different from Dallas?

REPRESENTATIVE PHILLIPS: They might have an ID -- we don't know if they even do.

REPRESENTATIVE CASTRO: But are you aware that the Department of Public Safety issues licenses that look different?

REPRESENTATIVE PHILLIPS: They have different ones but they're -- yes.

REPRESENTATIVE CASTRO: So, how is that
uniform then?

REPRESENTATIVE PHILLIPS: Because they're -- there are very limited ones that they -- that they produce.

REPRESENTATIVE CASTRO: But that's -- but your argument --

REPRESENTATIVE PHILLIPS: No. No. No.

REPRESENTATIVE CASTRO: Your argument has been uniformity. How is it that uniform?

REPRESENTATIVE PHILLIPS: They are uniform. They're uniform in how they look. They maybe have -- one may be going horizontal. One may be going vertical. So, we're not talking about 50 or however many -- 254 counties if they did them, plus all the cities, that they would have to somehow figure if that's something that's acceptable or not.

REPRESENTATIVE CASTRO: But you're conceding --

REPRESENTATIVE PHILLIPS: Uniformity -- no.

REPRESENTATIVE CASTRO: You're conceding now that there's no uniformity, which is an argument that you made.

REPRESENTATIVE PHILLIPS: No, I'm not conceding that. And also, get back to we know DPS has a process and a standard for training and determining
validity of those presenting themselves for an ID. We don't know that about all of those that are stated here.

REPRESENTATIVE CASTRO: You also made the point, is it right -- is it correct you made the point that poll workers wouldn't necessarily know how to identify some of these IDs?

REPRESENTATIVE PHILLIPS: We're talking about -- again, we're talking about to make sure that they are valid and that they understand what's acceptable, and what you're trying to do is interject confusion to the local poll workers --

REPRESENTATIVE CASTRO: No, not at all.

REPRESENTATIVE PHILLIPS: -- when you have so many different IDs. So --

REPRESENTATIVE CASTRO: I guess my question is --

REPRESENTATIVE PHILLIPS: I think I'm being consistent. I think I'm being consistent and we're being consistent throughout this legislation process.

REPRESENTATIVE CASTRO: Well, I disagree but my question is -- my question is isn't there a training session for these folks who work -- who do the poll working?

REPRESENTATIVE PHILLIPS: There are training sessions. And how much time do you want them to have to
figure out what is a valid ID and which is acceptable? Because we're talking about very limited opportunity for them to have training.

REPRESENTATIVE CASTRO: Representative, can I ask you have you ever been to a polling site -- you've visited many polling sites in your political career; is that right?

REPRESENTATIVE PHILLIPS: I have been to polling sites.

REPRESENTATIVE CASTRO: Okay. Have you ever been to a polling site where the poll workers, the election judge posts the no -- the no -- basically the no man's land, the no crossing zone either further or closer than it should be?

REPRESENTATIVE PHILLIPS: I don't know. I'd have to go back and measure. I don't know that --

REPRESENTATIVE CASTRO: You've never come across that in all of the polling sites you've come across?

REPRESENTATIVE PHILLIPS: I don't think that's been an issue, no.

REPRESENTATIVE CASTRO: Well, I think you would be surprised, at least in San Antonio and other places I've been, poll workers mess that up all the time. So, what makes you think that -- if you're
worried about them not being able to tell local or federal IDs apart, that they're going to be perfect on doing any of what you guys are passing right now?

REPRESENTATIVE PHILLIPS: Well --

REPRESENTATIVE CASTRO: I mean, a lot of them don't even put the markers at the correct place.

REPRESENTATIVE PHILLIPS: Well, I haven't seen that to be an issue, so --

REPRESENTATIVE CASTRO: Thank you.

SPEAKER: Ms. Hernandez Luna sends up an amendment. Mr. Phillips moves to table. The vote is on the motion to table. Members vote ayes, members vote no. Clerk will ring the bell.

Mr. Phillips is voting aye. Representative Hernandez Luna voting nay. Representative Marquez voting -- Marquez voting nay.

Have all voted? A vote of 99 ayes, 49 nays, 2 present not voting, the motion to table prevails.

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Gonzales of Hidalgo.

SPEAKER: The Chair recognizes Representative Gonzales.

REPRESENTATIVE GONZALES: Thank you,

Mr. Speaker, Members. Throughout the day, we've been
talking about these provisional ballots that are to be voted and the affidavits that have to be signed. All
this -- all this amendment does is it requires that the affidavits be available at every polling place.

If we want to ensure that every person that's eligible to vote is given an opportunity to vote, we need to have the tools made available to them, including these affidavits that they can sign if they don't have their ID at the time and need to vote a provisional ballot. I hope it will be acceptable to the author.

SPEAKER: Ms. Harless, for what purpose?

REPRESENTATIVE HARLESS: Will the -- will the member yield?

SPEAKER: Do you yield?

REPRESENTATIVE GONZALES: Yes, I will.

SPEAKER: She yields.

REPRESENTATIVE HARLESS: I wanted to clarify what our conversation was. You talked about having these affidavits at the polling place that they have to sign if they're casting a provisional ballot. You're not in any way trying to cut out the photo ID requirements, are you?

REPRESENTATIVE GONZALES: Not with this particular amendment. This amendment would simply say
your bill already includes the requirement that the affidavit be signed if they have to sign a -- or fill out a provisional ballot.

All this would say is let's make it available to them at the polling places so that they don't have to be traveling to another location to fill out an affidavit.

REPRESENTATIVE HARLESS: Right. So, they show up at a polling place and they don't have one of the subscribed forms of identification?

REPRESENTATIVE GONZALES: Correct.

REPRESENTATIVE HARLESS: And they fill out a provisional ballot and have to sign an affidavit?

REPRESENTATIVE GONZALES: Correct.

REPRESENTATIVE HARLESS: And you're saying when they're at that polling place, if they want to cast the provisional ballot that requires the affidavit signed, that that polling place should have that -- those -- those affidavits there on location site?

REPRESENTATIVE GONZALES: That's correct.

That's correct.

REPRESENTATIVE HARLESS: Could we -- could I ask that the -- our comments be recorded?

SPEAKER: Members, you've heard the motion. Is there any objection? So ordered -- the Chair has
done. So ordered.

Ms. Gonzalez sends up the amendment. The amendment is acceptable. Is there any objection?
The Chair hears none. The amendment is adopted.

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Miles.

SPEAKER: The Chair recognizes Mr. Miles to explain his amendment.

REPRESENTATIVE MILES: Thank you, Mr. Speaker, Members. The statistics are showing that minorities and low income individuals are the most unrepresented groups in the electoral process. And in Texas, we rank dead last in voter turnout.

Members, under the current bill, the Secretary of State is requiring us to conduct a statewide (Inaudible) education and voter regarding ID requirements to the tune of $2.4 million.

Members, my amendment simply states the purpose is for the Secretary of State to ensure voter registration includes initiatives given towards minorities and low income residents.

Members, we have an electoral crisis on our hands, and no matter if we're Republican or Democrat, we
owe it to our constituents, especially those that are most under represented, to provide them with all the necessary tools to become educated in the electoral practice.

SPEAKER: Representative Harless, for what purpose?

REPRESENTATIVE HARLESS: Will the member yield?

REPRESENTATIVE MILES: Yes, I will.

SPEAKER: He yields.

REPRESENTATIVE HARLESS: I agree with your amendment. I just want to make sure we're not specifically talking about a dollar amount?

SPEAKER: Members, could we have order, please, on the floor? Take your conversations outside the rail.

REPRESENTATIVE HARLESS: We're not specifically talking about a dollar amount, we just want the statewide effort to include education training?

REPRESENTATIVE MILES: That is correct.

That's correct, ma'am.

REPRESENTATIVE HARLESS: Thank you.

REPRESENTATIVE MILES: My amendment is acceptable by the -- by the author, and I move acceptance.
SPEAKER: Representative Miles sends up the amendment. It's acceptable to the author. Is there any objection?

The Chair hears none. The amendment is adopted.

Following the amendment, the clerk will read the amendment.

Ms. Harper-Brown.

CLERK: Amendment by Harper-Brown.

SPEAKER: The Chair recognizes Representative Harper-Brown to explain her amendment.

REPRESENTATIVE HARPER-BROWN: Thank you, Mr. Speaker, Members.

Members, this amendment solves the problem that Representative Anchia brought up earlier where there was actually an out in the bill that would allow a person to go in and vote and never show a photo ID.

It actually eliminates those provisions where the affidavit is needed for indigent or religious purposes. And I move passage.

SPEAKER: Representative Harper-Brown sends up an amendment. Is it acceptable to the author?

The amendment is acceptable to the author. Is there any objection?

Mr. Anchia, for what purpose?
REPRESENTATIVE ANCHIA: I'd like to ask the lady some questions, please.

SPEAKER: The lady has yielded the floor.

REPRESENTATIVE ANCHIA: Should the author of the amendment -- may I ask the author of the amendment some questions?

SPEAKER: The lady yields for one question.

REPRESENTATIVE HARPER-BROWN: Thank you, Mr. Speaker.

I yield for a question.

REPRESENTATIVE ANCHIA: Okay. What is the -- can you -- I couldn't hear what was going on at the front mic, so, could you discuss what your amendment does?

REPRESENTATIVE HARPER-BROWN: Yes. Representative Anchia, this is the section of the Code or the section of the bill that you discussed earlier that talks about how someone could actually go in and vote without showing an ID at all if they sign an affidavit saying that they have a problem due to the religious objection or the indigence.

And so, it takes those two provisions out and just says you can vote provisionally and then you have the six days to bring the photo ID in to prove that you -- that you have -- that you can vote.
Representative Anchia: Okay. So, it just removes indigence exception and religious objection?

Representative Harper-Brown: That's it.

Representative Anchia: Those are the exceptions right now. And what you have to do after six days is come in and cure only with a photo ID?

Representative Harper-Brown: Within the six days.

Representative Anchia: Within the six day cure period?

Representative Harper-Brown: Right. Right. Thank you.

Speaker: Representative Harper-Brown sends up an amendment. It is acceptable to the author. Is there any objection?

The Chair hears none. The amendment --

There is an objection. Members --

Ms. Harper-Brown sends up an amendment. There is an objection. The question is on the -- on the amendment itself. Members vote aye, members vote no. Ms. Harper-Brown is voting aye. Clerk will ring the bell. Mr. Villarreal is voting no.

Have all members voted? Show Representative Rodriguez voting no -- aye -- voting aye. Have all members voted? By vote of 107 ayes, 40 nays, 2 present
not voting, the amendment is passed.

Following the amendment, the clerk will read the amendment.

Mr. Dutton.

CLERK: Amendment by Dutton.

SPEAKER: Mr. Dutton?

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Gonzalez of El Paso.

SPEAKER: The Chair recognizes Representative Gonzalez to explain her amendment.

REPRESENTATIVE GONZALEZ: Members, this is the amendment that we heard earlier and no news -- nothing further to report on that. So, I move passage of this amendment, and I believe it's acceptable to the -- to the author.

SPEAKER: Representative Gonzalez sends up an amendment. It's acceptable to the author. It is acceptable to the author? Is there any objection? The Chair hears none. The amendment is adopted.

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Dutton.

SPEAKER: The Chair recognizes Mr. Dutton to
explain his amendment.

REPRESENTATIVE DUTTON: In keeping with
their motion to table, I move passage.

Mr. Speaker, Members, this amendment
simply -- in the bill, it says for 60 and under, this
card is going to cost you $15. This just changes it to
10 in light of our budget situation and everybody else's
budget situation.

SPEAKER: The Chair recognizes
Representative Harless to speak against the amendment.

REPRESENTATIVE HARLESS: Thank you,
Mr. Speaker, Members. This is not the proper venue for
this debate on this issue. This should be debated in a
transportation related bill.

This cost is not related to the free ID for
voting purposes, and I ask that you table the amendment.

SPEAKER: Representative Dutton sends up an
amendment.

The Chair recognizes Representative Dutton
to close.

REPRESENTATIVE DUTTON: Mr. Speaker,
Members, in light of the fact that the -- these are
financially difficult times, I thought it ought to be
also reflected in a cost of obtaining this card that
it's not $15. All this does is changes it to $10. I
1 don't think that's too much to ask. And so, in light of
2 all of the budget considerations that we in this House
3 have had to make and that people back home are having to
4 make, I thought it was just appropriate to change this
5 to $10 rather than 15.
6
7 And so, with that, I would ask you to
8 move -- vote no on the motion to table.
9
10 SPEAKER: Mr. Dutton sends up an amendment.
11 Representative Harless moves to table. The question is
12 on the motion to table. Members vote aye, members vote
13 no.
14
15 Show Representative Harless voting aye.
16 Mr. Dutton voting no. Clerk will ring the bell.
17
18 Have all members voted? By a vote of 99
19 ayes, 47 nays, 2 present not voting, the motion to table
20 prevails.
21
22 Following the amendment, the clerk will read
23 the amendment.
24
25 CLERK: Amendment by Dukes.
26
27 SPEAKER: The Chair recognizes
28 Representative Dukes to explain her amendment.
29
30 Representative Dukes?
31
32 Following the amendment, the clerk will read
33 the amendment.
34
35 Hold on.
The Chair recognizes Representative Dukes to explain her amendment.

REPRESENTATIVE DUKES: Mr. Speaker, Members, this -- the author of this bill has repeatedly stated that the purpose is not to require anyone to have to go and buy a new ID. The DPS will issue an ID if you go in and request it for the purposes of voting.

So, what this amendment does is it ensures that DPS would not be able to charge for the ID by changing the permissive language of may not to shall not charge for the ID.

Repeatedly, the author has stated that this bill was not about requiring the purchase of a new ID, and language in the bill has stated that one would not be charged for an ID if they went in and stated it for these purposes.

Therefore, if permissive language is in the law, a year from now, some months from now, DPS can decide, well, it doesn't completely preclude us from charging, so, we can, therefore, start to charge.

SPEAKER: Ms. Truitt, for what purpose?

REPRESENTATIVE TRUITT: Does the gentlelady yield?

SPEAKER: Ms. Dukes, do you yield?

REPRESENTATIVE DUKES: Yes, I will.
SPEAKER: She yields.

REPRESENTATIVE TRUITT: Ms. Dukes, what if they weren't going to use it for voting? How would -- what if they weren't going to use it for voting purposes?

REPRESENTATIVE DUKES: What if they only want to use it for voting purposes?

REPRESENTATIVE TRUITT: No. If they -- if they are not going to use it for voting purposes, they just -- it's just an ID but they may not be using it for voting purposes, how would --

REPRESENTATIVE DUKES: That's a different subject. The bill already has language in it that the agency cannot charge them if they state it is for the purpose -- so, the area in the bill that I'm changing is specific to the ID to be used for voting, that they shall not be able to charge for that.

REPRESENTATIVE TRUITT: Oh, okay. You're converting a may to a shall?

REPRESENTATIVE DUKES: Correct. It's a wonderful amendment and it's acceptable to the author. Thank you.

SPEAKER: Representative Dukes sends up an amendment that is acceptable to the author. Is there any objection?
The Chair hears none. The amendment is adopted.

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Representative Dutton.

SPEAKER: The Chair recognizes Representative Dutton to explain his amendment.

REPRESENTATIVE DUTTON: Mr. Speaker, Members, there's, at least in my mind, some confusion about the previous amendment. I think what it does, though, it prohibits them from charging a fee for a personal identification certificate for a person who says they want to use that to vote; is that right? Is that right?

It's my understanding that that's already in the bill, so, I'm going to withdraw my amendment.

SPEAKER: Amendment withdrawn.

Following the amendment, the clerk will read the amendment.

Mr. Raymond.

CLERK: Amendment by Raymond.

SPEAKER: The Chair recognizes Representative Raymond to explain his amendment.

REPRESENTATIVE RAYMOND: Thank you, Mr. Speaker, Members.
Members, this amendment simply states that the Section 31.012, the voter identification education portion of the bill, which is on Page 3, would let the -- Section 203 and 14F4 of the Voting Rights Act would apply to this section. Move adoption.

SPEAKER: The Chair recognizes Representative Harless to speak against the amendment.

REPRESENTATIVE HARLESS: Mr. Speaker,

Members, Voting Rights Act either does or does not apply to various sections of this bill. This is for the Supreme Court to determine and not the Texas legislature.

I move to table.

SPEAKER: For what purpose?

REPRESENTATIVE RAYMOND: Does the gentlelady yield?

SPEAKER: Do you yield?

REPRESENTATIVE HARLESS: Yes.

SPEAKER: She yields.

REPRESENTATIVE RAYMOND: Ms. Harless, do you believe the Voting Rights Act?

REPRESENTATIVE HARLESS: I'm sorry?

REPRESENTATIVE RAYMOND: Do you believe the Voting Rights Act? Do you believe the Voting Rights Act is a good law?
REPRESENTATIVE HARLESS: I do.

REPRESENTATIVE RAYMOND: So, you believe there's still discrimination in the voting place?

REPRESENTATIVE HARLESS: I'm sorry.

REPRESENTATIVE RAYMOND: So, you believe there is still discrimination in the voting place?

REPRESENTATIVE HARLESS: No, I do not think there is.

REPRESENTATIVE RAYMOND: Then why do you think that we -- that the Voting Rights Act is a good law?

REPRESENTATIVE HARLESS: I think at the time when it was passed, it was very effective. Texas is a Section 5 state. It's going to have to go for preclearance before the Department of Justice or the three federal judges in the District of Columbia. They will decide if we have met the standards of the Voting Rights Act. This is not the venue for us to decide. We -- we've got the lines that they have drawn in the cases that we've already seen. We know that. We know what the standards they've set. We've complied with that in our bill. This is not the venue to --

REPRESENTATIVE RAYMOND: Do you believe -- are you telling me you believe that we don't need the Voting Rights Act any more?
REPRESENTATIVE HARLESS: You're putting words in --

REPRESENTATIVE RAYMOND: I'm asking. Do you believe --

REPRESENTATIVE HARLESS: You're putting words into my mouth.

REPRESENTATIVE RAYMOND: Do you believe we still need the Voting Rights Act?

REPRESENTATIVE HARLESS: I don't think this is the place to debate that.

REPRESENTATIVE RAYMOND: Yes, ma'am, it is entirely a place to debate that. This is a -- would you agree that this is a major piece of legislation dealing with voting in the State of Texas?

REPRESENTATIVE HARLESS: I do.

REPRESENTATIVE RAYMOND: And you do not believe that the Voting Rights Act should be discussed in this context?

REPRESENTATIVE HARLESS: We have discussed it.

REPRESENTATIVE RAYMOND: Okay. Then let's continue to discuss it for a minute. Do you believe the Voting Rights Act is still necessary?

REPRESENTATIVE HARLESS: I believe we're still under the regulations of the Voting Rights Act.
REPRESENTATIVE RAYMOND: I'm asking you because you're the author of this very important bill and I think this is very important for people to understand your intent. Do you believe the Voting Rights Act is still necessary?

REPRESENTATIVE HARLESS: As I've said before, this is a federal -- this is a federal issue to be decided by the federal courts. This isn't for us in the Texas Legislature to discuss right now.

REPRESENTATIVE RAYMOND: Ma'am, you are dealing with legislation here -- you are -- you are proposing a bill that would affect every single voter in the State of Texas, including minorities. You would agree with that, right?

REPRESENTATIVE HARLESS: Say that one more time. It's hard for me to hear you.

REPRESENTATIVE RAYMOND: You are representing a bill that would affect the voting rights of every voter in the State of Texas, including minorities. Would you agree with that?

REPRESENTATIVE HARLESS: I do not agree with that. I think --

REPRESENTATIVE RAYMOND: Really? Your bill does not apply to minorities?

REPRESENTATIVE HARLESS: I think we increase
access to the polls by putting some checks and balances  
that voters actually show ID that they are who they are  
when they show up to vote.

REPRESENTATIVE RAYMOND:  Does your bill -- I  
have a very simple question. Does your bill apply to  
minorities in the State of Texas?

REPRESENTATIVE HARLESS:  My bill -- my bill  
applies to everyone equally across the state.

REPRESENTATIVE RAYMOND:  Including  
minorities; is that right?

REPRESENTATIVE HARLESS:  Everyone.

REPRESENTATIVE RAYMOND:  Including  
minorities?

REPRESENTATIVE HARLESS:  All Texans.

REPRESENTATIVE RAYMOND:  Including  
minorities?

REPRESENTATIVE HARLESS:  All Texans.

REPRESENTATIVE RAYMOND:  Including  
minorities?

REPRESENTATIVE HARLESS:  All Texans.

REPRESENTATIVE RAYMOND:  You won't even  
acknowledge whether or not your bill affects --  
REPRESENTATIVE HARLESS:  It -- I said it

applies to all Texans.

REPRESENTATIVE RAYMOND:  Including
minorities, right?

REPRESENTATIVE HARLESS: All Texans, every voter in the state.

REPRESENTATIVE RAYMOND: Minorities are Texans, right?

REPRESENTATIVE HARLESS: Do you want to go back and forth all day? I've answered the question.

REPRESENTATIVE RAYMOND: No. I want you to answer the question, ma'am.

REPRESENTATIVE HARLESS: I did. It applies to all --

REPRESENTATIVE RAYMOND: With all due respect, I feel like you're being flippant about something that is very important to millions of Texans.

REPRESENTATIVE HARLESS: I absolutely don't mean to be flippant. If I'm coming across that way, I apologize.

REPRESENTATIVE RAYMOND: It's a very simple question.

REPRESENTATIVE HARLESS: And I gave you a very simple answer. It applies to all Texans.

REPRESENTATIVE RAYMOND: I will ask you -- I will ask you one more time. Does your bill apply to minorities?

SPEAKER: Time has expired. Point is well
taken. Sustained.

The Chair recognizes Representative Raymond to close on his amendment.

Mr. Raymond moves that the exchange between himself and Ms. Harless be reduced to writing and entered in the journal. Is there any objection?

The Chair hears none. So ordered.

The Chair recognizes Mr. Raymond to close.

REPRESENTATIVE RAYMOND: Mr. Speaker, Members, it is troubling to say the least that the author of this bill was not willing to acknowledge that this legislation will affect minority voters in the State of Texas. It is troubling to say the least.

It is doubly troubling that she is not willing to accept this simple amendment, which I know many of my Republican friends who would, I believe, accept if they gave it any thought, that says this will comply with the Voting Rights Act, that the section I specifically referred to here, the voter identification education section, would comply with Section 2, which is the language section of the Voting Rights Act.

It is disappointing that Ms. Harless would not accept the amendment. It is even more disappointing that she was not even willing to acknowledge that her legislation will affect minorities all over the State of
Texas.

I move -- I ask that you vote no.

SPEAKER: Mr. Veasey, for what purpose?

REPRESENTATIVE VEASEY: Will the gentleman yield for a question?

SPEAKER: Will you yield for a question?

REPRESENTATIVE RAYMOND: Yes.

SPEAKER: He yields.

REPRESENTATIVE VEASEY: Representative Raymond, why don't you think Representative Harless would answer your question directly? It was a very important question dealing with the Voting Rights Act. We -- we know that we are a Section 5 state. I hope that she knows that we're a Section 5 state since she's carrying this bill, and could you maybe elaborate on why she did not want to answer your question directly?

REPRESENTATIVE RAYMOND: You know, it's -- it's hard to read someone else's mind but I will tell you that in 2006 -- I'm not sure every member in here knows this but in 2006, a man named George W. Bush signed into law the extension of the Voting Rights Act for 25 years, and he said although we've come a long way, there's a still a ways to go.

And for the author of this bill not to acknowledge what a president from this state was willing
to acknowledge a mere five years ago and, that is, that
the Voting Rights Act is still necessary and that her
bill would, in fact, affect millions of Texans who are
minorities and who are protected by Section 2 of the
Voting Rights Act is troubling.

I don't know what else to tell you but I
think that -- I think it certainly should give people
pause to think about what's going on here.

REPRESENTATIVE VEASEY: If you're the author
of a bill like this that's going to drastically change
election law in your state, don't you think you should
have a good understanding of the Voting Rights Act and
the history of the act and why it was passed before you
embark on a piece of legislation that could have the
type of consequences I believe that this piece of
legislation will have?

REPRESENTATIVE RAYMOND: Well, I would
expect that in the year 2011 but, you know, you just
heard the exchange. It -- it was surprising and
troubling to me that the author of this bill was not
willing to acknowledge the importance of the Voting
Rights Act and the fact that her bill would affect
millions of Texans who are protected by it.

REPRESENTATIVE VEASEY: You have a good
amendment and because of all the good amendments that
have been turned down tonight, we can see exactly where
this bill is headed.

Thank you, Representative Raymond.

REPRESENTATIVE RAYMOND: Thank you.

REPRESENTATIVE BERMAN: Mr. Speaker?

SPEAKER: Mr. Berman, for what purpose?

REPRESENTATIVE BERMAN: Does the gentleman yield?

REPRESENTATIVE RAYMOND: Yes, of course.

SPEAKER: He yields.

REPRESENTATIVE BERMAN: Richard, you're a good guy. And, Richard, are you a minority?

REPRESENTATIVE RAYMOND: I am.

REPRESENTATIVE BERMAN: Is Mr. Veasey a minority?

REPRESENTATIVE RAYMOND: Yes, sir.

REPRESENTATIVE BERMAN: Are you both Texans?

REPRESENTATIVE RAYMOND: Yes, sir, we are.

REPRESENTATIVE BERMAN: Ms. Harless answered the question, and she said all Texans.

REPRESENTATIVE RAYMOND: You know, Leo, and I am glad you called me Richard because I'd actually like for us to talk --

REPRESENTATIVE BERMAN: I like you.

REPRESENTATIVE RAYMOND: If you were
listening to a bill and you had been around 75 years, as you just mentioned, she specifically would not say -- when I asked a simple question are minorities -- you know, will this affect minorities, will your bill include minorities, in other words, I'm a minority, is this going to apply to me, yes, I'm going to need a voter ID to go vote, right?

REPRESENTATIVE BERMAM: Yeah, but --

(Inaudible).

REPRESENTATIVE RAYMOND: No. No. You listened to it, Leo. You listened to it. You listened to it. And I say, "Well, just tell me does this affect minorities?"

"It affects all Texans."

"Does this affect minorities?"

She wouldn't say it.

REPRESENTATIVE BERMAM: I think you hit her too hard really. I know you're a minority. I know --

REPRESENTATIVE RAYMOND: Leo, she's not a shrinking violet.

REPRESENTATIVE BERMAM: I know that.

REPRESENTATIVE RAYMOND: She's a tough lady.

REPRESENTATIVE BERMAM: I know that but she said all Texans, and all Texans include every minority in Texas.
REPRESENTATIVE RAYMOND: Leo, do you --

Leo --

REPRESENTATIVE BERMAN: Of course, they do.

REPRESENTATIVE RAYMOND: Let me ask you, Leo, do you believe that this law will apply to minorities in the State of Texas?

REPRESENTATIVE BERMAN: Yes, I do.

REPRESENTATIVE RAYMOND: You see, you were willing to answer it.

REPRESENTATIVE BERMAN: But she didn't have to. She --

SPEAKER: Representative Sheffield raised a point of order. The gentleman's time is expired. The point of order is well taken. Sustained.

REPRESENTATIVE RAYMOND: I'd like to make a motion to reduce the exchange between Ms. Harless and myself and Mr. Veasey and myself into writing and enter it into the journal.

SPEAKER: Members, you've heard the motion. Is there any objection?

The Chair hears none. So ordered.

Representative Raymond sends up the amendment. Representative Harless moves to table. The vote is on the motion to table. Members vote aye, members vote no. Show Representative Harless voting...
Representative Raymond voting no. Clerk will ring the bell. Representative Gonzales voting aye. Representative Carter voting aye. Representative Chen and Dutton voting aye. Representative Branton voting aye.

Have all members voted? By a vote of 99 ayes, 48 nays, 2 present not voting, the motion to table prevails.

Following the amendment --

CLERK: Amendment by Raymond.

SPEAKER: The Chair recognizes Representative Raymond.

REPRESENTATIVE RAYMOND: Okay. Members, since Ms. Harless would not accept an amendment to this bill, saying that this bill would comply with the Voting Rights Act, Section 5, then I now am offering an amendment that says it will apply to Section 2, which is the language section of the Voting Rights Act since we are a -- a language minority state. Move adoption.

SPEAKER: The Chair recognizes Representative Phillips in opposition.

REPRESENTATIVE PHILLIPS: Thank you, Mr. Speaker. I would move to -- I would speak in opposition to this amendment. Again, we're getting far -- far from what the Texas legislature needs to be doing, and I
would move to table.

   REPRESENTATIVE RAYMOND: Mr. Speaker?

   SPEAKER: Mr. Raymond, for what purpose?

   REPRESENTATIVE RAYMOND: Does the gentleman yield?

   SPEAKER: The gentleman yields.

   REPRESENTATIVE PHILLIPS: Briefly. It's been a busy night. They keep growing.

   REPRESENTATIVE RAYMOND: It won't be more than about 8 minutes.

   Very simply, I guess I want to ask you do you -- do you believe that this bill should comply with the Voting Rights Act?

   REPRESENTATIVE PHILLIPS: I believe that we need to follow the law and make sure that we comply with every constitutional requirement that is imposed on us as a body.

   Now, what your -- this is a specific section and -- and portion of the Voting Rights Act. I don't know if those sections apply to this. That would be up to the -- that will be up to ultimately the Supreme Court to determine, and that's who we need to let determine it.

   I don't think we need to be second guess what they do mean and don't mean and whether all of
these provisions apply.

REPRESENTATIVE RAYMOND: Well, let me ask -- because I see a troubling pattern here.

REPRESENTATIVE PHILLIPS: I can't hear you.

REPRESENTATIVE RAYMOND: Let me ask, because I see a troubling pattern, a simple question. Do you believe that the Voting Rights Act is a good law?

REPRESENTATIVE PHILLIPS: That is not a question before this. There are issues -- there are issues of whether all of the Voting Rights Act are necessary at this time. There are parts of it that are important, have been important to transform elections in this -- in this nation.

REPRESENTATIVE RAYMOND: So, you believe -- so, you don't believe that this -- the Voting Rights Act is necessarily necessary?

REPRESENTATIVE PHILLIPS: Mr. Raymond, I'm not going --

REPRESENTATIVE RAYMOND: No. No.

REPRESENTATIVE PHILLIPS: I'm not going to get into --

REPRESENTATIVE RAYMOND: No. No. This is important.

REPRESENTATIVE PHILLIPS: Hold on. Let me answer.
Representative Raymond: Let me ask my question. Let me ask my question and then you can answer. You're a smart guy.

Representative Phillips: You ask a question and then you answer the question and then you ask a question and you won't let me answer.

Representative Raymond: No. No. Okay. Let me -- because I didn't ask it correct -- I didn't ask it clearly, I think.

Do you believe -- do you believe that -- Mr. Phillips --

Representative Phillips: Go ahead. I'm waiting for your question.

Representative Raymond: Let me ask this: Do you recognize that Texas is a protected -- do you know or do you recognize if Texas is a protected state under the Voting Rights Acts? Just yes or no.

Representative Phillips: Yes, I do.

Representative Raymond: Okay. So --

Representative Phillips: The federal government, under George Bush, they voted to extend the Voting Rights Act for 25 years. Yes, they did.

Representative Raymond: Okay. So, you recognize we're covered by that then?

Representative Phillips: Yes, and that's
the whole point. If we're covered by that, we're covered by that, and we don't need to say oh -- you're trying to impose something on this bill from a federal perspective. We either are or we aren't.

REPRESENTATIVE RAYMOND: Exactly. All I'm saying with this amendment -- all I'm saying with this amendment -- and this is why I'm baffled as to why you would move to table it -- is that if we don't comply with the Voting Rights Act, it should not become a law.

Is it your position if it does not comply with the Voting Rights Act, it should still become law?

REPRESENTATIVE PHILLIPS: You're bringing sections in and say that this has to apply to every provision and --

REPRESENTATIVE RAYMOND: No. No. No.

REPRESENTATIVE PHILLIPS: -- that's not what we need to do. We need to leave that for the federal government -- I mean, for the courts to decide whether we comply because the lawyers have worked through this to craft this, and we do not want to do anything that's going to violate -- that's what we're going to do.

REPRESENTATIVE RAYMOND: This -- this very specifically -- what you just said isn't accurate, Larry. This amendment very specifically -- this applies just to one section of the bill --
REPRESENTATIVE PHILLIPS: Right.
REPRESENTATIVE RAYMOND: -- the voter identification education section, that's all.
REPRESENTATIVE PHILLIPS: Okay.
REPRESENTATIVE RAYMOND: If you look at the amendment --
REPRESENTATIVE PHILLIPS: You're asking to include, right -- you're asking to include and say this section of federal law applies to what we're doing. That's part of the -- I don't -- I mean, from our -- from my perspective, I don't need -- know that we need to be here saying, well, gosh, we want everything to apply to everything we do.
If it's covered by it, it's covered by it, Mr. Raymond. We don't need to include it.
REPRESENTATIVE RAYMOND: Surely, you do --
REPRESENTATIVE PHILLIPS: We don't determine that.
REPRESENTATIVE RAYMOND: Well, let me -- I want to make sure I'm hearing you right. Surely, you would want us to comply with federal voting rights --
REPRESENTATIVE PHILLIPS: Mr. Raymond, that's exactly --
REPRESENTATIVE RAYMOND: -- laws?
REPRESENTATIVE PHILLIPS: -- the point that
we've been making.

REPRESENTATIVE RAYMOND: You do want us to comply with -- so I'm clear, you do want this -- you do want --

REPRESENTATIVE PHILLIPS: No. We want to comply with federal law.

REPRESENTATIVE RAYMOND: Okay. So, you do --

REPRESENTATIVE PHILLIPS: And that's exactly the intended purpose of what we're doing here today in trying to comply with federal law, and that's why we're trying to keep this bill simple and the whole procedure simple instead of adding stuff to it that may trigger a section that does or does not apply. I don't see the problem with it.

REPRESENTATIVE RAYMOND: Again, are you saying that you want Senate Bill 14, the section that I -- the voter identification education section, do you want it to comply with the federal voting rights laws?

REPRESENTATIVE PHILLIPS: I want this to comply with Federal Rules, and if those voting rights laws that are in effect apply to this and they are constitutional, the Supreme Court will uphold it, and if they don't, they won't.

REPRESENTATIVE RAYMOND: Well, then all
the -- all my amendment says --

REPRESENTATIVE PHILLIPS: No. Your amendment says this has to apply here, and -- and that's something we're saying we're not going to start doing. We could go through and say we want the entire constitution of the United States to apply to this law. It either does or it doesn't. We don't need to do that as a state.

REPRESENTATIVE RAYMOND: We're taking about --

REPRESENTATIVE PHILLIPS: The federal government -- the federal government passes the laws that they do, and we're either going to follow those laws or we're not. We either have to or we don't. And that is part of the debate that is going on across this nation of what we do. And we do not want to -- we don't want to incorporate federal -- we're trying to stop federal laws that we don't agree with.

REPRESENTATIVE RAYMOND: So, you believe that -- so I'm clear, you believe that this section of the bill, which deals with language, right, voter identification education and the words language are used in that section of the bill, you believe that they may not need to comply with the Voting Rights Act; is that correct?
REPRESENTATIVE PHILLIPS: No. Either --
they either do or they don't.

REPRESENTATIVE RAYMOND: And if they don't,
then it should not -- it should not --

REPRESENTATIVE PHILLIPS: No. Then you're
starting to put a requirement or a hurdle that may or
may not need to be there.

REPRESENTATIVE RAYMOND: Larry, how could
you -- how could you honestly look at me and say --
we're talking about --

REPRESENTATIVE PHILLIPS: Because --
REPRESENTATIVE RAYMOND: Let me finish my
question.

How could you honestly look at me and say we
have a major piece of legislation here -- how could you
look at me and honestly say we have a major piece of
legislation here and the section of the bill that deals
with voter identification education and uses the word
language because, obviously, in the State of Texas,
there are people like my grandmother who didn't speak
English but who was a United States citizen her whole
life, that that would not be covered and should not be
covered by the Voting Rights Act? How could you
honestly say that, Larry?

SPEAKER: Representative Allen has raised a
point of order that the gentleman's time is expired.
The point of order is well taken and sustained.
The Chair recognizes Representative Raymond to close.

REPRESENTATIVE RAYMOND: Again, Members, it's -- it is -- it is frustrating in the year 2011 to stand up here and be debating members of this legislature who do not want -- who appear to be -- do not want the Voting Rights Act to apply to this bill.

It is -- it is disheartening, it is wrong, and I think in the end you will not prevail. We shall overcome. I move adoption.

I move to reduce to writing the exchange between Mr. Taylor and myself and my closing remarks to writing and put in the journal.

SPEAKER: You've heard the motion. Is there objection?

The Chair hears none. So ordered.

Mr. Raymond sends up an amendment. Mr. Phillips move to table. The question is on the motion to table. Vote aye, vote no. Show Mr. Raymond voting no. Mr. Phillips voting aye. Show Mr. Gonzales voting aye. Mr. Pena voting aye. Mr. Driver voting aye. Mr. Gutierrez voting no. Ms. Truitt voting aye. Show Ms. Harless voting aye. Ms. Giddings voting no.
Have all voted? Show Ms. Truitt voting aye.

There being 100 ayes, 49 nays, motion to table prevails.

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Dutton.

SPEAKER: The Chair recognizes Representative Dutton.

REPRESENTATIVE DUTTON: Thank you, Mr. Speaker, Members. This is an amendment that if you'll recall on the very first day this bill was out here, there was some confusion about whether or not the bill specified calendar days or business days.

What this amendment does, it says simply seven business days, which conforms to the Election Code in regard to provisional ballots.

And so, with that, I move -- I don't know if they've had a chance to look at it. If you all don't mind -- you all don't like it? Okay. Then I would wait to close, Mr. Speaker.

SPEAKER: The Chair recognizes Representative Harless.

REPRESENTATIVE HARLESS: Thank you, Members. This -- we kind of had some debate about this on Monday. This is the six days -- business days. It's changing to seven business days.
The problem with this is that provisional ballots have to be counted within seven days, and if we extend it to seven days, we are not looking in the Code for the counting of the provisional ballots. So, I ask that you table this amendment.

SPEAKER: The Chair recognizes Representative Dutton to close.

REPRESENTATIVE DUTTON: Mr. Speaker and Members, if I agreed with her, I would vote yes on the motion to table but the fact of the matter is that's not the case.

If you'll read the amendment, what this amendment does is changes it to seven business days. It was currently -- under the bill, it was six -- it was six days, not six business days or six calendar days but this just simply changes it to seven business days.

In addition, what we also did, if you'll look on line 11, rather than the 7th day after the election, it changes it to the 9th day. And so, that's what the difference is.

And the reason I offer this is because if you count the days from say a Tuesday on an election day and if you had two holidays -- if you had two days that were holidays, that it seemed to me that it was fairer to make it 7 business days as opposed to 6 calendar days.
because 1 of those 6 days or 2 of those 6 days could be taken up in a holiday period.

And so, therefore, it was unclear as to whether or not you would still count those days because the bill doesn't specify that. My amendment makes it clear, however, that it is 7 business days and you have to do it by then.

It also, again, changes what Ms. Harless complains about from being the 7th day to the 9th day after the election. And so, that's what the amendment does, and I would ask you to vote no on the motion to table.

SPEAKER: Mr. Dutton sends up an amendment. Ms. Harless moves to table. This is on the motion to table. Vote aye, vote no. Show Ms. Harless voting aye. Mr. Dutton voting no.

Have all voted? Show Mr. Gonzales voting aye. Have all voted? Being 99 ayes, 48 nays, motion to table prevails.

The Chair recognize Representative Hunter for a motion.

REPRESENTATIVE HUNTER: Mr. Speaker, Members, I move to suspend all necessary rules to allow the Committee on Calendars to consider and set a calendar at 6:45 p.m. today in place 3W15.
I also request permission for the Committee on Calendars to meet while the House is in session at 6:45 p.m. today in 3W15 to consider and set a calendar.

SPEAKER: Members, you've heard the motion. Is there objection?

The Chairs hears none. So ordered.

The Chair recognizes Representative Phillips for an announcement.

REPRESENTATIVE PHILLIPS: Thank you, Mr. Speaker, Members. Those on the Transportation Committee, we're going to cancel the transportation continuation of the hearing tonight and we'll be posting for Monday to finish what we need to. We'll do all that posting later. Monday at 9:00.

SPEAKER: Following the announcement, the clerk will read the announcement.

CLERK: The Committee on Calendars will meet at 6:45 p.m. on March 23rd, 2011 at 3W.15. This will be a formal meeting to consider and set a calendar.

SPEAKER: Following the amendment, the clerk will read the amendment.

CLERK: Amended by Hernandez Luna.

SPEAKER: The Chair recognizes Ms. Hernandez Luna.

REPRESENTATIVE HERNANDEZ LUNA: Thank you,
Mr. Speaker, Members. This you can call the Anna Hernandez Luna amendment. This is for married -- women that have been recently married or divorced prior to an election and their driver's license may not match with their names on the registered voters' list.

Currently the bill allows for the election officer to make a determination of whether that name is substantially similar but I think if I show up to vote and I show my driver's license that I should be able to sign an affidavit stating that I am who I say I am under penalties of perjury by signing that affidavit.

SPEAKER: Ms. Hernandez Luna sends up an amendment. There's objection to the amendment. It's a record vote on the amendment. This is on the amendment. Clerk ring the bell. Show -- show Ms. Hernandez -- this is on the amendment. Show Ms. Hernandez -- Hernandez Luna voting -- voting aye. Show Ms. Harless voting no. Show Mr. Lucio voting aye. Show Mr. Martinez Fischer voting aye.

Have all voted? Show Mr. Veasey voting aye. Have all voted? There being 49 ayes and 99 nays, the amendment fails to adopt.

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Burnam.
SPEAKER: The Chair recognize Representative Burnam.

REPRESENTATIVE BURNAM: Mr. Speaker, Members, we alluded to this amendment earlier this afternoon when we were discussing the problem with the program that, frankly, disenfranchises, from a driving standpoint, over a hundred thousand Texans every year.

This amendment would address that. It says a temporary driving permit issued by the Department of Public Safety following the revocation of a driver's license. We alluded to the form and the permit, which has to be signed by an officer. This is not something that's likely to be forged but it would allow these people who are in this transitional situation the opportunity to vote in the event that this occurs the week before or two weeks before an election.

Move its adoption.

SPEAKER: Representative Burnam sends up an amendment. There is objection to the amendment. The question occurs on the adoption of the Burnam amendment. Vote aye, vote nay. Show Mr. Burnam voting aye. Show Ms. Harless voting no. Mr. Lucio voting aye. Mr. Anchia voting aye. Mr. Strama voting aye. Show Mr. Eiland voting aye.

Have all voted? Being 48 ayes and 100 nays,
the amendment failed to adopt. Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Anchia.

SPEAKER: The Chair recognizes Representative Anchia.

REPRESENTATIVE ANCHIA: Thank you, Mr. Speaker and Members. The -- the bill that we have before us creates all sorts of affidavits and exceptions, some of which have been removed but that the removal of those exceptions potentially create problems in terms of the constitutionality. No longer do we have an age exception. No longer do we have an indigent exception. No longer do we have a religious -- religious objection. All of those have been removed, which I think creates a problem for this bill.

So, this amendment does something very simple. It says if you have your photo ID, terrific, you vote. If you have -- if you show up with your voter registration certificate, you vote a provisional ballot. Okay.

That provisional ballot then goes before -- excuse me. That provisional ballot is accompanied by an affidavit that you sign. Okay. That provisional ballot and affidavit is then sealed and it's sent to the Ballot House Floor Debate - Volume II March 23, 2011
Board. The Ballot Board, as all of you know, came with elections. They are bipartisan boards that each county has.

When the Ballot Board looks at the provisional ballot, they will do a signature match of the affidavit and the application to register to vote that they have on file. That signature match is then currently with mail in ballots. Okay. So, this legislature believes that the mail in ballot signature match is good enough for an anonymous form of voting. This signature match would (Inaudible) for an in person form of voting with an affidavit, a signature match and then the provisional ballot would become a regular ballot if the signatures were substantially similar as established by the Ballot Board.

This will obviate the need for someone to come back six days later and try to prove up their identity. This would occur just like -- these ballots would be canvassed just like provisional ballots are canvassed -- excuse me -- just like mail in ballots are canvassed, and we don't have to worry about six days later, we don't have to worry about any of the affidavits that are currently in the bill or the exceptions that are currently in the bill. You wipe out all of the exceptions and you just treat all people that
come in with a voter registration card the same way. They vote a provisional ballot, they then do a signature match.

It's simple. They do this in the State of Florida. It works very well, and it will prevent Texans from being left behind. I think this is a reasonable approach and a much better approach than is currently contained in this bill. I move adoption.

SPEAKER: The Chair recognizes Representative Hancock in opposition.

REPRESENTATIVE HANCOCK: Yes, Members, I move to table this bill. This actually weakens the bill due to treating provisional ballots as absentee ballots. I move to table.

SPEAKER: Mr. Strama, for what purpose?

REPRESENTATIVE STRAMA: For a question. Will the gentleman yield for a question?

SPEAKER: Mr. Hancock, do you yield?

REPRESENTATIVE HANCOCK: Yes.

SPEAKER: The gentleman yields.

REPRESENTATIVE STRAMA: Thank you, Representative Hancock.

Frankly, I think this is the amendment that highlights the crux of the issue here. And there are two ways to look at it. We can look at it as this
weakens the bill but highlights the underlying vulnerability of the bill at its essence or this bill puts the election day voting process on a par with absentee voting, which you guys don't eliminate under this bill.

Here's my question: Why shouldn't people who show up at the polling place on election day with the intention of voting in person be allowed to authenticate their ballot through the provisional voting process in the same way this bill allows people who vote by mail to authenticate their identity through the mail in voting process?

REPRESENTATIVE HANCOCK: I think if you're looking to improve or maybe strengthen the absentee ballot process, I'd be glad to look at that bill.

REPRESENTATIVE STRAMA: That's not the question I asked.

REPRESENTATIVE HANCOCK: That's not what we're doing here in this bill. And Representative Harless has actually done a pretty good job of providing guidelines regarding provisional ballots. And so, in the move to table, what I'm saying is I appreciate the good work she's done, the committee has done in this looking at this bill and think that the provisions that are in there for provisional ballots are
Representative Strama: Let me ask you this: Are you -- are you concerned -- well, let me ask you a different way.

Do you believe people should have the right to vote by mail? Under current law, you have an unlimited right to vote by mail if you're 65 or if you're sick or if you're disabled or if you're going to be traveling. Do you think that that's a fair thing to allow people to do?

Representative Hancock: Well, we're actually not talking about voting by mail. We're talking about voter ID and --

Representative Strama: Okay. I'm capable of understanding the relationship between my question about the validity of voting by mail and the implications that have for the merits of this bill. So, could you answer the question that I asked about whether you think it is right that people be allowed to vote by mail?

Representative Hancock: But I think the question and the communication between the front mic and the back mic is actually supposed to be about the amendment that's on the floor and the amendment says --

Representative Strama: Do you want me to
draw the line between the validity of the absentee
balloting process to the validity of an amendment that
allows people to vote a provisional ballot with the same
signature verification process that we allow for people
who vote by mail? Do you want me to draw that line for
you more clearly or do you want to answer my question?

REPRESENTATIVE HANCOCK: Well, what I was
saying is if you would like to distinguish the
difference between a provisional ballot, which
Representative Harless has clearly addressed in the bill
in many provisions, and the weakening of that by
applying a mail in ballot, then we can discuss the
distinction but I'd rather stick on the bill and the
amendment and how it applies to the bill.

REPRESENTATIVE STRAMA: What this amendment
does is it would subject that provisional ballot to the
same verification process as a mail in ballot, which I
believe makes my question germane to this amendment. Do
you believe mail in ballots should be allowed under the
current law?

REPRESENTATIVE HANCOCK: I believe that the
difference in the mail in ballot provisions that we have
and the provisions that Ms. Harless has addressed for
provisional ballots are significantly different and
would actually weaken the bill.
REPRESENTATIVE STRAMA: You are correct that they are significantly different. The question is why?

REPRESENTATIVE HANCOCK: Well, I believe that Ms. Harless has addressed the provisional ballots in an ample way that allows everyone to vote, and I do believe that there are differences that would actually weaken the bill if we pass this amendment.

REPRESENTATIVE STRAMA: Do you think people should be allowed to vote by mail?

REPRESENTATIVE HANCOCK: I believe that Ms. Harless has given everybody that comes to a voting place the opportunity to vote and she does that very adequately in a provisional --

REPRESENTATIVE STRAMA: Do you believe --

REPRESENTATIVE HANCOCK: And I believe if we accept the amendment that it actually weakens the bill.

REPRESENTATIVE STRAMA: Let me ask my question a different way.

Do you think people should be allowed to vote by mail without showing photo ID?

REPRESENTATIVE HANCOCK: I believe that the bill is addressing photo ID, and I'd be glad to talk about that. The provisional ballot allows them to vote with a photo ID under the provisions that she's applied in the bill.
REPRESENTATIVE STRAMA: Let me ask the question a different way.

Do you believe that under the provisions of this bill a person is allowed to vote an absentee ballot by mail without demonstrating photo identification?

REPRESENTATIVE HANCOCK: I don't believe that this bill or the amendment addresses absentee ballot mail in.

REPRESENTATIVE STRAMA: So, then --

REPRESENTATIVE HANCOCK: What you're attempting to do is actually weaken the provisional ballot process that Ms. Harless has addressed very clearly in the bill.

REPRESENTATIVE STRAMA: Okay. Let's -- let's try to reason together, Representative Hancock. Do you understand why I'm asking about mail in ballots even though this amendment deals specifically with provisional ballots, it is because there is a standard for verifying the validity of a mail in ballot and this amendment would adopt that standard for validating a provisional ballot, so, I don't think you can argue that I'm not being germane to the amendment. You might choose not to answer the question for other reasons but it's not because I'm not being relevant to the amendment.
So, my question is do you agree that under the law as it will be if this bill passes, individuals are allowed under the law to cast a mail in ballot without demonstrating photo ID?

REP. HANCOCK: I believe you've properly addressed that there is a difference in a mail in ballot and a provisional ballot and the intent to apply a mail in ballot standard for provisional ballots significantly weakens this bill.

REP. STRAMA: So, then the mail in ballot standard in current law is not a valid standard for authenticating the identity of the voter, is that your position?

REP. HANCOCK: There's a significant difference in what we call the mail in ballot and the provisions that we have in a mail in ballot and the provisions that Ms. Harless has required in the bill that allow anyone to --

REP. STRAMA: That's the point of this amendment, there are significant differences. The point of this amendment is there is no rational basis for those differences. There's no rational basis.

So, my question is if you believe it is not -- it is not sufficiently protective of the integrity of the electoral process to allow a signature
match to validate the identity of a provisional voter, then why is it acceptable to you to allow a signature match to validate the identity of a mail in voter?

REPRESENTATIVE HANCOCK: I think you have properly addressed the fact that a mail in ballot may cause some problems in the integrity of the voting. Ms. Harless has done an excellent job regarding voter ID in her desire to maintain voting integrity within the provisions of a provisional ballot.

REPRESENTATIVE STRAMA: I think I'm out of time.

SPEAKER: Representative Woolley raised a point of order. The gentleman's time expired. Point of order is well taken. Sustained.

Representative Hunter, Cook, Rodriguez, Truitt, Branch, Lucio, (Inaudible) Patrick, Representative Kolkhorst, Keffer and Bonham, (Inaudible) Calendars Committee on the motion to Representative Hancock, Representative Garren, Calenders Committee on the motion (Inaudible). Is there objection?

Chair hears none. So ordered.

Chair recognizes Representative Anchia to close.

REPRESENTATIVE ANCHIA: Thank you, Mr. Speaker and Members. I just don't think Representative
Hancock has a handle what this does. He says it weakens the bill. It certainly does not do that. I think it improves the bill by allowing a person who comes with a voter registration certificate to be able to execute the same type of affidavit that's found throughout this bill, Members.

And then it subjects -- then they go to professional ballot but the difference between the approach that is contained in this bill and the approach that's contained in the amendment is that that provisional ballot may be counted if the signatures match, and it obviates the need for person to come back 6 days later.

It makes the most sense in the world. It's how we treat mail in ballots today. And mail in ballots, as you all know, are exempted from this bill. They are specifically ignored by this bill.

So, if it's good enough for mail in ballots, it certainly should make some sense for how we count these provisional ballots through the --

REPRESENTATIVE STRAMA: Does the gentleman yield?

REPRESENTATIVE ANCHIA: Yes, I yield.

 SPEAKER: Mr. Strama, for what purpose?

REPRESENTATIVE STRAMA: To ask a couple of
questions. We agree on this bill, Representative Anchia. We're co-authors.

REPRESENTATIVE ANCHIA: I'm only going to yield for one. No, I'm kidding.

REPRESENTATIVE STRAMA: I just want to get in the record some facts, if you don't mind.

REPRESENTATIVE ANCHIA: Please.

REPRESENTATIVE STRAMA: Is it the case under current law that one does not have to show photo ID to vote by mail?

REPRESENTATIVE ANCHIA: That is correct.

REPRESENTATIVE STRAMA: Is that continued -- will that continue to be the case if the bill passes as current in its current form?

REPRESENTATIVE ANCHIA: Yes, it will.

REPRESENTATIVE STRAMA: Isn't it the logical conclusion of Representative Hancock's argument just now that that is an unsatisfactory outcome if your amendment is not acceptable, if it does not set a high enough standard for validating the identity of the voter, then how can they tolerate -- given all we've heard about the integrity of the election being sacrificed, how can they tolerate allowing people to vote by mail without demonstrating photo ID?

REPRESENTATIVE ANCHIA: I believe -- I
believe that was his conclusion. I also see the patent inconsistency in that conclusion, which leads me to further believe that this bill is not about the integrity of elections because if it were --

REPRESENTATIVE STRAMA: I'm saddened to say I'm reaching the same conclusion.

REPRESENTATIVE ANCHIA: I fear -- at the outset of this debate, I feared that that might be one of the outcomes, and I think the -- and I think not taking this amendment causes me to have even deeper concerns about the motivations behind this bill.

It's really silly that we're going to be treating mail in ballots where 70 percent of the fraud occurs according to the AG's convictions, with a signature match, whereas, the provisional ballots hereunder we would not even treat with a signature match and allow to become a regular ballot if those signatures were substantially similar. I -- I don't understand the logic and it is -- it is allowing me to come to the conclusion that this must not be about ballot integrity.

Thank you, Members. I -- I ask that you vote against the motion to table.

SPEAKER: Representative Anchia sends up an amendment. Representative Hancock moves to table. This is on the motion to table. Vote aye, vote nay. Show

Have all voted? Show (Inaudible) voting no.

Show Mr. Bonnen voting aye. Show Ms. Truitt voting aye.

Have all voted? Being 94 ayes and 47 nays, motion to table prevails.

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Menendez.

SPEAKER: The Chair recognizes Mr. Menendez.

REPRESENTATIVE MENENDEZ: Thank you, Mr. Speaker, Members. I'd like to get your attention real briefly because this is amendment is an amendment that 88 of us have said we support. 88 of us have joined my good friend, Representative Burt Solomons, in saying we no longer want to send unfunded mandates to our cities and our counties.

So, if we don't want to send any unfunded mandates, then we need to follow this. This amendment simply says that if any of your counties deem the implementation of this bill to be a financial burden, they don't have to implement it at this time. They get to choose when they get to implement it.

The reason that I bring this amendment before you, Members, is I know that most of you and some of you in rural counties, your county will be able to
implement this without a problem but some of us in the larger urban counties -- I have here an article from a newspaper where our elections administrator said of course, it's going to cost more money. If we get 10,000 -- 10 or 10,000 provisional votes, those people will all have the opportunity to bring a photo ID to our office down the street.

It also said the election office might need to be open on weekends to serve those who could not come by on the weekdays.

Members and state affairs, we heard from the county judges and Commissions Associations of Texas, we heard from the urban county, the Judges -- County Judges Commission Association of Texas, (Inaudible) County Judge, Urban County, Hobson County, Texas Association of County Justice Police Officers, Texas Municipal League, Houston County judge and (Inaudible) saying -- saying please don't send any more unfunded mandates.

The question that I had in discussing this amendment with my good friend Bill Callegari, a joint author --

SPEAKER: Mr. Gallego, for what purpose?

REPRESENTATIVE GALLEG: Mr. Speaker, would the gentleman yield?

REPRESENTATIVE MENENDEZ: Just one second
and I'll be happy to yield.

SPEAKER: Not at this time.

REPRESENTATIVE MENENDEZ: As I discussed this with Bill Callegari, I said, "Bill, the question is do we or do we not trust our county judges and commissioners court?"

And he said, "I trust mine."

I trust mine, too. The question is do you trust yours and do we believe in not sending unfunded mandates as a matter of principle or only when it's convenient to us?

So, it's either a principle that we will no longer send unfunded mandates -- if you sign on as a joint author and co-author, and 88 of us have, then you should support this amendment.

I will yield at this time.

REPRESENTATIVE GALLEG: Mr. Speaker?

SPEAKER: Mr. Gallego, for what purpose?

REPRESENTATIVE GALLEG: Will the gentleman yield for a question?

REPRESENTATIVE MENENDEZ: I'd be happy to yield.

REPRESENTATIVE GALLEG: Mr. Menendez, in fact, the issue of local mandates -- unfunded mandates has been a fairly large -- a fairly big theme this
1 session, has it not?

    REPRESENTATIVE MENENDEZ: Yes, it has.

    REPRESENTATIVE GALLEGRO: And the proposed
2 constitutional amendment that you were talking about is
3 HJR 56 that's authored by Mr. Solomons, Mr. Callegari,
4 Ms. King and Ms. Kolkhorst?

    REPRESENTATIVE MENENDEZ: That's correct. I
8 am also a co-author of that because I believe in it.

    REPRESENTATIVE GALLEGRO: Were you aware that
10 88 members of the legislature -- 88 members of the
11 House, 88 out of the 150 have signed on in support of
12 this resolution, which would essentially restrict these
13 unfunded mandates to the local governments -- to units
14 of local governments, like counties, for example?

    REPRESENTATIVE MENENDEZ: Absolutely, I am
16 aware of it. I have a list here of all 88 of them, and
17 it's a bipartisan group.

    REPRESENTATIVE GALLEGRO: So, as an example,
19 as you go through, Mr. Alised has signed onto the
20 amendment to essentially prohibit unfunded mandates; is
21 that correct?

    REPRESENTATIVE MENENDEZ: That's correct.
23 Yes.

    REPRESENTATIVE GALLEGRO: And I believe his
1 county judge testified in the state affairs hearing that
you referred to?

   REPRESENTATIVE MENENDEZ: Yes. Judge
   (Inaudible) and other judges from Houston County, yes.

   REPRESENTATIVE GALLEGO: Mr. Anchia has
   signed on to support the resolution prohibiting unfunded
   mandates?

   REPRESENTATIVE MENENDEZ: Correct.

   REPRESENTATIVE GALLEGO: As has Dr.
   Anderson, Doc Anderson, Rodney Anderson, Ms. Beck,
   Burman, Bohac, Bonnen, Brown, Burkett, Button, Cain,
   Carter, Chisum, Christian, Cook, Creighton, Crownover,
   John Davis, Driver, Elkins, Flynn, Frullo, Gallego,
   Garza, Geren, Hamilton, Hancock -- 88 members.

   REPRESENTATIVE MENENDEZ: Yes, sir.

   REPRESENTATIVE GALLEGO: So, if these 88
   members have signed on to support this restriction on
   unfunded mandates, is not your amendment a restriction
   on unfunded mandates also?

   REPRESENTATIVE MENENDEZ: Absolutely, but my
   amendment is even easier. It really just says that your
   county commissioners court has the decision at which
   point to implement this would no longer be a financial
   burden on the county.

   In essence, we're saying to our local
   taxpayers we respect your pocketbook. In my opinion,
this is going to cost some counties -- they are going to need to hire more people. It's going to cost the taxpayers more money to implement this bill, and if we're honest about no unfunded mandates, not shoving more costs down to the local taxpayers, then please support this amendment. It's a simple common sense amendment.

REPRESENTATIVE GALLEGO: The first principle that we talked about is no unfunded mandates; is that correct?

REPRESENTATIVE MENENDEZ: That's correct.

REPRESENTATIVE GALLEGO: The second principle that you just announced is the principle of local control. Explain to me how your amendment essentially supports local government.

REPRESENTATIVE MENENDEZ: What it does is specifically says that a commissioners court of the county that finds that the implementation of the photo ID requirement would be a financial burden on that county, they would have the right not to have this section apply to them. So, the counties can allow when they implement it.

Now here's the other thing, it's not in perpetuity. The county can decide we're not ready at the next election but they might be ready at the next
election after that. So, they might take an election off and then they say, "You know what, we've geared, we have the staffing, this will no longer be a financial burden on us."

REPRESENTATIVE GALLEGO: That's where the local control comes?

REPRESENTATIVE MENENDEZ: Exactly.

REPRESENTATIVE GALLEGO: And so, they can opt out for this next election cycle until they have the opportunity to review the costs and make arrangements, budget those costs, factor those costs into the equation before making a decision?

REPRESENTATIVE MENENDEZ: Correct. I mean, you know, Representative Gallego, we're not putting any money in this for the elections administration. We're not putting any money for the counties to handle the 6 day period where people have to come back.

REPRESENTATIVE GALLEGO: This is an unfunded mandate?

REPRESENTATIVE MENENDEZ: In essence, it is an unfunded mandate.

REPRESENTATIVE GALLEGO: 88 of us have signed on against unfunded mandates.

REPRESENTATIVE MENENDEZ: There's correct.
point of order. The gentleman's time has expired. The point of order is well taken. It's sustained.

The Chair recognizes Representative Phillips to speak against.

REPRESENTATIVE PHILLIPS: Thank you Mr. Speaker, Members. I speak against this amendment. While we don't want unfunded mandates, I don't believe there is an unfunded mandate here. And what we want is confidence in elections, and what this would allow would be a county by the county opt out. Just read it.

If this particular county here decides that they don't want to do this provision or this county there decides they want to do that, then we don't have uniform laws on election. That's why we have uniform laws on election.

You know, it's interesting, the letter from the co-chairs of the commission on federal election reform, Jimmy Carter and James Baker said elections are the heart of Democracy, they're instruments for the people to choose leaders and hold them accountable. At the same time, elections are core public function, which all other government responsibility depends. If elections are defective, the entire Democratic system is at risk.

We do not want to put that at risk.
1 REPRESENTATIVE HANCOCK: Mr. Speaker?
2 REPRESENTATIVE PHILLIPS: And I would move
3 to table.
4 SPEAKER: Representative Hancock, for what
5 purpose?
6 REPRESENTATIVE HANCOCK: Question.
7 REPRESENTATIVE PHILLIPS: I would.
8 REPRESENTATIVE HANCOCK: Mr. Phillips, are
9 you aware that --
10 SPEAKER: The gentleman yields.
11 REPRESENTATIVE HANCOCK: -- (Inaudible)
12 committee Secretary of State's office?
13 REPRESENTATIVE PHILLIPS: While I was not
14 there, I have been told that the Secretary of State said
15 there would be no additional cost to the county,
16 something to that effect.
17 REPRESENTATIVE HANCOCK: That is correct.
18 Thank you very much.
19 REPRESENTATIVE PHILLIPS: I would move to
20 table again.
21 REPRESENTATIVE MENENDEZ: Mr. Speaker?
22 Mr. Speaker?
23 SPEAKER: Representative Menendez, for what
24 purpose?
25 REPRESENTATIVE MENENDEZ: I was wondering if
the gentleman would yield for a question?

    REPRESENTATIVE PHILLIPS: Yeah, quickly.

It's a busy night.

    REPRESENTATIVE MENENDEZ: Larry, I respect you tremendously. You and I are both co-authors of the no unfunded mandate constitutional amendment but you said that you didn't think it was an unfunded mandate.

The reason I brought this forward is there's an article in today's newspaper in my home town where the elections administrator said of course, it's going to cost more and the reason being, you're aware of the provision in the bill that state that they have 6 days to prove whether or not they have a photo ID or whether or not they have a religious objection to having their picture taken. Are you aware of that, the bill?

    REPRESENTATIVE PHILLIPS: You're going to have to repeat that. If it's an amendment, then I don't know that that is -- that amendment -- that that is still there.

    REPRESENTATIVE MENENDEZ: The bill -- I'll ask you a hypothetical.

    REPRESENTATIVE PHILLIPS: That may have come out of the bill. So, I don't want to say it's still there. We've had so many amendments that we've gone through here.
REPRESENTATIVE MENENDEZ: Well, I'm pretty sure it is because the amendment prior to this amendment was the amendment that would allow for the verification of signatures for provisional ballots and that was turned away.

REPRESENTATIVE PHILLIPS: I think Harper Brown -- anyway, I believe it did but go ahead.

REPRESENTATIVE MENENDEZ: All right. I'll get clarification but the reason -- the reason my county -- are you aware that the reason my county believes this is an unfunded mandate is they are going to have to keep their office open possibly on the weekend to allow for the people that do cast a provisional ballot to come in and proof that they have an ID or they have a religious objection.

REPRESENTATIVE PHILLIPS: You know, I think that -- what's that? Yeah, I think it went -- I think it went out but, nonetheless, what we're talking about is confidence in elections, and that's why a majority of it Texans support this. Whether they're Republican or Democrat, whether they're minority or not, they support this under the polls done here in the state, and it continues because they want consistent -- consistency in elections is what they want, and we don't need to allow a patchwork across the state.
And, again, the testimony said there would be no further cost from the Secretary of State. Again, that's my understanding. I wasn't there. And I appreciate you wanting to guard against unfunded mandates but I don't think this is the bill to do that, and I would respectfully move to table.

REPRESENTATIVE MENENDEZ: Let me ask a question. Do you trust your county commissioners court?

REPRESENTATIVE PHILLIPS: I trust my county commissioners?

REPRESENTATIVE MENENDEZ: Yeah, do you trust them?

REPRESENTATIVE PHILLIPS: I have a bunch of great county commissioners.

REPRESENTATIVE MENENDEZ: Well, then you shouldn't have a problem because we're letting them decide if this is a burden.

REPRESENTATIVE PHILLIPS: No. But you're going to allow a patch quilt is what you're going to have because you're going to have this county decide it and this county doesn't.

I move to table, respectfully.

SPEAKER: The Chair recognizes Representative Menendez.

REPRESENTATIVE MENENDEZ: Thank you,
Mr. Speaker, Members. You know, I understand what the testimony was from the Secretary of State's office but, Members, the implementation of elections happen at the local level, at the county level, and if an elections administrator for one of our urban counties says of course it's going to cost more money, at a very minimum this first time we have no idea how many provisional ballots are going to be cast. I believe that each and every one of you in this room, you know and you trust your county commissioners and your judges.

It doesn't say that one commissioner, it doesn't say one judge. It says the commissioners court. A majority of the commissioners in your county would vote to say that this bill would be a financial burden.

I mean, if you think it's okay to create a financial burden on your county, then go ahead and vote on the motion to table but if you believe that we should not put more financial burdens on our local counties, then please vote against the motion to table.

This is not an RD amendment. This is not whether you're for voter ID or not. This is whether you're for your commissioners court to understand the financial situation of their budgets and how they're going to handle their elections.

I do think -- I know that we're having the
urban leagues -- urban counties look at this. I think
if you check in with your commissioners, they would ask
you for the support on stopping the sending of unfunded
mandates.

If they can do it, if they're ready for it, they will vote to do it. So, you have to trust and you
have to believe in what you say. If you're one of the
88 members, I expect you to vote against the motion to
table. Thank you.

SPEAKER: Representative Menendez sends up
an amendment. Representative Phillips moves to table.
Question occurs on the motion to table. Vote aye, vote
no, Members. The clerk will ring the bell.

Show Mr. Phillips voting aye. Mr. Menendez
voting no.

Have all members voted? Show Ms. Truitt
voting aye. Have all members voted? Show Ms. Kolkhorst
voting aye. Being 98 ayes, 48 nos, motion to table
prevails.

I'm sorry.

Following the amendment, the clerk will read
the amendment.

CLERK: Amendment by Anchia.

SPEAKER: Is Mr. Anchia on the floor of the House?
The Chair recognizes the fast moving member from Dallas, Representative Anchia.

REPRESENTATIVE ANCHIA: Thank you, Mr. Speaker and Members. I'm trying to -- I'm just trying to fix your bill.

Okay. Okay. Thank you, Mr. Speaker and Members. This amendment clarifies that free IDs were given to individuals who register to vote when they apply for a duplicate ID. And hear me out because currently in Section 20 of the bill, there's a mistake. The bill only provides for free IDs for new or renewals -- or renewal IDs, it's only for new or renewals but does not provide for free IDs for duplicates.

This bill doesn't touch the section -- Section 521 spot 424 of the Transportation Code that deals with the IDs that people are given when they need to do an address change or a name change. They're called duplicate IDs. They are neither new IDs or renewed IDs. They're called duplicate IDs.

And the author failed to include that in the free IDs that we're going to need to give to people if they're going to be using those IDs in order to vote. So, this is not a new ID. This is not a renewal. It's a duplicate. And those duplicates are given to people
who need to change their address or their name.

Some of the most noble groups are minorities or low income people. They move a lot. They get renewal IDs if they don't drive because they're changing their address. And if the intention of this bill is to provide free IDs and not disenfranchise groups, this amendment should be acceptable to the author.

SPEAKER: Mr. Phillips, do you want to speak again?

REPRESENTATIVE PHILLIPS: Yeah. We would move to table. He's talking about when you -- when you lose an ID, you go get a new one, it allows for a new one in there. And I would move to table.

SPEAKER: Mr. Anchia to close.

REPRESENTATIVE ANCHIA: The amendment is temporarily withdrawn.

SPEAKER: Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Walle.

SPEAKER: The Chair recognizes Mr. Walle.

REPRESENTATIVE WALLE: Thank you, Members.

This amendment would allow county commissioners court to authorize county election clerks to include a photo -- a photo on a voter registration card or to create a voter ID card. This amendment is about respecting local
control. This is a common sense solution that places control of the election process directly in the hands of our counties.

We trust that the counties -- we trust the counties to carry out the election process, so, we should trust them to make the appropriate decision about whether they would like to include a photo on a voter registration certificate or create a new voter ID card with a photo on it.

If this debate is really about voters presenting a photo document along with their voter registration card, then I think this amendment offers a simple and straightforward solution.

I'm finished.

SPEAKER: Mr. Phillips will speak against the amendment.

REPRESENTATIVE PHILLIPS: Thank you, Mr. Speaker, Members. Again, what we want is uniformity. This would allow that each county would provide their own ID. It would shift responsibility to the county. Again, we don't have uniformity, and I would respectfully move to table.

SPEAKER: The Chair recognizes Representative Walle to close.

REPRESENTATIVE WALLE: Thank you, Mr.
Speaker. Again, this is about respecting local control and just adding a simple photo on your voter registration card would actually take care of a lot of this stuff, and I move to accept this amendment.

SPEAKER: Representative Walle sends up the amendment. Representative Phillips moves to table. Questions on the motion to table, Members. The clerk will ring the bell. Vote aye or vote nay. Show Mr. Phillips voting aye. Mr. Walle voting nay. Mr. Dutton voting no. Show Mr. Martinez voting nay.

Have all members voted? Have all members voted? There being 95 ayes, 52 nays, motion to table prevails.

Mr. Rodriguez or Mr. Veasey on the floor?

CLERK: Amendment by Rodriguez.

SPEAKER: The Chair recognizes Mr. Rodriguez.

REPRESENTATIVE RODRIGUEZ: Thank you, Mr. Speaker and Members. This amendment permits same day registration at polling places. There's been a lot of talk today about how this bill in a way completely makes the need for voter registration redundant. I'm not saying that we should get rid of our voter registration process but it seems to me and it seems from the discussion today that this bill is about photo
My amendment would still require photo ID. It would simply allow voters to register to vote on the same day provided they can provide an acceptable form of photo. An acceptable form of photo ID is exactly what's in this bill now, driver's license, Texas ID, passport, et cetera.

According to the George Mason University U.S. elections project, Texas ranked 50th, worst in voter turnout in the last election.

I believe my amendment would help to curtail this voter turnout problem. Currently there are 12 states that have a form of election day registration, including Idaho, Iowa, Maine, Minnesota, Wyoming, North Dakota and others.

Allowing for election day registration has drastically improved voter turnout in these states. As an example, in Minnesota, 15.6 percent of voters have increased since that -- since the same day registration. In Wisconsin, about 10 percent.

Members, this is about voter participation. This does not do away with the voter ID process. It's a compliment to that. If you have the requisite photo ID that's in this bill, then you can register right then and there that day at the polling place.
Move for adoption.

SPEAKER: Mr. Phillips will speak against the motion.

REPRESENTATIVE PHILLIPS: Thank you, Mr. Chairman -- I mean, Mr. Speaker, Members. I would respectfully move to table this bill -- I mean, this amendment. This bill is a voter ID bill. It's not about a same day registration. That debate can be had in elections committee and go through that process. This bill is about voter ID.

You know, it's amazing, Georgia, which has one of the toughest voter ID as they say or photo ID had the largest voter turnout in the 2008 November election in history after they had passed that.

In Indiana, the turnout for the Democratic voters was the largest increase in Democratic turnout of any state in the country.

Voter ID brings confidence. This bill is about voter ID. It's not about same day registration. This will drive more people to come to vote. I move to table.

SPEAKER: Mr. Veasey, for what purpose?

REPRESENTATIVE VEASEY: Mr. Phillips, will the chairman yield, please?

SPEAKER: Mr. Phillips, will you yield?
REPRESENTATIVE PHILLIPS: Briefly. I'll ask -- answer a few questions but we've got a lot of amendments to go through.

REPRESENTATIVE VEASEY: I hope, due to the importance of this bill, you would answer as many questions as I would need you to but I only have a few.

REPRESENTATIVE PHILLIPS: If they're specific to the bill, that would be great.

REPRESENTATIVE VEASEY: I only have a few. Actually, mine are specific to the amendment. And I was looking and I was trying to find out who does same day registration, and I found out that Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin and Wyoming all offer same day voter registration.

Now, why aren't the red states of Idaho and North Dakota and Wyoming moving to get rid of their same day registration?

REPRESENTATIVE PHILLIPS: Mr. Veasey, that really isn't relevant to this bill.

REPRESENTATIVE VEASEY: No, it is but you're saying --

REPRESENTATIVE PHILLIPS: This is a voter ID bill, not a same day registration bill. This a voter ID bill.

REPRESENTATIVE VEASEY: Right.
REPRESENTATIVE PHILLIPS: Not a same day registration bill.

REPRESENTATIVE VEASEY: But part of the reason why these states made voter registration easy was because they were trying to increase voter turnout. It was part of the whole effort back in the mid '90s, the whole motor voter deal to increase participation by our electorate. So, with that in mind --

REPRESENTATIVE PHILLIPS: We had that spread across the nation. So, again, this is a voter ID bill. It's not about same day registration.

REPRESENTATIVE VEASEY: Representative Harless has said repeatedly that this bill is about increasing voter registration due to integrity at the polls.

REPRESENTATIVE PHILLIPS: Not increasing -- it's about increasing voter confidence, which will turn out more voters.

REPRESENTATIVE VEASEY: Right. And that's what same day registration is about, turning out more voters. You keep saying (Inaudible) is relevant and you won't answer questions about same day voter registration.

REPRESENTATIVE PHILLIPS: I told you that is not relevant to this bill. This bill is a voter ID
bill.

REPRESENTATIVE VEASEY: You've said that --

REPRESENTATIVE PHILLIPS: This is not voter
turnout, same day registration. This is a voter ID
bill. I would move to table.

REPRESENTATIVE VEASEY: The gentlelady has
already said that this bill is about increasing
confidence at the poll so more people will come out and
vote.

REPRESENTATIVE PHILLIPS: That is not --

REPRESENTATIVE VEASEY: And you won't answer
the question.

REPRESENTATIVE PHILLIPS: I've answered your
question, Mr. Veasey. I've answered it. That is not
relevant to this bill.

REPRESENTATIVE VEASEY: Why will you not
accept the amendment?

REPRESENTATIVE PHILLIPS: I told you this is
a voter ID bill. It's not a voter registration bill.
Put it through the committee process and get it debated
and go through the floor and if it gets here, we can
debate that. This is a voter ID bill. It's not about
trying to put everything --

REPRESENTATIVE VEASEY: This is not a voter
registration -- so, you don't intend to accept any
amendments of voter registration related to this bill?

Representative Phillips: I intend to keep the bill related to voter ID.

Representative Veasey: Thank you.

Speaker: Mr. Rodriguez to close.

Representative Rodriguez: Thank you. Thank you, Mr. Speaker, Members. This is a voter ID bill or whatever it's supposed to really be but for many of us the concern is that it's not just about voter ID. It has consequences, whether it's intended consequences or unintended consequences, and there's many of us here in this chamber that believe this will have a negative consequence on voter turnout.

If the State of Texas is last in the country when it comes to voter turnout, the last thing I think you want to do is pass this bill and have a consequence of actually reducing voter turnout.

It has been shown in various states, 12 states to be exact, as Mr. Veasey pointed out as well, where the turnout dramatically increases where you have same day voter registration.

I'm not saying that we don't have to have -- that one wouldn't have to have photo identification. I'm not taking that away at all but if you have the same -- the photo requirements that this bill calls for,
this is, again, about voter ID, about picture ID, voter ID, you can register to vote.

If you want to do something about voter impersonation and all that kind of stuff, that's one thing but we also, in doing that, don't want to reduce the possibility of people being able to vote. It's that simple.

I think this amendment will minimize any kind of disenfranchisement, will minimize the ability for people to not be able to vote. Members, I encourage your support on this amendment.

SPEAKER: Representative Veasey, for what purpose?

REPRESENTATIVE VEASEY: Will the gentleman yield?

REPRESENTATIVE RODRIGUEZ: I will.

REPRESENTATIVE VEASEY: Mr. Rodriguez, the gentlelady from Houston has said repeatedly that by passing the voter ID bill that she's trying to pass now, this voter suppression bill that's on the floor, that it will actually increase voter turnout. Isn't that what she has said in her words? Because it will increase confidence, so --

REPRESENTATIVE RODRIGUEZ: That has been the claim.
REPRESENTATIVE VEASEY: So, why would Representative Phillips, in your opinion, not want to accept my -- not want to accept your amendment and not answer any questions related to this particular amendment that you have?

REPRESENTATIVE RODRIGUEZ: I can't speak for Chairman Phillips. I can't really speak for him but I think it's very clear that what this amendment would do is, in fact, increase voter turnout and it would still kind of stay true to the suggested intent anyway of having photo identification to make sure the people who are voting are actually who they say they are.

So, I'm not taking anything away from that. What I'm doing in addition to that, I'm adding to that, in fact, and making it so that we are actually going to try to promote voting, I think.

REPRESENTATIVE VEASEY: Were you aware that the states that have same day voter registration are Idaho, Minnesota, New Hampshire, North Dakota, Wisconsin and Wyoming?

REPRESENTATIVE RODRIGUEZ: Yeah, I am aware of that.

REPRESENTATIVE VEASEY: Are you aware that with the exception of Minnesota in the twin cities area and Wisconsin in the Milwaukee area that those other
states have very low diversity in their state? Were you familiar -- did you know that?

REPRESENTATIVE RODRIGUEZ: I did not know that.

REPRESENTATIVE VEASEY: That Idaho doesn't have a lot of diversity in their state?

REPRESENTATIVE RODRIGUEZ: I didn't know that.

REPRESENTATIVE VEASEY: North Dakota doesn't have a lot of diversity in their state and neither does Wyoming?

REPRESENTATIVE RODRIGUEZ: No, I didn't know that.

REPRESENTATIVE VEASEY: Did you know that those are all red states?

REPRESENTATIVE RODRIGUEZ: I'm not surprised by that.

REPRESENTATIVE VEASEY: That Idaho and North Dakota and Wyoming are all red states with very little diversity, were you aware of that?

REPRESENTATIVE RODRIGUEZ: I'm becoming more aware of that, yes.

REPRESENTATIVE VEASEY: So, is it -- and when I say red states, because, you know, we probably shouldn't speak in slang on the House floor, so, let me
rephrase that and say Republican states.

REPRESENTATIVE RODRIGUEZ: Sure.

REPRESENTATIVE VEASEY: Those are states that tend to overwhelmingly vote Republican -- for Republican, and the state legislatures there are not pushing for a voter ID bill. Why would the state legislatures in Idaho and North Dakota and Wyoming, the very homogenous states with not a lot of diversity, why would they not be pushing for a voter ID bill?

REPRESENTATIVE RODRIGUEZ: I can only guess, and I'm going to have to guess that they don't see it as a problem there.

REPRESENTATIVE VEASEY: Right.

REPRESENTATIVE RODRIGUEZ: Just as, in fact, it's not a problem here.

REPRESENTATIVE VEASEY: Do you think that perhaps they don't see it as a problem because they don't have diversity because the one issue that we heard when this bill was being laid out was that there are people in these areas and those people in these particular communities are committing voter fraud and that they are cheating and all this voter impersonation is going on but they don't seem to be worried about it in these states, maybe it's because we're trying to pass that bill here because the people are -- seem to have
these stereotypes about certain people voting in the
State of Texas but in Idaho, they would just prefer to
let people vote as freely as possible, including the
Republicans there because the state is just a little bit
more homogenous than the State of Texas?

REPRESENTATIVE RODRIGUEZ: Representative
Veasey, I think it's evidence that there is much greater
diversity in the State of Texas, obviously, than you
have in these other places and --

SPEAKER: Representative Sheffield raises a
point of order. The gentleman's time has expired. The
point of order is well taken and sustained.

REPRESENTATIVE RAYMOND: Mr. Speaker, I move
adoption.

SPEAKER: Representative Rodriguez sends up
an amendment. Mr. Phillips moves to table. Questions
on the motion to table, Members. Vote aye, vote no.
The clerk will ring the bell. Show Mr. Phillips voting
aye. Mr. Rodriguez voting no. Ms. Truitt voting aye.
Ms. Truitt voting aye.

Have all members voted? All members voted?
There being 96 ayes, 50 nays, the amendment -- motion to
table prevails.

Following the amendment, the clerk will read
the amendment.
CLERK: Amendment by Gallego.

SPEAKER: The Chair recognizes Representative Gallego.

REPRESENTATIVE GALLEGO: Thank you, Mr. Speaker and Members. This problem is unique to some of the members of the House who represent more rural areas. As we talk about voter ID and we talk about the opportunity to just go down to the driver's license office and get a driver's license, what we haven't taken into consideration in this debate is that there are entire counties out there that don't have a DPS driver's license office.

In fact, in the district that I represent, there are four counties that don't have a driver's license office located in them. Many counties have only partial service from a DPS office.

The counties that I represent, for example, many of them will have a driver's license office that is open one day a week, and if the employee -- because there's only one employee signed to these offices -- if the employee is sick, then there is no office that week and there is no opportunity to get a driver's license or renew your driver's license or get an ID that week.

Many counties have partial service. In these rural counties, for example, if you live in Van...
Horn, Texas which is the county seat of Culberson County, and you need to get an ID because you don't have one, that driver's license office is located in Alpine, Texas, the county seat of Brewster County. A one-way trip -- a one-way trip to go get an ID is a hundred miles.

From Sierra Blanca to El Paso is 88 miles one way. Rock Springs to Del Rio is 76 miles one way. Sanderson to Fort Stockton is 65 miles one way. And that's from county seat to neighboring county seat. We haven't even talked about what happens if you live in one of the outlying communities in the county like "Delingua" or "La Quintas" or Redford or Pine Springs or Del City in Culberson County.

In the district that I represent, there are 28,841 people, according to the census, who live in counties with only partial DPS driver's license services, and there are about 7,000 people who live in counties that don't get any driver's license service at all.

Ms. Harless will tell you that there are plans to open and expand DPS services in all of these counties but you and I all know that with the sake of our budget, we're not going to be expanding state services any time in the future, which means that for
the foreseeable future, these folks won't have a driver's license office.

So, what happens if you're elderly? What happens if you don't have a good car so you can't make the 120-mile round trip from Presidio to Martha?

Understand that for folks who live in these communities, travel can be a hardship. The nearest Wal-Mart from Presidio is mas o menos about 150 miles away.

The nearest airport from Alpine is about 2 and a half to 3 hours away. That's the kind of isolation that you see.

So that you understand, in the district that I represent, that district is nearly 500 miles from one side of the district to the other. And what we are asking, this driving these long distances, that creates some significant hardships for folks. And that hardship makes people want to give up and, unfortunately, if they give up, they give up something that's pretty fundamental, and that's the right to vote.

So, what this amendment would do is very simple. The amendment would say that this act doesn't apply to those counties in which DPS doesn't have a full service driver's license.

And the truth is this applies to very few
counties out there and it applies to very few people out there.

And the reason -- frankly, we've talked about the fact that DPS doesn't serve them in the hardship but we haven't talked about two other common sense things.

If this is about fraud, as an example, then I will tell you that in those communities -- in Loving County, for example, we all know each other. In Presidio, we all know each other. Most of Highway 90, as Chairman Hilderbran indicates, in those communities, families have been there for generations. And at this point, many of us are related, and we all know each other.

And to have this requirement that if you lose your license, if you don't have a photo ID, if you have to renew your photo ID and you miss the day and you have to drive and drive and drive, that doesn't make very practical sense.

So, because this right is so fundamental, because this is an extreme hardship on a limited number of people and because the amendment only impacts a limited number of people and, frankly, because in those counties that are impacted, the people are so few and so familiar with each other that there isn't really any
allegations of the kind that we're talking about with
respect to voter fraud, I would ask that you adopt this
amendment that applies only to these counties that don't
have a full service driver's license office.

SPEAKER: Mr. Hochberg, for what purpose?

REPRESENTATIVE HOCHBERG: Will the gentleman
yield, please?

SPEAKER: Will the gentleman yield?

REPRESENTATIVE GALLEGDO: Absolutely, Mr.

Hochberg.

REPRESENTATIVE HOCHBERG: Thank you, Mr.

Speaker. Thank you, Mr. Gallegdo.

I've visited your district and you've
visited mine, and what a lot of folks --

REPRESENTATIVE GALLEGDO: I was always
amazed, Mr. Hochberg, that you have apartment complexes
that are bigger than entire cities that I represent.

REPRESENTATIVE HOCHBERG: That's true. And
I think what people don't know is that you have the most
sparsely populated district, and I have the least -- or
you have the least -- you have the most sparsely and I
have the most intensely --

REPRESENTATIVE GALLEGDO: You know,

Mr. Hochberg, believe it or not, the district that I
represent is about 15 percent of the land area of Texas
and, as a result of the census data and redistricting, that district will grow to probably about 20 percent of Texas. So, it's huge. It is, as you indicated, very sparsely populated, and it is a hardship because these distances are very, very, very, very long.

REPRESENTATIVE HOCHBERG: And so, are you telling me --

REPRESENTATIVE GALLEG: Mr. Hochberg, Chairman (Inaudible) wants me to tell you that he doesn't think you have any Dairy Queens in your district either.

REPRESENTATIVE HOCHBERG: No, I don't have any current Dairy Queens. We do have -- I've got a Sonic, though. I do have a Sonic. So, that's close. And we have no -- actually, Mr. Keffer, we have -- we don't have a Dairy Queen but we do have a Shawarma King in my district. So, you can come to Shawarma King any time you'd like.

But, Mr. Gallego, it sounds to me that you're telling me that without your amendment that folks in your district are going to be less likely to vote than they might be in my district; is that true?

REPRESENTATIVE GALLEG: That's absolutely true. You know, the truth -- in terms of the demographics of the district that I represent --
SPEAKER: Representative Sheffield raises a point of order. The gentleman's time expired. The point of order is well taken. It's sustained.

The Chair recognizes Representative Harless in opposition.

REPRESENTATIVE HARLESS: Mr. Speaker, Members, as much as I would love to take an amendment from my fellow colleague in -- that I really love and respect, this would create an inconsistent application across the counties.

We have extensive testimony in both the Senate and the House that talks about the -- the very, very, very small population that this might affect, and they don't have those exact numbers but it would be inconsistent across the county.

Also, the elderly, as he stated, would have the opportunity to also continue to file a ballot by mail. So, I would ask that you respectfully table this amendment.

SPEAKER: The Chair recognizes Representative Gallego to close.

REPRESENTATIVE GALLEGO: Thank you, Mr. Speaker, Members. If you look at the demographics of these counties, young folks are moving away and the population of many of these rural counties is getting
older and older and older.

And so, it isn't as easy as just renewing a driver's license over the Internet. It isn't as easy as just driving down to the local DPS office.

Again, for folks who are retired, for folks who don't have a good car, for folks who are elderly, this is a huge issue.

In communities like Redford, in communities like Presidio, in communities like Pine Springs or even Sanderson -- and that's exactly right, Chairman Hilderbran, there's not that many people out there but this impacts them.

And so, this amendment, again, impacts a very limited universe of people, and because it impacts such a limited universe and because voting is such a fundamental right and because, as I've indicated, we all know each other, we all know who we are when we show up -- Loving County, for example, has only a little over 80 residents in the entire county. They all know each other.

Other counties and other communities have that in common with Loving. They're bigger but families have been there for generations. They have very deep roots. In many cases, they have intermarried, and so, there are longstanding relationships.
And so, the challenges that happen in a Houston or a San Antonio or a Dallas or an Austin, they don't happen in, for example, a Valentine, Texas with a population of about 200. They don't happen in a Del City, Texas with a population of several hundred. They don't happen in a Sanderson or a "Delingua" or a "La Quintas" or a Redford or a Presidio.

I would ask members for some consideration for those counties that don't have a DPS office and they're not going to get a DPS office because we are not expanding services.

I would ask for some consideration for those elderly folks who don't have the opportunity to go down the street because this is a significant right that we're altering for them. It really is a huge, huge, huge issue of access.

So, Ms. Harless has moved to table the amendment. I ask you to vote no on the motion to table. And, Mr. Hochberg, I am happy to yield.

SPEAKER: Mr. Hochberg, for what purpose?

REPRESENTATIVE HOCHBERG: Will the gentleman yield, please?

SPEAKER: Will the gentleman yield?

He did. The gentleman yields.

REPRESENTATIVE HOCHBERG: Thank you.
1 Mr. Gallego, I started to ask you before
2 when we ran out of time if, in your opinion, this means
3 that folks in your rural community are going to be less
4 likely to vote than folks in my urban community, and I
5 think you started to answer yes.

6 REPRESENTATIVE GALLEGRO: Absolutely. I
7 think that is true. I think it's much more difficult to
8 get a photo ID the way that this bill is drafted, and
9 so, what happens is people will end up staying home.
10
11 And I think a vote of someone who lives in a
12 rural area should be just as fundamental and just as
13 important as someone who lives in an urban area.
14
15 And so, that's why I ask for some
16 consideration for these folks who are elderly, despite
17 the demographics, as the rural areas get older and
18 those -- there are not that many of us who are rural
19 left but we know that our population is getting older,
20 and so, this seeks to have some reasonable accommodation
21 for those rural areas.

22 And I see Mr. Chisum behind you, and Mr.
23 Chisum can tell you that he represents some counties,
24 too, that don't have driver's license offices, and the
25 person from DPS visits maybe once a week, and if they're
26 sick, then nobody visits, and so, they will go an entire
27 month or so sometimes without having a visit from a --
from a driver's license person.

REPRESENTATIVE HOCHBERG: I'm going to have to think about whether or not to vote with you on this one because I would certainly like to increase any advantages that the urban areas have in terms of producing voters for statewide elections.

So, if you say your amendment is necessary to help maintain rural voter turnout, I'll have to think about your amendment for a while.

REPRESENTATIVE GALLEG0: Well, the truth is that there's not enough people left in the rural area to offset, which is why, for example, I have to represent 15 percent of the state by land and you have to represent -- how many square miles of Houston?

REPRESENTATIVE HOCHBERG: I have -- I have 14 square miles. I have 10,000 people per square mile.

REPRESENTATIVE GALLEG0: 14,000 square -- how many square miles again?

REPRESENTATIVE HOCHBERG: 14.

REPRESENTATIVE GALLEG0: 14 square miles and I --

REPRESENTATIVE HOCHBERG: 10,000 people her square mile.

REPRESENTATIVE GALLEG0: -- represent about 38,000 square miles. 14 square miles versus 38,000
square miles. And that to me is the essence -- we
drafted a one size fits all approach in this bill in
this legislation, and one size doesn't fit all.

And so, that's the challenge and that's the
reasonable -- I think very reasonable accommodation that
I seek for those folks who live in rural areas that
don't have access to that driver's license office on a
regular basis.

REPRESENTATIVE HOCHBERG: Thank you. I do
think you have a good amendment.

REPRESENTATIVE GALLEG: I appreciate that,
Mr. Hochberg.

And I would ask, Members, that you all --
that you vote no on the motion to table.

And I appreciate the opportunity -- thank
you, Ms. Harless, for the opportunity to have a
conversation about the amendment.

SPEAKER: Representative Gallego sends up an
amendment. Representative Harless moves to table. The
vote is on the motion to table. Vote aye, vote no.
Show Mr. Gallego voting no. Show Representative Harless
voting aye.

Have all voted? Have all voted? Being 100
ayes and 49 nays, the motion to table prevails.

Following the amendment, the clerk will read
Representative Anchia.

REPRESENTATIVE ANCHIA: Thank you, Mr. Speaker and Members. Representative Harless and I had a chance to visit when I temporarily pulled this down, and I believe there's going to be some back mic questions. So, I yield.

SPEAKER: Representative Harless, for what purpose?

REPRESENTATIVE HARLESS: Will the -- will the member yield?

REPRESENTATIVE ANCHIA: I do.

REPRESENTATIVE HARLESS: Representative Anchia, we discussed that this amendment is actually for the ID card for voting, correct?

REPRESENTATIVE ANCHIA: That is correct.

REPRESENTATIVE HARLESS: And that ID is issued by the DPS free of charge?

REPRESENTATIVE ANCHIA: That is correct.

REPRESENTATIVE HARLESS: And what your amendment does -- says that if for whatever reason they need to get a replacement or a duplicate ID because they moved and changed their address or they lost it, it
would continue to be free?

REPRESENTATIVE ANCHIA: That is -- that is correct. That is absolutely correct. And the term of art is a duplicate ID, and that picks up people, for example, who move or who change their name, typically because of marriage or divorce.

That category of state ID for purposes of voting is called a duplicate. It's neither a new or renewal.

REPRESENTATIVE HARLESS: So, we had a conversation with DPS.

REPRESENTATIVE ANCHIA: Yes.

REPRESENTATIVE HARLESS: And they are going to give us a formal ruling on this. So, I accept this amendment and if we need to have more conversation about it, we can.

REPRESENTATIVE ANCHIA: Thank you for taking the amendment.

SPEAKER: Mr. Anchia sends up an amendment. The amendment is acceptable to the author. Is there objection?

The Chair hears none. The amendment is adopted.

Following the amendment, the clerk will read the amendment.
CLERK: Amendment by Martinez.

SPEAKER: The Chair recognizes Representative Martinez.

REPRESENTATIVE MARTINEZ: Thank you, Mr. Speaker, Members. This amendment requires that employees at the Department of Public Safety inform anybody applying for a state identification card that the state ID is free of charge if they intend to use it for voting purposes.

So, pretty much all you're going to be doing is when an individual goes in and they're going to apply for a voter ID card or for an ID card or their driver's license, people at DPS will be telling them that if it is used for voting purposes, there is no charge for the ID and it is free of charge.

So, DPS employees already ask the applicants if they wish to register to vote and a link is provided for those who renew on line.

So, this amendment would fit neatly into the system already in place for educating citizens about voting. And as a DPS employee is interacting with a customer, they should make sure that the person has the opportunity to receive a free ID if they need it to satisfy the requirements of a photo ID voting law.

SPEAKER: The Chair recognizes
Representative Harless in opposition.

REPRESENTATIVE HARLESS: Members,

Mr. Speaker, this amendment actually provides for free ID cards for those who need it but this amendment will create an opportunity for people to get a free driver's license if they say they're going to use it to vote, and I have to oppose the amendment.

SPEAKER: The Chair recognizes Representative Martinez to close.

REPRESENTATIVE MARTINEZ: Okay. Members, once again we're saying that a photo ID is free if you're going to use it for voting but yet DPS can inform you that if you're using it for voting that it's free. So, if we're not going to be honest with the public when they go in to renew their driver's license or get a photo ID card, then what's the purpose of even having this bill?

What we need to do is make sure that we educate the public so that when they go in to renew their ID or they go in to renew their driver's license that they can get an ID for free if it's being used for voting purposes.

No reason to mislead the public. We should tell them. We should be honest and transparent. And I ask you to vote no on the motion to table.
SPEAKER: Mr. Martinez sends up an amendment. Representative Harless moves to table. This is on the motion to table. Vote aye, vote nay. Show Representative Harless voting aye. Show Representative Martinez voting no.

Have all voted? Have all voted? Being 100 ayes, 45 nays, the motion to table prevails.

Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Alonzo.

SPEAKER: Is Mr. Alonzo on the floor of the House?

The amendment is temporarily withdrawn.

Is Mr. Dutton on the floor of the House?
Is Mr. Bohac on the floor of the House?
Following the amendment, the clerk will read the amendment.

CLERK: Amendment by Bohac.

SPEAKER: The Chair recognizes Representative Bohac.
STATE OF TEXAS

COUNTY OF HARRIS

I, the undersigned certified shorthand reporter and notary public in and for the State of Texas, certify that the facts stated in the foregoing pages are true and correct.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which this matter is taken and, further, that I am not a relative or employee of any counsel employed by the parties hereto, or financially interested in the action.

SUBSCRIBED AND SWORN TO under my hand and seal of office on this the 23rd day of April, 2012.

EDITH A. BOGGS, CSR
Certified Shorthand Reporter and
Notary Public in and for
the State of Texas

Notary Expires: 5-10-2012
Certificate No. 3022
Expiration date: 12-31-2013
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