

# HOUSE JOURNAL

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EIGHTY-FIFTH LEGISLATURE, FIRST CALLED SESSION

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## PROCEEDINGS

SIXTEENTH DAY — WEDNESDAY, AUGUST 9, 2017

The house met at 10:07 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 86).

Present — Mr. Speaker(C); Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cosper; Craddick; Cyrier; Dale; Darby; Davis, S.; Davis, Y.; Dean; Deshotel; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; González; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Leach; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Nevárez; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Absent, Excused — Canales; Keough; Shaheen.

Absent — Dukes.

The speaker recognized Representative Hinojosa who introduced Reverend Dr. Sidney Hall III, senior minister, Trinity United Methodist Church, Austin, who offered the invocation as follows:

May I be free from hatred and fear. May I be free from mental suffering. May I be free from physical suffering. May I care for my own happiness.

May my family and friends be free from hatred and fear. May my family and friends be free from mental suffering. May my family and friends be free from physical suffering. May my family and friends care for their own happiness.

May all Texas legislators, including those who sit across the aisle from me, be free from hatred and fear. May all Texas legislators be free from mental suffering. May all Texas legislators be free from physical suffering. May all Texas legislators care for their own happiness.

May all Texans be free from hatred and fear. May all Texans be free from mental suffering. May all Texans be free from physical suffering. May all Texans care for their own happiness.

Holy One, let your love flow outward through the universe—to its height, its depth, its broad extent; a limitless love without hatred or enmity. In your many names we pray. Amen.

The speaker recognized Representative Perez who led the house in the pledges of allegiance to the United States and Texas flags.

### **LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence for today because of important business in the district:

Canales on motion of Collier.

Keough on motion of Metcalf.

Shaheen on motion of Schofield.

The following member was granted leave of absence for the remainder of today because of family business in the district:

Leach on motion of Goldman.

### **CAPITOL PHYSICIAN**

The speaker recognized Representative Metcalf who presented Dr. Timothy Irvine of Spring as the "Doctor for the Day."

The house welcomed Dr. Irvine and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Cyrier in the chair)

### **RESOLUTIONS ADOPTED**

Representative Kacal moved to suspend all necessary rules to take up and consider at this time the following congratulatory resolutions.

The motion prevailed.

The following resolutions were laid before the house:

**HCR 26** (by Shine), Congratulating Margana Wood on being crowned Miss Texas 2017.

**HR 288** (by Hinojosa), Commemorating the 100th anniversary of Boy Scout Troop No. 9 in Austin.

The resolutions were adopted.

On motion of Representative Kacal, the names of all the members of the house were added to the resolutions as signers thereof, with the understanding that a member may remove his or her name from any resolution.

**HR 25 - ADOPTED**  
**(by Cyrrier)**

Representative Kacal moved to suspend all necessary rules to take up and consider at this time **HR 25**.

The motion prevailed.

The following resolution was laid before the house:

**HR 25**, In memory of Michael C. Fisher of Bastrop.

**HR 25** was unanimously adopted by a rising vote.

On motion of Representative Kacal, the names of all the members of the house were added to **HR 25** as signers thereof, with the understanding that a member may remove his or her name from the resolution.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business in the district:

Nevárez on motion of Collier.

(Kacal in the chair)

**HR 25 - PREVIOUSLY ADOPTED**  
**(by Cyrrier)**

The chair laid out and had read the following previously adopted resolution:

**HR 25**, In memory of Michael C. Fisher of Bastrop.

**INTRODUCTION OF GUESTS**

The chair recognized Representative Cyrrier who introduced friends of Michael C. Fisher.

**HR 288 - INTRODUCTION OF GUESTS**

The chair recognized Representative Hinojosa who introduced representatives of Boy Scout Troop No. 9.

**HCR 26 - PREVIOUSLY ADOPTED**  
**(by Shine)**

The chair laid out and had read the following previously adopted resolution:

**HCR 26**, Congratulating Margana Wood on being crowned Miss Texas 2017.

**INTRODUCTION OF GUEST**

The chair recognized Representative Shine who introduced Margana Wood, Miss Texas 2017.

(Speaker in the chair)

**GENERAL STATE CALENDAR  
SENATE BILLS  
SECOND READING**

The following bills were laid before the house and read second time:

**SB 5 ON SECOND READING  
(Goldman - House Sponsor)**

**SB 5**, A bill to be entitled An Act relating to the prevention of fraud in the conduct of an election; creating a criminal offense; increasing criminal penalties.

**Amendment No. 1**

Representative Alonzo offered the following amendment to **SB 5**:

Amend **SB 5** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 84.013, Election Code, is amended to read as follows:

Sec. 84.013. APPLICATION FORMS FURNISHED BY SECRETARY OF STATE. (a) The secretary of state shall maintain a supply of the official application forms for ballots to be voted by mail and shall furnish the forms in reasonable quantities without charge to individuals or organizations requesting them for distribution to voters.

(b) Not later than January 31 of each year, the secretary of state shall provide by mail an official application form to each voter eligible to vote by mail under Section 82.003.

**REMARKS ORDERED PRINTED**

Representative S. Thompson moved to print all remarks on **SB 5**.

The motion prevailed. [Please refer to the supplement to this journal for the text of the debate on **SB 5**.]

Amendment No. 1 failed of adoption by (Record 87): 51 Yeas, 92 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Oliveira; Ortega; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson;

Laubenberg; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Keough; Leach; Nevárez; Shaheen.

Absent — Dukes.

### STATEMENT OF VOTE

When Record No. 87 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

### Amendment No. 2

Representative E. Johnson offered the following amendment to **SB 5**:

Amend **SB 5** (house committee printing) by striking page 1, line 4.

Amendment No. 2 failed of adoption by (Record 88): 49 Yeas, 94 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Oliveira; Ortega; Perez; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospier; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Neave; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Keough; Leach; Nevárez; Shaheen.

Absent — Dukes.

### STATEMENT OF VOTE

When Record No. 88 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

#### Amendment No. 3

Representative Romero offered the following amendment to **SB 5**:

Amend **SB 5** (house committee printing) by adding the following appropriately numbered SECTIONS to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 84.011, Election Code, is amended by adding Subsection (c) to read as follows:

(c) A voter who is eligible to vote by mail under Section 82.003 may only submit an application to vote by mail using the official form received under Section 84.012 or 84.013(b).

SECTION \_\_\_\_\_. Section 84.013, Election Code, is amended to read as follows:

Sec. 84.013. APPLICATION FORMS FURNISHED BY SECRETARY OF STATE. (a) Subject to Subsection (b), the ~~The~~ secretary of state shall maintain a supply of the official application forms for ballots to be voted by mail and shall furnish the forms in reasonable quantities without charge to individuals or organizations requesting them for distribution to voters. Individuals or organizations receiving forms under this subsection may not distribute applications to voters eligible to vote by mail under Section 82.003.

(b) Not later than January 31 of each year, the secretary of state shall provide by mail an official application form to each voter eligible to vote by mail under Section 82.003.

Amendment No. 3 failed of adoption by (Record 89): 50 Yeas, 92 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Oliveira; Ortega; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guerra; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Rinaldi;

Roberts; Sanford; Schaefer; Schofield; Schubert; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Keough; Leach; Nevárez; Shaheen.

Absent — Dukes; Perez.

### STATEMENT OF VOTE

When Record No. 89 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

#### Amendment No. 4

Representative Howard offered the following amendment to **SB 5**:

Amend **SB 5** (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.014 to read as follows:

Sec. 31.014. STUDY REGARDING POTENTIAL FOR FRAUD FROM VOTER SIGNING CARRIER ENVELOPE. (a) The secretary of state, using existing resources, shall conduct a study regarding the potential for fraud arising from a voter's signature appearing on the outside of the carrier envelope as required by Section 86.005(c). The study must:

(1) identify instances where the voter's signature on the carrier envelope resulted in the fraudulent use of the voter's signature; and

(2) offer alternative procedures to the signing of the carrier envelope as required by Section 86.005(c) that do not present a potential for the fraudulent use of the voter's signature.

(b) Not later than December 1, 2018, the secretary of state shall report the study's findings to the governor, the lieutenant governor, the speaker of the house of representatives, and the committees of each house of the legislature with jurisdiction over elections.

(c) This section expires September 1, 2019.

Amendment No. 4 failed of adoption by (Record 90): 54 Yeas, 88 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Gooden; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cospers; Craddick; Cyrier; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Canales; Keough; Leach; Nevárez; Shaheen.

Absent — Cook; Dukes.

### STATEMENTS OF VOTE

When Record No. 90 was taken, I was shown voting no. I intended to vote yes.

S. Davis

When Record No. 90 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

### Amendment No. 5

Representative Goldman offered the following amendment to **SB 5**:

Amend **SB 5** (house committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. Section 64.012(a), Election Code, is amended to read as follows:

(a) A person commits an offense if the person:

(1) votes or attempts to vote in an election in which the person knows the person is not eligible to vote;

(2) knowingly votes or attempts to vote more than once in an election;

(3) knowingly [~~impersonates another person and~~] votes or attempts to vote a ballot belonging to another person, or by impersonating another [as the impersonated] person; or

(4) knowingly marks or attempts to mark any portion of another person's ballot without the consent of that person, or without specific direction from that person how to mark the ballot.

SECTION 2. Section 66.058(a), Election Code, is amended to read as follows:

(a) Except as otherwise provided by this code, the precinct election records shall be preserved by the authority to whom they are distributed[=

~~[(1) in an election involving a federal office,] for at least 22 months after election day [in accordance with federal law; or  
(2) in an election not involving a federal office, for at least six months after election day].~~

SECTION 3. Section 84.001(b), Election Code, is amended to read as follows:

(b) An application must be in writing and signed by the applicant. An electronic signature is not permitted.

SECTION 4. Section 84.0041, Election Code, is amended to read as follows:

Sec. 84.0041. FRAUDULENT USE OF [PROVIDING FALSE INFORMATION ON] APPLICATION FOR BALLOT BY MAIL. (a) A person commits an offense if the person:

(1) knowingly provides false information on an application for [an early voting] ballot by mail;

(2) intentionally causes false information to be provided on an application for ballot by mail;

(3) knowingly submits an application for ballot by mail without the knowledge and authorization of the voter; or

(4) knowingly and without the voter's authorization alters information provided by the voter on an application for ballot by mail.

(b) An offense under this section is a state jail felony ~~[unless the person is the applicant, is related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or is registered to vote at the same address as the applicant, in which event the offense is a Class A misdemeanor].~~

(c) An offense under Subsection (a)(4) does not apply to an early voting clerk or deputy early voting clerk who receives and marks an application for administrative purposes only.

(d) An offense under this section is increased to the next higher category of offense if it is shown on the trial of an offense under this section that:

(1) the defendant was previously convicted of an offense under this code;

(2) the offense involved a voter 65 years of age or older; or

(3) the defendant committed another offense under this section in the same election.

SECTION 5. Section 84.007, Election Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) An application must be submitted to the early voting clerk by:

(1) mail;

(2) common or contract carrier;

(3) subject to Subsection (b-1), telephonic facsimile machine, if a machine is available in the clerk's office; or

(4) subject to Subsection (b-1), electronic transmission of a scanned application containing an original signature.

(b-1) For an application for ballot by mail submitted by telephonic facsimile machine or electronic transmission to be effective, the application also must be submitted by mail and be received by the early voting clerk not later than the fourth business day after the transmission by telephonic facsimile machine or electronic transmission is received.

SECTION 6. Section 84.032(c), Election Code, is amended to read as follows:

(c) An applicant may submit a request after the close of early voting by personal appearance by appearing in person and:

(1) returning the ballot to be voted by mail to the early voting clerk; or

(2) executing an affidavit that the applicant:

(A) has not received the ballot to be voted by mail; or

(B) never requested a ballot to be voted by mail.

SECTION 7. Section 84.037, Election Code, is amended to read as follows:

Sec. 84.037. PRESERVATION OF DOCUMENTS. (a) The early voting clerk shall preserve each cancellation request for the period for preserving the precinct election records. If the application is canceled, the clerk shall attach it and the corresponding ballot materials, if available, to the cancellation request and preserve it with the request.

(b) The early voting clerk shall, not later than the 30th day after election day, deliver notice to the attorney general of cancellation requests received, including certified copies of cancellation requests, applications, and carrier envelopes, if available.

(c) The attorney general shall prescribe the form and manner of submission under Subsection (b). The secretary of state shall adopt rules as necessary to implement the requirements prescribed under this subsection.

SECTION 8. Sections 86.003(a) and (b), Election Code, as effective September 1, 2017, are amended to read as follows:

(a) The balloting materials for voting by mail shall be provided to the voter by mail [~~unless the ballot is delivered to a voter for early voting under Chapter 107~~]. A ballot provided by any other method may not be counted.

(b) Subject to Subsection (c), the balloting materials shall be addressed to the applicable address specified in the voter's application. The election officer providing the ballot may not knowingly mail [~~deliver~~] the materials to an address other than that prescribed by this section.

SECTION 9. Section 86.004(a), Election Code, as effective September 1, 2017, is amended to read as follows:

(a) Except as provided by Subsection (b) [~~or (c)~~], the balloting materials for voting by mail shall be mailed to a voter entitled to vote by mail not later than the seventh calendar day after the later of the date the clerk accepts the voter's application for a ballot to be voted by mail or the date the ballots become available for mailing, except that if that mailing date is earlier than the 45th day before election day, the balloting materials shall be mailed not later than the 38th day before election day.

SECTION 10. The heading to Section 86.0051, Election Code, is amended to read as follows:

Sec. 86.0051. UNLAWFUL CARRIER ENVELOPE ACTION BY PERSON OTHER THAN VOTER~~[-OFFENSES]~~.

SECTION 11. Section 86.0051, Election Code, is amended by amending Subsections (b), (d), and (e) and adding Subsection (f) to read as follows:

(b) A person other than the voter who assists a voter by depositing [deposits] the carrier envelope in the mail or with a common or contract carrier or who obtains the carrier envelope for that purpose must provide the person's signature, printed name, and residence address on the reverse side of the envelope.

(d) An offense under this section is a Class A ~~[B]~~ misdemeanor, unless it is shown on the trial of an offense under this section that the person committed [is convicted of] an offense under Section 64.036 for providing unlawful assistance to the same voter in connection with the same ballot, in which event the offense is a state jail felony.

(e) This section does [Subsections (a) and (e) do] not apply if the person is related to the voter ~~[applicant]~~ within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or was physically living in ~~[is registered to vote at]~~ the same dwelling ~~[address]~~ as the voter at the time of the event ~~[applicant]~~.

(f) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

SECTION 12. Sections 86.006(f), (g), and (g-1), Election Code, are amended to read as follows:

(f) A person commits an offense if the person knowingly possesses an official ballot or official carrier envelope provided under this code to another. Unless the person possessed the ballot or carrier envelope with intent to defraud the voter or the election authority, this subsection does not apply to a person who, on the date of the offense, was:

(1) related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code;

(2) physically living in [registered to vote at] the same dwelling [address] as the voter;

(3) an early voting clerk or a deputy early voting clerk;

(4) a person who possesses a ballot or ~~[the]~~ carrier envelope solely for the purpose of lawfully assisting a voter who was eligible for assistance under Section 86.010 and complied fully with:

(A) Section 86.010; and

(B) Section 86.0051, if assistance was provided in order to deposit the envelope in the mail or with a common or contract carrier [and who provides the information required by Section 86.0051(b) in accordance with that section];

(5) an employee of the United States Postal Service working in the normal course of the employee's authorized duties; or

(6) a common or contract carrier working in the normal course of the carrier's authorized duties if the official ballot is sealed in an official carrier envelope that is accompanied by an individual delivery receipt for that particular carrier envelope.

(g) An offense under Subsection (f) is a Class A misdemeanor unless the defendant possessed the ballot or carrier envelope without the request of the voter, in which case it is a felony of the third degree. If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both [±

~~[(1) a Class B misdemeanor if the person possesses at least one but fewer than 10 ballots or carrier envelopes unless the person possesses the ballots or carrier envelopes without the consent of the voters, in which event the offense is a state jail felony;~~

~~[(2) a Class A misdemeanor if the person possesses at least 10 but fewer than 20 ballots or carrier envelopes unless the person possesses the ballots or carrier envelopes without the consent of the voters, in which event the offense is a felony of the third degree; or~~

~~[(3) a state jail felony if the person possesses 20 or more ballots or carrier envelopes unless the person possesses the ballots or carrier envelopes without the consent of the voters, in which event the offense is a felony of the second degree].~~

(g-1) An offense under Subsection (g) is increased to the next higher category of offense if it is shown on the trial of an offense under this section that:

(1) the defendant was previously convicted of an offense under this code;

(2) the offense involved an individual 65 years of age or older; or

(3) the defendant committed another offense under this section in the same election [When ballots or carrier envelopes are obtained in violation of this section pursuant to one scheme or continuing course of conduct, whether from the same or several sources, the conduct may be considered as one offense and the number of ballots or carrier envelopes aggregated in determining the grade of the offense].

SECTION 13. Section 86.010, Election Code, is amended to read as follows:

Sec. 86.010. UNLAWFULLY ASSISTING VOTER VOTING BALLOT BY MAIL. (a) A voter casting a ballot by mail who would be eligible under Section 64.031 to receive assistance at a polling place may select a person as provided by Section 64.032(c) to assist the voter in preparing the ballot.

(b) Assistance rendered under this section is limited to that authorized by this code at a polling place, except that a voter with a disability who is physically unable to deposit the ballot and carrier envelope in the mail may also select a person as provided by Section 64.032(c) to assist the voter by depositing a sealed carrier envelope in the mail.

(c) The person assisting the voter must sign a written oath prescribed by Section 64.034 that is part of the certificate on the official carrier envelope.

(d) If a voter is assisted in violation of this section [~~Subsection (a) or (b)~~], the voter's ballot may not be counted.

(e) A person who assists a voter to prepare a ballot to be voted by mail shall enter the person's signature, printed name, and residence address on the official carrier envelope of the voter.

(f) A person who assists a voter commits an offense if the person knowingly fails to comply with Subsections (c) and [~~provide the information on the official carrier envelope as required by Subsection~~] (e).

(g) An offense under this section is a [~~Class A misdemeanor unless the person is convicted of an offense under Section 64.036 for providing unlawful assistance to the same voter, in which event the offense is a~~] state jail felony.

(h) Subsection (f) does not apply if the person is related to the voter [~~applicant~~] within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code, or was physically living in [~~is registered to vote at~~] the same dwelling [~~address~~] as the voter at the time of the event [~~applicant~~].

(i) An offense under this section is increased to the next higher category of offense if it is shown on the trial of an offense under this section that:

(1) the defendant was previously convicted of an offense under this code;

(2) the offense involved a voter 65 years of age or older; or

(3) the defendant committed another offense under this section in the same election.

(j) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

SECTION 14. Section 87.027(i), Election Code, is amended to read as follows:

(i) The signature verification committee shall compare the signature on each carrier envelope certificate, except those signed for a voter by a witness, with the signature on the voter's ballot application to determine whether the signatures are those of the voter [~~same person~~]. The committee may also compare the signatures with any two or more signatures of the voter made within the preceding six years and on file with the county clerk or voter registrar [~~the signature on the voter's registration application to confirm that the signatures are those of the same person but may not use the registration application signature~~] to determine whether [~~that~~] the signatures are [~~not~~] those of the voter [~~same person~~]. Except as provided by Subsection (l), a determination under this subsection that the signatures are not those of the voter [~~same person~~] must be made by a majority vote of the committee's membership. The committee shall place the jacket envelopes, carrier envelopes, and applications of voters whose signatures are not those of the voter [~~same person~~] in separate containers from those of voters whose signatures are those of the voter [~~same person~~]. The committee chair shall deliver the sorted materials to the early voting ballot board at the time specified by the board's presiding judge.

SECTION 15. Section 87.041, Election Code, is amended by amending Subsection (e) and adding Subsection (g) to read as follows:

(e) In making the determination under Subsection (b)(2), the board may also compare the signatures with any two or more signatures of the voter made within the preceding six years and on file with the county clerk or voter registrar to determine whether [confirm that] the signatures are those of the voter [same person but may not use the signatures to determine that the signatures are not those of the same person].

(g) A person commits an offense if the person intentionally accepts a ballot for voting or causes a ballot to be accepted for voting that the person knows does not meet the requirements of Subsection (b). An offense under this subsection is a Class A misdemeanor.

SECTION 16. Section 87.0431, Election Code, is amended to read as follows:

Sec. 87.0431. NOTICE OF REJECTED BALLOT. (a) Not later than the 10th day after election day, the presiding judge of the early voting ballot board shall deliver written notice of the reason for the rejection of a ballot to the voter at the residence address on the ballot application. If the ballot was transmitted to the voter by e-mail under Subchapter C, Chapter 101, the presiding judge shall also provide the notice to the e-mail address to which the ballot was sent.

(b) The early voting clerk shall, not later than the 30th day after election day, deliver notice to the attorney general, including certified copies of the carrier envelope and corresponding ballot application, of any ballot rejected because:

- (1) the voter was deceased;
- (2) the voter already voted in person in the same election;
- (3) the signatures on the carrier envelope and ballot application were not executed by the same person;
- (4) the carrier envelope certificate lacked a witness signature; or
- (5) the carrier envelope certificate was improperly executed by an assistant.

(c) The attorney general shall prescribe the form and manner of submission under Subsection (b). The secretary of state shall adopt rules as necessary to implement the requirements prescribed under this subsection.

SECTION 17. Chapter 276, Election Code, is amended by adding Section 276.013 to read as follows:

Sec. 276.013. ELECTION FRAUD. (a) A person commits an offense if the person knowingly or intentionally makes any effort to:

- (1) influence the independent exercise of the vote of another in the presence of the ballot or during the voting process;
- (2) cause a voter to become registered, a ballot to be obtained, or a vote to be cast under false pretenses; or
- (3) cause any intentionally misleading statement, representation, or information to be provided:
  - (A) to an election official; or
  - (B) on an application for ballot by mail, carrier envelope, or any other official election-related form or document.

(b) An offense under this section is a Class A misdemeanor.

(c) An offense under this section is increased to the next higher category of offense if it is shown on the trial of an offense under this section that:

(1) the defendant was previously convicted of an offense under this code;

(2) the offense involved a voter 65 years of age or older, and the actor was not:

(A) related to the voter within the second degree by affinity or the third degree by consanguinity, as determined under Subchapter B, Chapter 573, Government Code; or

(B) physically living in the same dwelling as the voter at the time of the event; or

(3) the defendant committed another offense under this section in the same election.

(d) If conduct that constitutes an offense under this section also constitutes an offense under any other law, the actor may be prosecuted under this section, the other law, or both.

SECTION 18. The following provisions of law, as effective September 1, 2017, are repealed:

- (1) Section 86.003(e), Election Code;
- (2) Section 86.004(c), Election Code;
- (3) Chapter 107, Election Code;
- (4) Section 242.0181, Health and Safety Code; and
- (5) Section 247.008, Health and Safety Code.

SECTION 19. The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

SECTION 20. This Act takes effect December 1, 2017.

(Dukes now present)

### **Amendment No. 5 - Point of Order**

Representative Uresti raised a point of order against further consideration of Amendment No. 5 under Rule 11, Section 2 and Rule 11, Section 3 of the House Rules on the grounds that the amendment is not germane to the bill and the amendment would change the original purpose of the bill.

The speaker overruled the point of order and submitted the following statement:

The subject of **SB 5** was the proper conduct of casting mail-in ballots for the purpose of detecting and protecting against mail-in ballot voting fraud. The subject and purpose of Amendment No. 5 were the same, comprising 18 separate sections dealing with ballot by mail provisions. The main complaint by Representative Uresti is that Section 18 of Amendment No. 5 repealed

Chapter 107, Election Code, which dealt with proper conduct of casting mail-in ballots at residential care facilities. Chapter 107 was passed during the first 140 days of the 85th Legislative Session. The representative argues that deletion of Chapter 107 changes the purpose of and is not germane to **SB 5**. This assertion is incorrect.

Chapter 107, Election Code (the deleted provisions), in almost 10 pages of text outlines on how early voting using mail-in ballots is accomplished in residential care facilities. Representative Goldman's repeal and replacement of Chapter 107 with other provisions designed to protect against fraudulent voting using mail-in ballots does not change the purpose of **SB 5** and does not violate the prohibition on nongermane amendments; the point of order is respectfully overruled.

### **Amendment No. 6**

Representative Moody offered the following amendment to Amendment No. 5:

Amend Floor Amendment No. 5 by Goldman to **SB 5** on page 1, line 13, between "(4)" and "knowingly" by inserting "with the intent to harm or defraud another,".

(Cyrrier in the chair)

Amendment No. 6 failed of adoption by (Record 91): 51 Yeas, 89 Nays, 2 Present, not voting.

Yeas — Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Sheffield; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospers; Craddick; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Cyrrier(C).

Absent, Excused — Canales; Keough; Leach; Nevárez; Shaheen.

Absent — Allen; Farrar; Gutierrez.

**Amendment No. 7**

Representative Schofield offered the following amendment to Amendment No. 5:

Amend the proposed floor substitute to **SB 5** as follows:

(1) In SECTION 2 (page 1, line 16), strike "66.058 (a)" and substitute "66.058".

(2) On page 1, line 16, between "amended" and "to" insert "by amending Subsection (a) and adding Subsection (i)".

(3) On page 1, between lines 25 and 26, insert the following:

(i) Notwithstanding Section 66.002, for purposes of this section, "precinct election records" includes all ballot envelopes and carrier envelopes returned by a voter voting under Chapter 86 or Chapter 107.

Amendment No. 7 failed of adoption by (Record 92): 40 Yeas, 100 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Anderson, R.; Biedermann; Bohac; Cortez; Dale; Dean; Deshotel; Dukes; Dutton; Farrar; Giddings; Guerra; Guillen; Isaac; Johnson, E.; Krause; Landgraf; Lang; Larson; Laubenberg; Martinez; Meyer; Moody; Muñoz; Oliveira; Paul; Phillips; Pickett; Price; Raymond; Rinaldi; Roberts; Sanford; Schofield; Schubert; Smithee; Swanson; Thompson, S.

Nays — Alonzo; Anchia; Anderson, C.; Arévalo; Ashby; Bailes; Bell; Bernal; Blanco; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Coleman; Collier; Cook; Cosper; Craddick; Darby; Davis, S.; Davis, Y.; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; González; Gooden; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Israel; Kacal; King, K.; King, P.; Klick; Koop; Kuempel; Lambert; Longoria; Lozano; Lucio; Metcalf; Miller; Minjarez; Morrison; Murphy; Murr; Neave; Oliverson; Ortega; Paddie; Parker; Perez; Phelan; Raney; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Schaefer; Sheffield; Shine; Simmons; Springer; Stephenson; Stickland; Stucky; Thierry; Thompson, E.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Cyrier(C).

Absent, Excused — Canales; Keough; Leach; Nevárez; Shaheen.

Absent — Gutierrez; Johnson, J.; King, T.

**STATEMENTS OF VOTE**

When Record No. 92 was taken, I was shown voting no. I intended to vote yes.

Bell

When Record No. 92 was taken, I was shown voting yes. I intended to vote no.

Krause

When Record No. 92 was taken, I was shown voting no. I intended to vote yes.

Murr

When Record No. 92 was taken, I was shown voting no. I intended to vote yes.

Neave

### **Amendment No. 8**

Representative Swanson offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Goldman to **SB 5** on page 5, line 5, by striking "38th" and substituting "30th [~~38th~~]".

Amendment No. 8 was adopted.

### **Amendment No. 9**

Representative Alonzo offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Goldman to **SB 5** by striking page 12, line 26 through page 13, line 1.

Amendment No. 9 failed of adoption by (Record 93): 52 Yeas, 90 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Oliveira; Ortega; Perez; Pickett; Raymond; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cosper; Craddick; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Cyrier(C); Reynolds.

Absent, Excused — Canales; Keough; Leach; Nevárez; Shaheen.

**Amendment No. 10**

Representative Israel offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Goldman to **SB 5** as follows:

(1) Add the following appropriately numbered SECTIONS to the amendment and renumber subsequent SECTIONS of the amendment accordingly:

SECTION \_\_\_\_\_. Section 84.038, Election Code, is amended to read as follows:

Sec. 84.038. CANCELLATION EFFECTIVE FOR SINGLE ELECTION. The cancellation of an application for a ballot to be voted by mail under Section 84.032(c), (d), or (e) is effective for a single ballot only and does not cancel the application with respect to a subsequent election, including a subsequent election to which the same application applies under Section 84.001(e), ~~[or]~~ 86.0015(b), or 86.0131.

SECTION \_\_\_\_\_. Section 86.013, Election Code, is amended by amending Subsections (c), (d), and (g) and adding Subsections (h) and (i) to read as follows:

(c) A certificate in substantially the following form must be printed on the reverse side of the official carrier envelope in a manner that requires the voter to sign across the flap of the envelope:

"I certify that the enclosed ballot expresses my wishes independent of any dictation or undue persuasion by any person.

\_\_\_\_\_  
Signature of voter

By: \_\_\_\_\_  
Signature of person assisting voter, if applicable (see Ballot Envelope and separate sheet accompanying Carrier Envelope for restrictions and penalties)

\_\_\_\_\_  
Printed name of person assisting voter, if applicable

\_\_\_\_\_  
Residence address of person assisting voter, if applicable"

The space provided for the voter's signature must be located in a box that is at least one inch by three inches, and "Signature of Voter" and "Sign Over the Sealed Flap" must be printed in bold type.

(d) The following textual material, as prescribed by the secretary of state, must be printed ~~[on the reverse side of the official carrier envelope or]~~ on a separate sheet accompanying the carrier envelope ~~[when it is provided]~~:

- (1) the prohibition prescribed by Section 86.006(b);
- (2) the conditions for delivery by common or contract carrier prescribed by Sections 81.005 and 86.006;

(3) the requirements for the legal execution and delivery of the carrier envelope, including the prohibition on compensation for depositing carrier envelopes containing ballots voted by other persons under Section 86.0052;

(4) the prohibition prescribed by Section 86.006(e); ~~and~~

(5) the offenses prescribed by Sections 86.006(f) and 86.010(f);

(6) instructions for the renewal application prescribed by Section 86.0131; and

(7) any additional information required to instruct the voter.

(g) The secretary of state by rule shall require that a notice informing voters of the telephone number established under Section 31.0055 and the purpose of the telephone number be printed on[-

~~(1) the official carrier envelope; or~~

~~(2)] an insert enclosed with the balloting materials for voting by mail sent to the voter.~~

(h) The secretary of state shall adopt guidelines for the textual material required under Subsection (d) and the format of the carrier envelope in consultation with plain language experts and after determining the best practices for drafting the textual material and designing the carrier envelope. The secretary of state may inform the counties of any best practices determined under this subsection to be used in developing election materials.

(i) The carrier envelope may not be printed to require an assistant or witness who completes the information required by Subsection (c) to additionally check or otherwise make a selection mark indicating that an assistant or witness was used.

SECTION \_\_\_\_\_. Chapter 86, Election Code, is amended by adding Section 86.0131 to read as follows:

Sec. 86.0131. RENEWAL APPLICATION FOR BALLOTS BY MAIL ON CARRIER ENVELOPE. (a) The following renewal application shall be printed on the carrier envelope, preceded by a box for the voter to indicate by a check mark their desire to receive all ballots until December 31 of the next year:

"I request all future ballots for the remainder of this voting cycle until December 31 of the next year.

"If applicable, I wish to vote in the: (check one)

\_\_\_ Democratic Primary

\_\_\_ Republican Primary

\_\_\_ I do not wish to vote in a party primary."

(b) The renewal application must state the period for which the renewal application is effective, and must provide spaces to mark the voter's signature, the date, and the voter's telephone number and e-mail address.

(c) If the voter, or a witness as provided by Section 84.003, does not sign the renewal application, the renewal application is invalid.

(d) If for any reason the ballot is rejected for the specific election, the application for future ballots shall be valid if it is signed and the appropriate box is checked.

(e) If the voter does not mark a specific primary or the box stating the voter does not wish to vote in a primary, the clerk shall treat the application as if the voter indicated "I do not wish to vote in a party primary."

(f) A renewal application under this section shall be processed in the same manner as an original application for a ballot by mail under this code.

(g) Notwithstanding any other provision of this code, a renewal application submitted under this section serves as an application for a ballot to be voted by mail for every election until December 31 of the year following the date of the election for which the ballot containing the renewal application was returned. The subsequent submission of an application to vote early by mail under any provision of this code does not supersede the renewal under this section unless the voter changes the address to which the voter's ballot is to be sent.

(h) The secretary of state shall prescribe rules and procedures as necessary to implement this section.

SECTION \_\_\_\_\_. Section 87.041, Election Code, is amended by adding Subsections (h) and (i) to read as follows:

(h) The board may not reject a ballot solely on the grounds that a signature on the carrier envelope certificate is not located entirely in the space provided for the signature.

(i) The board may not reject a ballot solely on the grounds that an assistant or witness who provided all the information on the carrier envelope under Section 86.013(c) failed to provide an indication that an assistant or witness was used if the assistant or witness complied with Section 86.010(e).

SECTION \_\_\_\_\_. Section 87.044, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The early voting ballot board shall deliver to the early voting clerk any early voting applications included as provided by Section 86.0131 on a carrier envelope with a ballot voted in an election held on the November uniform election date regardless of whether the ballot is accepted.

Amendment No. 10 failed of adoption.

### **Amendment No. 11**

Representative Moody offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Goldman to **SB 5** by adding the following appropriately numbered SECTION to the amendment and renumbering subsequent SECTIONS of the amendment accordingly:

SECTION \_\_\_\_\_. Section 64.012, Election Code, is amended by adding Subsection (c) to read as follows:

(c) It is an exception to the application of Subsection (a)(4) that the person marked the ballot or attempted to mark the ballot in a manner that could have no effect on the vote indicated or to be indicated by the ballot.

Amendment No. 11 failed of adoption by (Record 94): 52 Yeas, 90 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospere; Craddick; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Cyrier(C).

Absent, Excused — Canales; Keough; Leach; Nevárez; Shaheen.

Absent — Coleman.

### **Amendment No. 12**

Representative Moody offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Goldman to **SB 5** by adding the following appropriately numbered SECTION to the amendment and renumbering subsequent SECTIONS of the amendment accordingly:

SECTION \_\_\_\_\_. Section 64.012, Election Code, is amended by adding Subsection (c) to read as follows:

(c) It is a defense to prosecution under Subsection (a)(4) that the person marked the ballot or attempted to mark the ballot in a manner that could have no effect on the vote indicated or to be indicated by the ballot.

Amendment No. 12 failed of adoption by (Record 95): 51 Yeas, 90 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Minjarez; Moody; Muñoz; Neave; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cosper; Craddick; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Hunter; Isaac; Kacal; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Cyrier(C).

Absent, Excused — Canales; Keough; Leach; Nevárez; Shaheen.

Absent — Coleman; Martinez.

**Amendment No. 13**

Representative Moody offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Goldman to **SB 5** by adding the following appropriately numbered SECTION to the amendment and renumbering subsequent SECTIONS of the amendment accordingly:

SECTION \_\_\_\_\_. Section 64.012, Election Code, is amended by adding Subsection (c) to read as follows:

(c) It is an affirmative defense to prosecution under Subsection (a)(4) that the person marked the ballot or attempted to mark the ballot in a manner that could have no effect on the vote indicated or to be indicated by the ballot.

**COMMITTEE GRANTED PERMISSION TO MEET**

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 1:10 p.m. today, in 3W.15, to set a calendar.

Permission to meet was granted.

**COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Calendars, 1:10 p.m. today, 3W.15, for a formal meeting, to set a calendar.

**LEAVES OF ABSENCE GRANTED**

The following members were granted leaves of absence temporarily for today to attend a meeting of the Committee on Calendars:

Alonzo on motion of Pickett.

Ashby on motion of Pickett.

Cook on motion of Pickett.

S. Davis on motion of Pickett.

Geren on motion of Pickett.

Giddings on motion of Pickett.

Howard on motion of Pickett.

Hunter on motion of Pickett.

Kacal on motion of Pickett.

K. King on motion of Pickett.

Koop on motion of Pickett.

Paddie on motion of Pickett.

Phelan on motion of Pickett.

Rose on motion of Pickett.

### **SB 5 - (consideration continued)**

Amendment No. 13 failed of adoption by (Record 96): 50 Yeas, 78 Nays, 3 Present, not voting.

Yeas — Allen; Alvarado; Anchia; Arévalo; Bernal; Blanco; Coleman; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gervin-Hawkins; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Sheffield; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cospers; Craddick; Dale; Darby; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; Isaac; King, P.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Laubenberg; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Parker; Paul; Phillips; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Cyrier(C); Larson.

Absent, Excused — Canales; Keough; Leach; Nevárez; Shaheen.

Absent, Excused, Committee Meeting — Alonzo; Ashby; Cook; Davis, S.; Geren; Giddings; Howard; Hunter; Kacal; King, K.; Koop; Paddie; Phelan; Rose.

### **Amendment No. 14**

Representative Y. Davis offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Goldman to **SB 5** on page 4, line 7, between "voting clerk" and "shall" by inserting "as defined by Subchapter A, Chapter 83".

Amendment No. 14 was adopted.

**Amendment No. 15**

Representative Uresti offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Goldman to **SB 5** by striking page 12, line 30.

Amendment No. 15 failed of adoption.

**Amendment No. 16**

On behalf of Representative Alonzo, Representative Y. Davis offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Goldman to **SB 5** by adding the following SECTION to the amendment:

SECTION \_\_\_\_\_. Section 84.002(a), Election Code, is amended to read as follows:

(a) An early voting ballot application must include:

(1) the applicant's name, ~~and~~ the address at which the applicant is registered to vote, the applicant's electronic mail address, if any, and the applicant's telephone number, if any;

(2) for an application for a ballot to be voted by mail on the ground of absence from the county of residence, the address outside the applicant's county of residence to which the ballot is to be mailed;

(3) for an application for a ballot to be voted by mail on the ground of age or disability, the address of the hospital, nursing home or other long-term care facility, or retirement center, or of a person related to the applicant within the second degree by affinity or the third degree by consanguinity, as determined under Chapter 573, Government Code, if the applicant is living at that address and that address is different from the address at which the applicant is registered to vote;

(4) for an application for a ballot to be voted by mail on the ground of confinement in jail, the address of the jail or of a person related to the applicant within the degree described by Subdivision (3);

(5) for an application for a ballot to be voted by mail on any ground, an indication of each election for which the applicant is applying for a ballot; and

(6) an indication of the ground of eligibility for early voting.

Amendment No. 16 failed of adoption.

**Amendment No. 17**

Representative Herrero offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Goldman to **SB 5** on page 3, line 19, immediately following "is received." insert "Not later than the next business day after the early voting clerk receives the application by mail, the early voting clerk shall mail to the applicant an acknowledgement of the receipt of the application by mail."

Amendment No. 17 failed of adoption by (Record 97): 36 Yeas, 72 Nays, 2 Present, not voting.

Yeas — Allen; Alvarado; Arévalo; Blanco; Burrows; Collier; Cortez; Davis, Y.; Deshotel; Dukes; Dutton; Gervin-Hawkins; Guerra; Guillen; Herrero; Hinojosa; Israel; Johnson, E.; Johnson, J.; Minjarez; Moody; Muñoz; Neave; Oliveira; Ortega; Pickett; Raymond; Reynolds; Romero; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Button; Cain; Capriglione; Cospier; Craddick; Dale; Darby; Dean; Elkins; Faircloth; Frank; Frullo; Goldman; Gonzales; Gooden; Hefner; Holland; Huberty; King, P.; King, T.; Klick; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Lozano; Metcalf; Miller; Morrison; Murphy; Murr; Oliverson; Parker; Paul; Price; Rinaldi; Roberts; Schaefer; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Cyrier(C).

Absent, Excused — Canales; Keough; Leach; Nevárez; Shaheen.

Absent, Excused, Committee Meeting — Alonzo; Ashby; Cook; Davis, S.; Geren; Giddings; Howard; Hunter; Kacal; King, K.; Koop; Paddie; Phelan; Rose.

Absent — Anchia; Bernal; Clardy; Coleman; Fallon; Farrar; Flynn; González; Gutierrez; Hernandez; Isaac; Longoria; Lucio; Martinez; Meyer; Perez; Phillips; Raney; Rodriguez, E.; Rodriguez, J.; Sanford.

### STATEMENTS OF VOTE

When Record No. 97 was taken, I was shown voting yes. I intended to vote no.

Burrows

When Record No. 97 was taken, I was in the house but away from my desk. I would have voted no.

Flynn

When Record No. 97 was taken, I was in the house but away from my desk. I would have voted no.

Meyer

When Record No. 97 was taken, I was in the house but away from my desk. I would have voted no.

Phillips

(Alonzo, Ashby, Cook, S. Davis, Geren, Giddings, Howard, Kacal, K. King, Koop, Paddie, Phelan, and Rose now present)

**Amendment No. 18**

Representative Herrero offered the following amendment to Amendment No. 5:

Amend Amendment No. 5 by Goldman to **SB 5** on page 11, line 12, between "was deceased" and the underlined semicolon, insert "on the date preceding the date of the voter's signature".

Amendment No. 18 failed of adoption by (Record 98): 53 Yeas, 85 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Deshotel; Dukes; Dutton; Farrar; Gervin-Hawkins; Giddings; González; Guerra; Guillen; Gutierrez; Hernandez; Herrero; Hinojosa; Howard; Huberty; Israel; Johnson, E.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Rodriguez, J.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Nays — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cospier; Craddick; Darby; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Holland; Isaac; Kacal; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Sheffield; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Cyrier(C).

Absent, Excused — Canales; Keough; Leach; Nevárez; Shaheen.

Absent, Excused, Committee Meeting — Hunter.

Absent — Cook; Dale; Johnson, J.; Neave.

**LEAVES OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business in the district:

Sheffield on motion of Miller.

The following members were granted leaves of absence for the remainder of today because of important business:

González on motion of Collier.

J. Rodriguez on motion of Collier.

(Hunter now present)

**SB 5 - (consideration continued)**

Amendment No. 5, as amended, was adopted by (Record 99): 89 Yeas, 48 Nays, 3 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cosper; Craddick; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Hefner; Herrero; Holland; Huberty; Isaac; Kacal; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Neave; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Anchia; Arévalo; Bernal; Blanco; Coleman; Collier; Cortez; Davis, Y.; Dukes; Dutton; Farrar; Gervin-Hawkins; Giddings; Guerra; Guillen; Gutierrez; Hernandez; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Oliveira; Ortega; Perez; Pickett; Raymond; Reynolds; Rodriguez, E.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Present, not voting — Mr. Speaker; Cyrier(C); Oliverson.

Absent, Excused — Canales; González; Keough; Leach; Nevárez; Rodriguez, J.; Shaheen; Sheffield.

Absent — Deshotel; Hunter.

**REASON FOR VOTE**

While I voted in favor of this amendment, I would have preferred among other things that Representative Oliverson's bill language regarding mail-in ballots for senior citizens not be removed from **SB 5**.

Neave

**POINT OF ORDER**

Representative Cain raised a point of order under Rule 5, Section 22 of the House Rules.

The chair overruled the point of order and submitted the following statement:

Representative Cain raised a point of order under Rule 5, Section 22 of the House Rules against remarks by Representative Israel, who was speaking in opposition to the passage of **SB 5**, as amended. Rule 5, Section 22 reads:

Section 22. Addressing the House — When a member desires to speak or deliver any matter to the house, the member shall rise and respectfully address the speaker as "Mr. (or Madam) Speaker" and, on

being recognized, may address the house from the microphone at the reading clerk's desk, and shall confine all remarks to the question under debate, avoiding personalities.

As far as researchers in the parliamentarian's office, the journal clerk's office, and the Legislative Reference Library can tell, this is the first point of order raised under this rule. The following is a transcription of both the entirety of the remarks of Representative Israel, who was speaking in opposition to the passage of **SB 5**, as amended, up until Representative Cain's point of order:

REPRESENTATIVE ISRAEL: Thank you, Mr. Speaker, members. We are wrapping up a most important topic, and I would ask for your attention and consideration. Because in my view, we are very proud of the fact when we talk to our voters—I know I do this all the time—and say, we're not Congress. We haven't devolved to the point of the United States Congress where we don't listen to one another and we don't work across party lines. My friend Representative Goldman, in my view, is taking an assignment from the governor and making this go down as cleanly, as quickly as possible for the sake of political points. And it pains me. I serve as vice-chair of this committee. I've been a very good vice-chair to Chair Laubenberg. I have served hours upon hours and what Chair Laubenberg has taught me is that we work—

REPRESENTATIVE CAIN: I raise a point of order on this debate under Rule 5, Section 22. The gentlelady has engaged in personalities and named Mr. Goldman by name in violation of the House Rules.

On further development of the point of order at the dais, Representative Cain reiterated his belief that it is improper to refer to Representative Goldman as "Mr. Goldman," and stated his belief that members at the microphone should refer to fellow members by "geographical district," not by name. In raising his point of order against the remarks of the Representative from Austin (who is one of 6 representatives from Austin, and one of 6 from Travis County), the Representative from Deer Park (who is one of 24 representatives from Harris County), on the microphone, referred to the Representative from Fort Worth (who is one of 6 representatives from Fort Worth, and one of 11 from Tarrant County) as "Mr. Goldman." Lest this be mistaken for an isolated event, or as merely misquoting the allegedly improper remarks of Representative Israel, it should be noted that in nearly every instance when Representative Cain (and every other member) has referred to a fellow member at the microphone, the representative has used titles such as "Mr.," "Ms.," "Representative," and "Chair"; the chair is aware of no instance in which Representative Cain has referred to members by any variation of their district—geographical, numerical, or otherwise. The presiding officer and the reading clerk are all but alone in using counties to refer to members, and even then, they do so only to distinguish between members whose last names are or sound identical. Being a uniquely Texas body, with our amalgamation of local dialects and customs, it is not unexpected that in the course of over 150 years we have drifted from the more refined customs of the House of Commons. We speak Texan. At the close of session today,

Representative Cain made a motion naming three of his fellow members. He said, "May I move that the remarks of Mr. Stickland and Tinderholt's parliamentary inquiries be placed in the journal—and Mr. Schaefer's, everybody's, parliamentary inquiries today?" It would appear, based on the example he has set, that Representative Cain may agree that this is a proper practice.

It should also be noted that Representative Israel's exact reference to her colleague was "My friend Representative Goldman," a phrase which Representative Goldman understandably did not find offensive. The chair has, as recently as this week, reminded members of the body to refer to one another using titles. One member who had been referring to colleagues by first name when the chair issued this reminder respectfully apologized to the body and explained that he engaged in this practice not out of disrespect, but because this was how he was accustomed to referring to members (of both political parties) who were his friends. As in that example, members who are offended by a particular form of address have generally accorded one another the courtesy of allowing their fellow members to explain themselves and, if necessary, self-correct. It should be heartening members on opposite sides of an issue can still honestly refer to one another as "friend." The chair is aware that *Mason's Manual* contains a suggestion that members should "avoid using the member's name, rather identifying that member by district, by seat, as the member who last spoke, or by describing the member in some other manner." *Mason's Manual of Legislative Procedure*, Sec. 124 (2010). The chair agrees that these methods for addressing fellow members contained in *Mason's* are proper and courteous. In addition to those methods, using titles such as "Representative" or "Mr." or "Ms." to refer to house members has been a common and equally proper and courteous practice on the house floor and in house journals both recently and well before any current member of this house was a member of the body. The chair finds that referring to the Representative from District 97 as "My friend Representative Goldman," "The Honorable Craig Goldman," or even simply, as Representative Cain himself put it, "Mr. Goldman" does not run afoul of Rule 5, Section 22, any other house rule, or any rule of etiquette.

In addition to the point of order raised at the microphone, Representative Cain raised an objection at the dais that Representative Israel improperly engaged in personalities by saying, "she hopes we are not like Congress." Representative Israel's precise words were "we are very proud of the fact when we talk to our voters—I know I do this all the time—and say, we're not Congress." It appears that, in this statement, Representative Israel did not engage in personalities, nor did she impugn, arraign, or cast reflections on the motives of Representative Goldman. Instead, this appears to have been a preface to what Representative Israel believed was a compliment to the house on its ability to "listen to one another" and "work across party lines" on a voter fraud bill that would impact Texans of all political stripes. Accusations of a functional, collegial body do not violate any known rules of decorum. The chair is mindful that these remarks were followed by comments (not complained of by Representative Cain) that Representative Goldman had "tak[en] an assignment" from the governor, a claim which may have stemmed from the governor's press release and other media and

social media sources suggesting that Representative Goldman may in fact have collaborated with the governor and Senator Hancock in crafting and passing this legislation. Such collaboration between the political branches is neither unheard of nor improper. The sole house precedent relied upon by Representative Cain in support of his point of order stands for the proposition that a member must confine remarks on a motion to postpone to the motion to postpone. See 64 H.J. Reg. 1357 (1975) (Sherman point of order on the remarks of Representative Hoestenbach). The chair finds that distinguishing the Texas House of Representatives from Congress based on this house's ability to work together and listen to one another does not violate Rule 5, Section 22.

**SB 5**, as amended, was passed to third reading by (Record 100): 90 Yeas, 37 Nays, 2 Present, not voting.

Yeas — Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospere; Craddick; Dale; Darby; Davis, S.; Dean; Elkins; Faircloth; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Hefner; Herrero; Holland; Huberty; Hunter; Isaac; Kacal; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Neave; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Price; Raney; Rinaldi; Roberts; Schaefer; Schofield; Schubert; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alonzo; Alvarado; Arévalo; Bernal; Blanco; Coleman; Collier; Cortez; Davis, Y.; Dutton; Gervin-Hawkins; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Martinez; Minjarez; Moody; Muñoz; Oliveira; Ortega; Pickett; Raymond; Reynolds; Rodriguez, E.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Present, not voting — Mr. Speaker; Cyrier(C).

Absent, Excused — Canales; González; Keough; Leach; Nevárez; Rodriguez, J.; Shaheen; Sheffield.

Absent — Anchia; Deshotel; Dukes; Fallon; Farrar; Giddings; Guerra; Gutierrez; Hernandez; Longoria; Lucio; Perez; Sanford.

### REASON FOR VOTE

I voted for **SB 5** with reservations. I hoped that we could improve the bill, which is why I voted in favor of several amendments that would have improved it by, for example, providing greater access to the ballot for senior citizens. There are problems with our mail-in ballot system in Texas; and I believe we need to study this issue in-depth, invite stakeholders to give public testimony, and work together to create a bipartisan solution to this issue.

Neave

**GENERAL STATE CALENDAR  
HOUSE BILLS  
THIRD READING**

The following bills were laid before the house and read third time:

**HB 129 ON THIRD READING  
(by Leach, Button, Guillen, et al.)**

**HB 129**, A bill to be entitled An Act relating to the exemption from ad valorem taxation of part of the appraised value of the residence homestead of a partially disabled veteran or the surviving spouse of a partially disabled veteran based on the disability rating of the veteran.

**HB 129** was passed by (Record 101): 134 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Dale; Darby; Davis, S.; Davis, Y.; Dean; Dukes; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Goldman; Gonzales; Gooden; Guerra; Guillen; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Oliverson; Ortega; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Cyrier(C).

Absent, Excused — Canales; González; Keough; Leach; Nevárez; Rodriguez, J.; Shaheen; Sheffield.

Absent — Deshotel; Giddings; Gutierrez; Oliveira; Perez; Uresti.

**HB 115 ON THIRD READING  
(by G. Bonnen, Raney, Guillen, et al.)**

**HB 115**, A bill to be entitled An Act relating to deferred payment of ad valorem taxes for certain persons serving in the United States armed forces.

**HB 115** was passed by (Record 102): 138 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Arévalo; Ashby; Bailes; Bell; Bernal; Biedermann; Blanco; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Coleman; Collier; Cook; Cortez; Cospere; Craddick; Dale; Darby; Davis, S.;

Davis, Y.; Dean; Dutton; Elkins; Faircloth; Fallon; Farrar; Flynn; Frank; Frullo; Geren; Gervin-Hawkins; Giddings; Goldman; Gonzales; Gooden; Guerra; Guillen; Gutierrez; Hefner; Hernandez; Herrero; Hinojosa; Holland; Howard; Huberty; Hunter; Isaac; Israel; Johnson, E.; Johnson, J.; Kacal; King, K.; King, P.; King, T.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Longoria; Lozano; Lucio; Martinez; Metcalf; Meyer; Miller; Minjarez; Moody; Morrison; Muñoz; Murphy; Murr; Neave; Oliveira; Oliverson; Ortega; Paddie; Parker; Paul; Perez; Phelan; Phillips; Pickett; Price; Raney; Raymond; Reynolds; Rinaldi; Roberts; Rodriguez, E.; Romero; Rose; Sanford; Schaefer; Schofield; Schubert; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thierry; Thompson, E.; Thompson, S.; Tinderholt; Turner; Uresti; VanDeaver; Villalba; Vo; Walle; White; Wilson; Workman; Wray; Wu; Zedler; Zerwas.

Present, not voting — Mr. Speaker; Cyrier(C).

Absent, Excused — Canales; González; Keough; Leach; Nevárez; Rodriguez, J.; Shaheen; Sheffield.

Absent — Deshotel; Dukes.

### **HB 214 ON THIRD READING**

**(by Smithee, Phillips, G. Bonnen, D. Bonnen, Laubenberg, et al.)**

**HB 214**, A bill to be entitled An Act relating to health plan and health benefit plan coverage for elective abortion.

**HB 214** was passed by (Record 103): 92 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Alonzo; Anderson, C.; Anderson, R.; Ashby; Bailes; Bell; Biedermann; Bohac; Bonnen, D.; Bonnen, G.; Burkett; Burns; Burrows; Button; Cain; Capriglione; Clardy; Cook; Cospers; Craddick; Dale; Darby; Dean; Elkins; Faircloth; Fallon; Flynn; Frank; Frullo; Geren; Goldman; Gonzales; Gooden; Guillen; Hefner; Herrero; Holland; Huberty; Hunter; Isaac; Kacal; King, K.; King, P.; Klick; Koop; Krause; Kuempel; Lambert; Landgraf; Lang; Larson; Laubenberg; Lozano; Metcalf; Meyer; Miller; Morrison; Murphy; Murr; Oliverson; Paddie; Parker; Paul; Phelan; Phillips; Pickett; Price; Raney; Rinaldi; Roberts; Sanford; Schaefer; Schofield; Schubert; Shine; Simmons; Smithee; Springer; Stephenson; Stickland; Stucky; Swanson; Thompson, E.; Tinderholt; VanDeaver; Villalba; White; Wilson; Workman; Wray; Zedler; Zerwas.

Nays — Allen; Alvarado; Anchia; Arévalo; Bernal; Blanco; Coleman; Collier; Cortez; Davis, S.; Davis, Y.; Dukes; Dutton; Farrar; Gervin-Hawkins; Guerra; Gutierrez; Hernandez; Hinojosa; Howard; Israel; Johnson, E.; Johnson, J.; King, T.; Longoria; Lucio; Martinez; Minjarez; Moody; Muñoz; Neave; Oliveira; Ortega; Perez; Raymond; Reynolds; Rodriguez, E.; Romero; Rose; Thierry; Thompson, S.; Turner; Uresti; Vo; Walle; Wu.

Present, not voting — Mr. Speaker; Cyrier(C).

Absent, Excused — Canales; González; Keough; Leach; Nevárez; Rodriguez, J.; Shaheen; Sheffield.

Absent — Deshotel; Giddings.

### STATEMENT OF VOTE

When Record No. 103 was taken, I was shown voting yes. I intended to vote no.

Alonzo

### GENERAL STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

#### HB 331 ON SECOND READING (by S. Davis and Guillen)

**HB 331**, A bill to be entitled An Act relating to the reappraisal for ad valorem tax purposes of property damaged in a disaster.

**HB 331** was passed to engrossment.

#### COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

State Affairs, upon adjournment today, 1W.14, for a formal meeting, to consider **SB 13**.

(Speaker in the chair)

#### PARLIAMENTARY INQUIRY

REPRESENTATIVE STICKLAND: What is the notice that was just given to the body? Is there a motion being made?

SPEAKER STRAUS: The clerk will read the announcement.

STICKLAND: Would it be possible to ask the chairman of that committee some questions in regard to this meeting?

SPEAKER: Certainly, he's right in the back corner.

STICKLAND: Could we ask him to come up to the front for the benefit of the public?

SPEAKER: Mr. Stickland, that question is not in order.

STICKLAND: **HB 14**, which is a bill, a pro-life bill that is on the governor's call, was filed, heard in committee, and voted out of committee on July 27. That's 14 days ago, Mr. Speaker. It has been voted out of committee, and for some reason, the paperwork has not made it to the Calendars Committee.

SPEAKER: Mr. Stickland, this question's been answered earlier today.

STICKLAND: No, Mr. Speaker, it has not. And what I would like to know is what can the members do to make Chairman Cook get the paperwork to the Calendars Committee. He's had it for 14 days.

SPEAKER: Mr. Stickland, that's the same question that was asked earlier today.

STICKLAND: Do you have an answer today?

SPEAKER: The chair responded earlier today to the same question.

STICKLAND: Are you aware that on average it takes about a day and a half to get paperwork from one committee that meets in this building to another committee that meets in the same building? And that **HB 14**, which is on the governor's call, has taken 14 days for the paperwork to—and we still don't have it in Calendars?

SPEAKER: I'm sorry. I missed the inquiry there.

STICKLAND: Mr. Speaker, do you think that that's acceptable?

SPEAKER: That's not a proper parliamentary inquiry.

STICKLAND: Mr. Speaker, for 14 days that bill has been in no man's land. Are you aware that there are 80 coauthors of **HB 14**? More than what is needed to pass the bill.

SPEAKER: Mr. Stickland, that's not a proper parliamentary inquiry.

STICKLAND: Are you aware that there are 80 cosponsors on **HB 14**?

SPEAKER: The chair is not advised.

STICKLAND: Would you believe me if I told you there are and have them right here?

SPEAKER: I certainly believe you. Thank you.

STICKLAND: Is there any procedural move that we can do to get Chairman Cook of State Affairs to act on this bill and do his duty and give it to Calendars?

SPEAKER: Mr. Stickland, I, again, would advise you to speak to the chairman and to the parliamentarians.

STICKLAND: Mr. Speaker, some of us think that the chairman is speaking very loudly by holding onto this bill for 14 days when there are 80 cosponsors who say they want to support this bill that's on the governor's call. Are there any procedural moves that we can do to force Chairman Cook to submit the paperwork?

SPEAKER: Thank you, Mr. Stickland.

STICKLAND: Is there anything procedurally we can do to get Chairman Cook to send the paperwork to Calendars? It was voted upon 14 days ago.

SPEAKER: Mr. Stickland, that's, I think, the fourth time you've asked the same question.

STICKLAND: You haven't answered it, Mr. Speaker.

SPEAKER: The chair answered the question earlier today.

STICKLAND: What was the answer, sir? Could you please repeat it for me?

SPEAKER: As always, Mr. Stickland, members need to work with other members and with the chairman of the committee.

STICKLAND: Mr. Speaker, what do we do when it's very apparent that the chairman does not want to work with us or the 80 people who support the bill publicly?

SPEAKER: Again, Mr. Stickland, I'd advise you to go speak to the chairman.

STICKLAND: Mr. Speaker, is there any procedural move that we could remove a chairman or put in a temporary chairman so that they can act and do the people's business?

SPEAKER: No.

STICKLAND: Could you do it, Mr. Speaker?

SPEAKER: I would advise you to speak to the parliamentarians if there is some parliamentary question that you have for them.

STICKLAND: Mr. Speaker, is a committee chairman removable at will by the speaker at any point?

SPEAKER: Not by this speaker, no.

STICKLAND: Do the rules permit you to do it if you so choose, Mr. Speaker?

SPEAKER: Mr. Stickland, I think we've had enough of this conversation.

STICKLAND: Did you select Byron Cook as the chairman of State Affairs who has sat on **HB 14** for 14 days?

SPEAKER: Thank you, Mr. Stickland.

STICKLAND: Did you appoint Chairman Cook to chairman of State Affairs?

SPEAKER: I think clearly the answer is yes. Thank you.

STICKLAND: Mr. Speaker, is there anyone else on the State Affairs Committee that could get the paperwork to the Calendars Committee on the governor's priority that has 80 coauthors on it?

SPEAKER: Mr. Stickland, again, I would urge you to work with the chairman and the members of the committee if you have questions or concerns. Thank you.

STICKLAND: Mr. Speaker, have you asked him to move it?

SPEAKER: That's not a proper parliamentary inquiry.

STICKLAND: Is the chair advised if any chairman of any committee has ever sat on a bill for 14 days or more?

SPEAKER: Mr. Stickland, you can check with the library or Mr. Raymond here.

REPRESENTATIVE TINDERHOLT: Mr. Speaker, I just have a question about the rule for floor consideration tomorrow. I want to understand this written notification. Is this notification that the motion has already been made or is this a notification that the motion will be made tomorrow? I want to understand this piece of paper.

SPEAKER: Mr. Tinderholt, the chair's not advised and has not seen it.

TINDERHOLT: So it's the rule for floor consideration tomorrow that Calendars came out with that said that there would be no amendments allowed on **SB 1**. And so it was printed and put on our desks. And I want to understand does this document mean that the motion was made already or does it mean that the motion will be made tomorrow or in the very near future?

SPEAKER: Mr. Tinderholt, the Calendars Committee adopted this rule under Rule 6, Section 16(f). It will be eligible to be adopted six hours after it's presented to the members.

TINDERHOLT: And when was the motion made, Mr. Speaker?

SPEAKER: Mr. Tinderholt, the motion has not been made.

TINDERHOLT: I'm sorry?

SPEAKER: The motion has not been made.

TINDERHOLT: So this is notification that it's probably coming to the floor for a vote. Is that what I'm hearing?

SPEAKER: That's correct.

REPRESENTATIVE ISRAEL: Would a constant barrage of questions about the productivity of Chairman Cook and our chairman of Calendars be considered impugning their reputation and integrity and the work that they're doing in this special session?

SPEAKER: Ms. Israel, I certainly hope not.

REPRESENTATIVE SCHAEFER: Given the discussion about the calendar rule that was adopted in the Calendars Committee, tomorrow do you intend to recognize Chairman Hunter if he wants to bring that rule in front of the body?

SPEAKER: Mr. Schaefer, tomorrow's another day.

SCHAEFER: With all seriousness, Mr. Speaker, do you intend to recognize Chairman Hunter tomorrow if he brings that rule in front of the body?

SPEAKER: Mr. Schaefer, we haven't discussed that.

SCHAEFER: Well, my question, sir, is would you recognize another member for a motion to suspend all necessary rules in order to make changes to this floor calendar rule which is going to prevent any amendments?

SPEAKER: Mr. Schaefer, floor calendar rules are not amendable pursuant to the rules.

SCHAEFER: That's not my question. Let me restate my question. This body, we can suspend all necessary rules in order to make changes to something that's not in the rules. Is that correct?

SPEAKER: That's correct, yes.

SCHAEFER: And so if we have a calendar rule that says that there will be no amendments allowed on a property tax reform bill, would you recognize me to make a motion to change that rule by amendment?

SPEAKER: Mr. Schaefer, we'd have to see the motion.

SCHAEFER: So in the past, have you recognized members to suspend all necessary rules for other purposes?

SPEAKER: Yes, Mr. Schaefer.

SCHAEFER: So it is possible that you would recognize a member to suspend all necessary rules in order to allow us to amend the floor calendar rule.

SPEAKER: If we understand the motion on the front end, yes.

### **REMARKS ORDERED PRINTED**

Representative Cain moved to print remarks between Representative Stickland and the speaker, between Representative Tinderholt and the speaker, and between Representative Schaefer and the speaker.

The motion prevailed.

### **ADJOURNMENT**

Representative Hernandez moved that the house adjourn until 9 a.m. tomorrow.

The motion prevailed.

The house accordingly, at 2:15 p.m., adjourned until 9 a.m. tomorrow.

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## **APPENDIX**

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### **STANDING COMMITTEE REPORTS**

Favorable reports have been filed by committees as follows:

#### **August 8**

Elections - **HB 96, HB 184**

Public Education - **SB 2**

State Affairs - **HJR 31**

Transportation - **HB 384**

### **ENGROSSED**

**August 8 - HB 179**