

SENATE JOURNAL

EIGHTY-SEVENTH LEGISLATURE — SECOND CALLED SESSION

AUSTIN, TEXAS

PROCEEDINGS

FOURTH DAY

(Wednesday, August 11, 2021)

The Senate met at 3:06 p.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Alvarado, Bettencourt, Birdwell, Blanco, Buckingham, Campbell, Creighton, Eckhardt, Gutierrez, Hall, Hancock, Hinojosa, Huffman, Hughes, Johnson, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Powell, Schwertner, Seliger, Springer, Taylor, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

The President announced that a quorum of the Senate was present.

Senator Whitmire offered the invocation as follows:

Dear heavenly Father, we thank You for allowing us to gather today. We ask You to be with those less fortunate than us. And, Lord, I would ask You to please recognize I have already packed my car, and please don't make me have to unpack. In Jesus' name. Amen.

Senator Whitmire moved that the reading of the Journal of the proceedings of the previous day be dispensed with and the Journal be approved as printed.

The motion prevailed without objection.

LEAVES OF ABSENCE

On motion of Senator Whitmire, Senator Menéndez was granted leave of absence for today on account of an illness in the family.

On motion of Senator Whitmire, Senator Miles was granted leave of absence for today on account of illness.

CONCLUSION OF MORNING CALL

The President at 3:09 p.m. announced the conclusion of morning call.

SENATE BILL 4 ON THIRD READING

Senator Lucio moved to suspend the regular order of business to take up for consideration **SB 4** at this time on its third reading and final passage:

SB 4, Relating to abortion complication reporting and the regulation of drug-induced abortion procedures, providers, and facilities; creating a criminal offense.

The motion prevailed by the following vote: Yeas 19, Nays 10.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 10. (Same as previous roll call)

SENATE BILL 2 ON THIRD READING

Senator Perry moved to suspend the regular order of business to take up for consideration **SB 2** at this time on its third reading and final passage:

SB 2, Relating to requiring public school students to compete in interscholastic athletic competitions based on biological sex.

The motion prevailed by the following vote: Yeas 19, Nays 10.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Lucio, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

The bill was read third time and was passed by the following vote: Yeas 19, Nays 10. (Same as previous roll call)

(Senator Bettencourt in Chair)

SENATE BILL 14 ON THIRD READING

Senator Creighton moved to suspend the regular order of business to take up for consideration **SB 14** at this time on its third reading and final passage:

SB 14, Relating to the regulation by a municipality or county of certain employment benefits and policies.

The motion prevailed by the following vote: Yeas 18, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 11. (Same as previous roll call)

SENATE BILL 5 ON THIRD READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **SB 5** at this time on its third reading and final passage:

SB 5, Relating to complaint procedures and disclosure requirements for, and to the censorship of users' expressions by, social media platforms.

The motion prevailed by the following vote: Yeas 17, Nays 12.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, Seliger, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

The bill was read third time and was passed by the following vote: Yeas 17, Nays 12. (Same as previous roll call)

(President in Chair)

SENATE BILL 3 ON THIRD READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **SB 3** at this time on its third reading and final passage:

SB 3, Relating to civics training programs for certain public school social studies teachers and principals, parental access to certain learning management systems, and certain curriculum in public schools, including certain instructional requirements and prohibitions.

The motion prevailed by the following vote: Yeas 18, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

The bill was read third time and was passed by the following vote: Yeas 18, Nays 11. (Same as previous roll call)

COMMITTEE SUBSTITUTE SENATE BILL 1 ON THIRD READING

Senator Hughes moved to suspend the regular order of business to take up for consideration **CSSB 1** at this time on its third reading and final passage:

CSSB 1, Relating to election integrity and security, including by preventing fraud in the conduct of elections in this state; increasing criminal penalties; creating criminal offenses; providing civil penalties.

The motion prevailed by the following vote: Yeas 18, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

Senator Alvarado at 5:50 p.m. was recognized to speak on **CSSB 1**.

Question: Shall **CSSB 1** be finally passed?

(Senator Nelson in Chair)

(Senator Campbell in Chair)

(Senator Nichols in Chair)

(Senator Seliger in Chair)

(Senator Birdwell in Chair)

(President in Chair)

(Senator Perry in Chair)

(Senator Buckingham in Chair)

(Senator Bettencourt in Chair)

(President in Chair)

Question: Shall **CSSB 1** be finally passed?

The bill was read third time and was passed by the following vote: Yeas 18, Nays 11.

Yeas: Bettencourt, Birdwell, Buckingham, Campbell, Creighton, Hall, Hancock, Huffman, Hughes, Kolkhorst, Nelson, Nichols, Paxton, Perry, Schwertner, Seliger, Springer, Taylor.

Nays: Alvarado, Blanco, Eckhardt, Gutierrez, Hinojosa, Johnson, Lucio, Powell, West, Whitmire, Zaffirini.

Absent-excused: Menéndez, Miles.

STATEMENT REGARDING SENATE BILL 1

Senator Hinojosa submitted the following statement regarding **SB 1**:

The freedom to vote is enshrined in American democracy. Regardless of where a voter resides, from the panhandle to the Rio Grande Valley, El Paso to Beaumont, all Texas voters should have the equal right to vote. Today, I vote against Senate Bill 1 because instead of furthering these principles, this bill places deliberate barriers to voting for Texans. We all stand against any illegal voting, but we must also stand against

denying any eligible voter the freedom to vote. Making elections safe and accessible for all is not incongruent with preserving election integrity. Pro-voter ideas like online voter registration, automatic voter registration, and universal mail in balloting are all bipartisan policies that not only increase voter participation, but also increase the accuracy of voter rolls and even save taxpayer money. Sadly, these types of policies are not included in Senate Bill 1. Instead the bill places new barriers to voting practices such as limiting drive-through voting and 24-hour voting, both of which resulted in increased voter turnout and safety. As the demographic makeup of the state has evolved, the new barriers in Senate Bill 1 will make it harder to vote for Latino and Black citizens from low-income households in heavily populated urban areas. These groups tend to work longer hours during the daytime and hold multiple jobs, making it more difficult for them to take time off from work to vote. Texans deserve to have elections that are fair. Independent studies such as the Cost of Voting Index, already ranks voting laws in Texas as the most restrictive in the country. The narrative that produced legislation like Senate Bill 1 diminishes the faith of the electorate in the voting process and contributes to the false narrative that the results of our elections are not legitimate. Our focus should be on legislation that ensures all Texas voters have fair, free, and equal access to the ballot box moving forward. I will always stand for increasing access to the ballot box in a fair and safe manner so that the voices of all Texans can be heard. Unfortunately, Senate Bill 1 seeks to silence some of those voices.

HINOJOSA

STATEMENT REGARDING SENATE BILL 1

Senator Zaffirini submitted the following statement regarding **SB 1**:

I rise respectfully in the strongest possible opposition to Senate Bill 1. Some of the most heated debates in the Texas Legislature throughout the years have centered on voting. In addition to being a sacrosanct right of all Texans, voting also is an intensely political issue. We've seen this in the House Democrats breaking quorum to keep this bill from passing. We've seen it in proponents' determination to pass it at all costs. During three rounds of hearings in State Affairs and two floor debates, I've heard Senator Hughes say many times that the object of this bill ostensibly is to—and I quote—"make it easier to vote and harder to cheat." Although provisions of this bill would make voting easier for some Texans, it simultaneously would make it harder for historically disenfranchised communities of color to participate in elections. SB 1, for example, would expand the minimum number of early voting hours in some counties, but it also would establish the first maximum number of hours for early voting since we authorized it 30 years ago. Proponents of the bill will argue this change is not problematic—that it reduces the number of early voting hours in only four counties. Approximately one of three Black Texans, one of three Latino Texans, and one of three Asian Texans, however, live in one of these four counties. Irrespective of the motives of the bill's author or the members who vote for it, if SB 1 is passed, it will result in communities of color having fewer opportunities to vote. We should instead be taking action to make it easier for all Texans to have a voice in our political process. If we truly wanted to make it easier to vote, we would join the 40 other states that allow online voter registration. Although Texas allows online voter

registration when drivers' licenses are renewed online, that wasn't achieved through legislation, but rather mandated by a court order. If we truly wanted to make it easier to vote, we would make voter registration automatic when eligible voters renew their drivers' licenses or change their addresses. If we truly wanted to make it easier to vote, we would make Election Day a state holiday. These are only a few of the actions we could take if we truly wanted to make it easier to vote. This bill would not. Instead, SB 1 would outlaw drive-through voting, make it harder to vote by mail by creating new requirements, and restrict the distribution of mail-in ballot applications. It's not a mistake that many of these provisions are aimed at Harris County, our biggest and most diverse county. Persons of color voted in record numbers in Harris County in 2020, and they've become a target in this legislation. And the "make it harder to cheat" part? No one has shown that there is widespread fraud or widespread cheating in Texas elections. The Attorney General's representatives said earlier this year there were 44 voting fraud cases pending—of 11.2 million votes cast in Texas in 2020. As witness Julie Oliver testified before the State Affairs Committee, since 2004 there have been 839 complaints of fraud in Texas—of more than 100 million votes cast. The rushed way this bill moved through the process during this special session also was disappointing. Alex Cogan of the Arc of Texas told our State Affairs Committee that persons with disabilities were shut out of the process because of insufficient notice and not allowing virtual testimony during this COVID surge. "People with disabilities deserve a place at the table," she said, noting that SB 1 will have a detrimental effect on their voting rights. During the hearings, 360 of 475 witnesses said this bill would make it harder to vote, and not necessarily harder to cheat. For these and other reasons, I will vote "no" on Senate Bill 1. Thank you, Mr. President and members.

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RECESS

On motion of Senator Whitmire, the Senate at 9:11 a.m. Thursday, August 12, 2021, recessed until 2:00 p.m. Monday, August 16, 2021.

APPENDIX

BILL ENGROSSED

August 12, 2021

SB 1