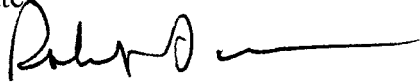




COMMITTEES:
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FINANCE
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JURISPRUDENCE
NATURAL RESOURCES

ROBERT DUNCAN
STATE SENATOR
DISTRICT 28

March 5, 2009

To: Senator Leticia Van de Putte
From: Senator Robert Duncan 
CC: Senator Troy Fraser
Subject: Response to Concerns about Ground Rules, Committee of the Whole Senate

I am writing in response to your memo of March 3, 2009, concerning the process for discussing voter identification legislation in the Senate. I want to assure you that I am sensitive to those concerns and intend for consideration of this legislation to be an open process. To that end, my responses to the issues raised are as follows:

1. I am not inclined to support further delay in consideration of voter identification legislation. As you know, it is impossible to choose a date and time that is convenient for everyone. Scheduling conflicts are present for all interested parties. All Senators were notified in a letter from Sen. Fraser on February 26, 2009, of his intention to debate Senate Bill 362 on March 10, 2009, and a public notice was posted on March 4, 2009. More than a week's notice of a hearing is much more than the Senate usually provides, even on many of our most important pieces of legislation. Although we will begin with invited testimony, any other invited witness who is unavailable at that time may testify out of order, at your request, before the conclusion of public testimony or they may submit written testimony or comments.

The security and accuracy of Texas' elections is certainly an issue of broad importance to Texas. Such issues have been the subject of interim studies by the Senate State Affairs Committee during each of the past two interims. Additionally, that committee heard extensive testimony last session on a substantially similar voter identification bill. The Texas Senate also spent nearly an entire day on the Senate floor at the beginning of this session discussing the importance of this issue.

2. It would be helpful to reach a consensus on the procedure for hearing from a panel of invited witnesses as soon as possible and I look forward to continuing our discussions to that effect.

3. I am not aware of any precedent for the Senate providing party caucus counsel. Of course, any caucus in the Senate is entitled to retain independent counsel of its choice at its own expense. Therefore, I cannot recommend that the Senate fund separate party caucus counsel.

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4. The Secretary of the Senate's Office is looking into the possibility of having a court reporting service transcribe the Committee of the Whole's proceedings. More details on this will be provided at a later date.

5. Given the fact that the Office of the Attorney General will represent the state of Texas in litigation, if any, arising out of this legislation, it would be inappropriate to present the Attorney General as a witness in the legislative debate. To the extent there are procedural or technical questions relating to elections in Texas, the Office of the Secretary of State may be invited as a resource.

Thank you for keeping an open dialogue on this important issue. I look forward to further discussing the process by which the Senate will be going about its business on March 10th. Please feel free to contact me or my office at any time.