

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

MS. ROSALIND LAKE

Plaintiff,

v.

CIVIL ACTION FILE

HON. SONNY PERDUE, in his official
capacity as Governor;
STATE ELECTION BOARD; and FULTON
COUNTY BOARD OF VOTER
REGISTRATION AND ELECTIONS
Defendants.

NO. 2006CV119207

**PLAINTIFF'S MOTION TO HOLD STATE DEFENDANTS IN CIVIL CONTEMPT
FOR STATE DEFENDANTS' VIOLATION OF THIS COURT'S SEPTEMBER 19
ORDER**

Plaintiff Rosalind Lake files this Motion for Civil Contempt against Governor Sonny Perdue and the State Election Board ("State Defendants") for violating this Court's order of September 19, 2006 ("Order"). The Court in that Order held that the 2006 Photo ID requirement was unconstitutional and permanently enjoined the State and any of its agents from enforcing or applying the requirements of the Act. Yet, on Wednesday, September 20, 2006, the State Election Board dropped 79,496 letters into the United States mail informing Georgia voters of the voided-requirement. And again, on Monday, September 25, 2006, the State Election Board dropped 115,747 "Dear Voter" letters into the mail. Altogether almost 200,000 letters officially telling voters that they had to present state issued photo identification to cast a ballot in the general election were sent at taxpayer expense after the Court's Order. This motion seeks only

to coerce the State Defendants compliance with the Court's Order. No less than the integrity of the upcoming General Elections, the legitimacy of this Court, and our State Constitution, are at stake.

FACTS UNDERLYING THIS MOTION FOR CONTEMPT

The "Dear Georgia Voter" Letters

Prior to this Court's Order, the State Election Board voted to send a letter to approximately 300,000 registered voters who did not have a driver's license or state issued photo identification card. The "Dear Voter" letter informed these voters that they had to have specific state issued photo identification in order to vote, as required by the 2006 Photo ID Act. That letter reads:

Dear Georgia Voter,

You are receiving this letter from the State Election Board because your name appears on a list of registered voters who may not have a driver's license or photo ID card from the Georgia Department of Driver Services (DDS).

If you DO have a Georgia driver's license or an unexpired photo ID from DDS, we ask that you contact your county Voter Registrar's office and let them know. You do NOT need to do anything else.

If you DO NOT have a Georgia driver's license or an unexpired photo ID from DDS you can receive a FREE Georgia Voter Identification Card at your local Voter Registrar's office in the county where you live.

You do not need a FREE Georgia Voter Identification Card to vote IN PERSON, if you have ANY of the following so long as it is valid and contains your photograph:

- a U.S. military identification card;

- a state or federal employee identification card;
- a U.S. Passport; a tribal identification card; OR,
- a photo identification card issued by any branch, department, agency, or entity of Georgia, any other state, or the United States.

All Georgia voters can vote ABSENTEE BY MAIL. You do NOT have to have any excuse and you do NOT need a photo ID.

For more information or if you have any questions, call your county Voter Registrar's office; or visit www.sos.state.ga.us to get more information on how to get a FREE Voter Identification Card.

“Dear Georgia Voter” Letter.

When the Court entered its Order, the Chairman of the State Election Board, Tex McIver, stated that all but 20,000 of these letters had been sent out. Exhibit A, Recording of September 22nd State Election Board Hearing.¹ This was a deliberate misstatement. In fact, almost 200,000 of the 300,000 letters had not been sent out as of the Court's Order. But, the letters were soon sent, in direct violation of this Court' Order, at the direction of Mr. McIver, himself a member of the Georgia Bar.

The September 19, 2006 Order and What Happened Afterwards

The delivery of approximately 200,000 “Dear Georgia Voter” letters was a blatant action in which seriously incorrect information on voting was disseminated to a substantial number of Georgia voters. The events after this Court's Order make clear that the violation was deliberate.

- September 19, 2006: Court enters Order declaring O.C.G.A. § 21-2-417 as amended in 2006 as unconstitutional under the Georgia Constitution. In that Order, the Court

¹ The hearing is being transcribed and a transcript will be provided to the Court as soon as possible.

permanently enjoined all defendants from enforcing or applying the provisions of the Photo ID Requirement. Exhibit B, Order of this Court.

- September 20, 2006: 79,496 “Dear Georgia Voter” letters delivered to United States Post Office for delivery to Georgia Voters identified as ones that may not have photo identification. Exhibit C.
- September 22, 2006: Chairman of the State Election Board, Tex McIver, tells Board and the public that at the time the Order was issued on the 19th, all but 20,000 of the “Dear Voter” letters had been sent. Exhibit A.
- September 25, 2006: Another 115,747 “Dear Voter” letters were delivered to the post office for delivery. Exhibit D.
- October 13, 2006: Media learns of delivery of letters in violation of the Court’s Order. McIver asserts that sending these letters after the Court’s ruling had been helpful. “By continuing to mail them, it helps me refine that list... This was a way of building a better, cleaner, smarter, more accurate list.” Exhibit E. Also blames misstatement he made at State Election Board meeting on “staffers,” but states that he would have sent out the 200,000 letters regardless. *Id.*

ARGUMENT AND AUTHORITY

These events cry out for this Court to order State Defendants to correct their actions. Plaintiff requests that State Defendants be held in contempt of court and that as a sanction for said contempt, this Court order State Defendants to send out a letter to registered voters without a driver’s license or state issued identification card to tell them that photo identification is not required for voters to cast their ballots in November. This sanction perfectly fits the

contemptuous acts of State Defendants by ensuring that affected Georgia voters will know the true state of the law before the general election.

I. THIS COURT HAS POWER TO ENFORCE ITS ORDERS

Nowhere in the law is the broad discretion afforded to trial courts more pertinent and more necessary than when trial courts invoke their contempt powers.² “To say that as a matter of law that discretion was abused is a matter of no small moment.”³ “If there is *any evidence* in the record to support a trial judge's determination that a party either has or has not [willfully] disobeyed the trial court's order, the decision of the trial court *will be affirmed on appeal*.”⁴ “[T]he question of whether a contempt has occurred is for the trial court, and its determination will be overturned only if there has been a gross abuse of discretion.”⁵

The fact that the Order is now being appealed does not preclude the Court from enforcing it by holding the State Defendants in contempt. “Unless otherwise ordered by the court, an interlocutory or final judgment in an action for an injunction ... shall not be stayed during the

² “Constitutional courts of Georgia have inherent and legislative authority to punish for contempt, *any person in disobedience of its ... orders* and processes. Proper administration of justice by our courts demands they have the power to enforce obedience, by contempt proceedings if necessary.” *In re Boswell*, 148 Ga.App. 519, 520, 251 S.E.2d 596 (1978) (citations omitted). “It is only necessary that the order [finding contempt] specify sufficient facts to show that the [party] was in contempt of court.” *Warehouse Carpet Sales & Service, Inc. v. S.C.J. Associates, Inc.*, 170 Ga.App. 352, 354, 317 S.E.2d 328, 330 (1984) (citation and punctuation omitted).

³ *General Motors Corp. v. Blake*, 237 Ga.App. 426, 427, 515 S.E.2d 166 (1999).

⁴ *Crowder v. Crowder*, 236 Ga. 612, 225 S.E.2d 16 (1976) (emphasis supplied).

⁵ *Wilkerson v. Tolbert*, 239 Ga. 702, 705, 238 S.E.2d 338 (1977).

period after its entry and until an appeal is taken or during the pendency of an appeal.”⁶ This is an exception to the automatic supersedeas provisions of OCGA § 5-6-46.⁷ Thus, the Court has the authority to hold the State Defendants in contempt for their failure to comply with its September 19 Order.⁸

II. APPROPRIATE SANCTION IS CORRECTIVE ACTION

Sanctions are appropriate to ensure the enforcement and the observance of this Court’s orders and authority, where, as here, Defendants’ disregard of a court order is flagrant and unjustifiable.⁹ Plaintiff seeks a remedy that will correct State Defendants’ contemptuous behavior. Simply, State Defendants should be ordered to send out a corrective letter telling Georgia voters with no state issued photo identification that none is needed to vote in November’s general election. State Defendants were not successful in their attempt to have the law upheld. Thus, they should not now be able to effectively disenfranchise these same voters through a state funded campaign of misinformation.

⁶ OCGA § 9-11-62(a).

⁷ *Howard v. Smith*, 226 Ga. 850, 852, 178 S.E.2d 159 (1970). See also *Saxton v. Coastal Dialysis & Med. Clinic*, 220 Ga.App. 805, 807(2), 470 S.E.2d 252 (1996).

⁸ *Bell v. Bell*, 247 Ga.App. 462, 464, 543 S.E.2d 455 (2001) (party held in contempt of injunction even though injunction on appeal); *Knapp v. Cross* 279 Ga.App. 632, 634, 632 S.E.2d 157, **159 (Ga.App.,2006)

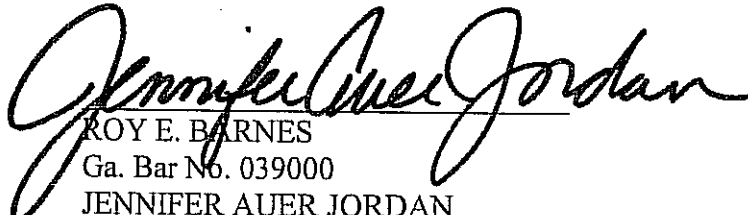
⁹ See generally *Walker v. Walker*, 82 NY 260 (1880)(“The court has power, when and while a defendant in an equity action is in contempt for disobeying its order, to refuse to hear him.”); *Beaufort County Lumber Co. v. Cottingham*, 168 N.C. 544, 84 S.E. 864 (1915)(holding that striking out answer and giving judgment *pro confesso* upon the allegations of the complaint were proper and within the power of the court where defendants refused to obey important order of court); *Skeen v. Valley Bank of Nevada*, 89 Nev. 301, 511 P.2d 1053 (holding action of trial court in striking defendant’s answer, entering default, and awarding judgment for full amount of promissory note was not unduly harsh sanction for defendant’s failure to appear for taking of deposition).

CONCLUSION

At this writing, only two weeks remain until the general election. It took calls from confused voters to uncover State Defendants' action. Their word to the public and those they serve has not been good enough and more is now required. Plaintiffs respectfully submit that State Defendants have gone too far. For these reasons, Plaintiff respectfully requests that the Court hold Defendants in contempt of court and order appropriate relief to ensure that the integrity of the electoral process does not fall prey to political maneuvering by those in positions of power.

RESPECTFULLY SUBMITTED this the 16th day of October, 2006.

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Special Called Meeting
State Election Board
September 22, 2006

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IN THE SUPERIOR COURT OF FULTON COUNTY

STATE OF GEORGIA

COPY

Hon. T. Jackson Bedford, Jr., Presiding

MS. ROSALIND LAKE and
MR. MATTHEW L. HESS
qualified and registered voters
under Georgia law,

Plaintiffs,

v.

HON. SONNY PERDUE, in his
official capacity as Governor;

STATE ELECTION BOARD; and

FULTON COUNTY BOARD OF
REGISTRATION AND ELECTIONS,

Defendants.

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CIVIL ACTION
FILE NO. 2006CV119207

**ORDER ON PLAINTIFF'S COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

The above-styled case came before the Court on Plaintiff's Verified Complaint for Declaratory and Injunctive Relief challenging the constitutionality of O.C.G.A. § 21-2-417 as amended by the legislature in 2006, hereinafter referred to as the "new" or "2006" Voter ID law.

At the outset, the Court is mindful of the controversy surrounding this matter. Either way the Court rules, the decision will be seen by some group as egregiously wrong and there is little doubt this ruling will be appealed. Notwithstanding the controversy, this Court, as well as all courts, when confronted by such legal issues brought before it by differing parties must fulfill its constitutional obligation to rule "without favor or affection" based upon the law as the Court understands it, irrespective of politics or

personal beliefs. See, e.g., Jackson v. Seaboard Airline Ry., 140 Ga. 277 (1913) (duty of trier of facts to decide issues “without favor or affection”).

Indeed, it is the judicial philosophy of this Court to defer to the legislature in matters of public policy and legislative prerogative; however, the Court's deference is tempered by its constitutional mandate to enforce the limitations placed on the legislature by the Constitution and, when appropriate, declare as unconstitutional those acts of the legislature which this Court believes, based upon its understanding of the law, to exceed the authority of the legislature. Ga. Const. art. I, § 2, ¶ 5. In a sense, the Constitution is a contract between the people and the State by which the people grant certain powers to the State and by which the people in turn are guaranteed that the State will not exceed those powers in the course of governance. The courts act as umpire when called upon to determine if there has been a breach of that contract, or, if you will, a violation of the rules.

I. SUMMARY OF FACTS AND LAW

A. History of Election Code as it Relates to this Case

This case was initiated by two Plaintiffs, Rosalind Lake (Ms. Lake) and Matthew L. Hess (Mr. Hess), contending that the new Voter ID law, O.C.G.A. § 21-2-417, as enacted by the legislature and approved by the Governor in 2006, is unconstitutional pursuant to Article II, Section 1, Paragraph 2 of the Georgia Constitution as an abridgment of the right to vote guaranteed by the Constitution.

Both Plaintiffs asserted standing as aggrieved parties alleging that they did not have the ability to appear at the polls and vote, because they did not have any of the forms of photographic ID required by O.C.G.A. § 21-2-417(a), the new Voter ID law. Specifically, they challenge the requirement, under O.C.G.A. § 21-2-417(b), that they be

required to obtain a "valid voter identification card" if they lack any other form of photo ID as a prerequisite to their right to have their vote counted. At the time of the hearing on September 8, 2006, the Plaintiffs dismissed Mr. Hess, acknowledging that he had obtained a state-issued ID subsequent to the filing of the Complaint and therefore did not have standing.

The genesis of this case arises out of an attempt by the legislature in 2005 to revamp Georgia's election laws. As a part of the process of doing so, the legislature amended O.C.G.A. § 21-2-417, the 1997 voter identification statute, to require voters to have one of six forms of photo ID instead of the seventeen forms then allowed. One of the forms of ID allowed under the 2005 law, if the voter had no other permitted photo ID, was a state-issued voter ID card for which the voter was required to pay a fee. This 2005 law was enjoined by the United States District Court, Northern District, Rome Division, Judge Harold Murphy, Presiding, for among other reasons, as imposing a poll tax in violation of the United States Constitution. Judge Murphy's decision is thorough and sets forth a detailed and comprehensive history of the legislation. Common Cause/Georgia v. Billups, 406 F. Supp. 2d 1326 (N.D. Ga. 2005).

In 2006, in an effort to comply with Judge Murphy's ruling and to meet his objections, the legislature passed the new Voter ID law, O.C.G.A. § 21-2-417 (2006) which is now challenged. The significant distinction between the 2005 and 2006 Voter ID laws is that under the 2006 law, the fee charged for the state-approved Voter ID card has been eliminated and the card is free of charge to those voters otherwise qualified to receive it. O.C.G.A. § 21-2-417.1 (a) (2006).

An important distinction between the 1997 version of O.C.G.A. § 21-2-417 and the 2005 and 2006 versions, is that under the 1997 law, if a voter was unable to produce

any one of the seventeen forms of identification allowed, the voter could sign an affidavit under oath swearing or affirming that he or she was the person identified on the voter's certificate. The voter's ballot was then accepted and counted, subject to the verification and challenge scheme provided elsewhere in the Elections Code. See O.C.G.A. § 21-2-417 (b) (2003).¹ This provision has been referred to by all parties as the "fail safe" procedure.

Unlike the 1997 version of O.C.G.A. § 21-2-417, the 2005 and now 2006 version of O.C.G.A. § 21-2-417 dispenses with the "fail safe" procedure, and requires that a voter who does not have one of the six forms of required voter ID must cast a "provisional ballot" pursuant to O.C.G.A. § 21-2-418 and within the two days provided for in O.C.G.A. § 21-2-419, the registrars must "verify current and valid identification" as provided for in subsection (a) of O.C.G.A. § 21-2-417 (2006), or failing which, the voter's ballot will not be counted. Subsection (a) includes as among the six forms of voter ID, the state-issued voter identification card authorized pursuant to O.C.G.A. § 21-2-417.1 (2006).

O.C.G.A. § 21-2-417.1 describes eligibility for the "Georgia Voter Identification Card" and the information it must contain. One of the requirements is the inclusion of a "digital color photograph of the applicant." O.C.G.A. § 21-2-417.1(e) also sets forth five forms of identification required to obtain such a card, including as an alternative to a photo ID, a "non-photo identity document" if it includes the person's full legal name and date of birth.

The "evidence" presented by both sides in voluminous addenda includes a substantial amount of political posturing and disputed anecdotal claims of voter fraud,

¹ Although this law was amended several times, the pre-2005 version of the statute shall be referred to as the "1997 law."

numbers of voters which it is claimed will be adversely affected by the new law, and numbers of voters which it is claimed will not be adversely affected by the new law. The one fact agreed to by all is that the legislative reason given by the State for the passage of the new Voter photo ID law was to prevent voter fraud. The Court notes that, on this issue, the only evidence the Court actually heard was from the State's own witness, Ms. Gloria Champion, representing the Fulton County Board of Elections. Ms. Champion testified that in her 26 years as an employee of that Board, she had personal knowledge of only one instance of voter fraud when someone tried to vote twice.

Notwithstanding the dispute over voter fraud *vel non*, the Court does not believe it needs to weigh in on this issue to resolve the actual challenge made by the Plaintiff, Rosalind Lake. Indeed, the Court accepts and defers to the legislature's stated motive of preventing voter fraud. No one who is interested in the integrity of the electoral process can argue with the legislature's concern with ensuring the integrity of that process. The Court's only concern is with the constitutionality of the legislature's method of dealing with perceived voter fraud.

B. Factual findings as to Ms. Lake's Attempts to Vote on July 18th and August 8th

Contrary to most of the evidence presented by the Plaintiff Ms. Lake at the hearing on September 8, 2006, and statements made by Ms. Lake to the press following, this case is not about the treatment of Rosalind Lake at her polling place on July 18, 2006 or on August 8, 2006. At the time Ms. Lake presented herself to vote on both of those occasions, the enforcement of the new Voter ID law had been stayed by Order of the Honorable Melvin K. Westmoreland sitting for this Court as Presiding Judge.

On July 18, 2006, Ms. Lake was accompanied to her polling place by one of her lawyers, Ms. Jennifer Jordan. Ms. Lake was at that time voting in Fulton County as a

“first time voter” pursuant to a 2003 mail-in registration which was not in compliance with subsection (c) of O.C.G.A. § 21-2-220 (2003). (Amended Affidavit of Gloria Champion). As a consequence, because her registration was incomplete, Ms. Lake was required under O.C.G.A. § 21-2-417 (b) (1997) then in effect to prove her identity to a poll worker by one of the many ways listed in O.C.G.A. § 21-2-417 (a) (1997) - - e.g. by providing one of seventeen permissible forms of identification such as a utility bill, bank statement, or other similar forms of identification. Ms. Lake was not required by the law then in effect to show a picture ID for purposes of voting on July 18th. Notwithstanding the presence of her lawyer, who should have known these requirements, Ms. Lake did not provide or have upon her person any such acceptable ID. After some discussion between Ms. Jordan and the poll worker (which was described as courteous) the poll worker then acceded to Ms. Jordan’s demand that Ms. Lake be allowed to sign an affidavit verifying her identity as it was allowed for voters who have properly registered in person, but which was not allowed for “first time” mail in voters who have not otherwise properly established their identity for the registrar. As a result, Ms. Lake was allowed to vote, despite her failure and apparent intentional refusal to comply with the law in effect at that time.

Again, on August 8, 2006 (the runoff election), Ms. Lake presented herself at her polling place to vote, but this time without a lawyer. By her own admission, Ms. Lake left virtually every piece of identification in her possession at her 6th floor apartment because she did not want to walk up six flights of stairs given that her building’s elevator was malfunctioning. Nonetheless, she attempted to vote. After a check of her registration on the polling place computer, it was determined that she had never presented any ID as was required for “first time voters.” This notation was apparently in the poll

official's computer because of her July 18th voting using an affidavit, which did not comply with the then-statutory mandate of positive identification for completing the registration process. When the poll manager, Ms. Dumas, was called to the scene to assist, she tried to explain the problem to Ms. Lake, who according to Ms. Dumas, was highly agitated and insulting to the poll staff. In an effort to accommodate Ms. Lake, Ms. Dumas called the registrar's main office to seek guidance. At this time, Ms. Dumas was advised that the office had already heard from Ms. Lake and that Ms. Lake was in the parking lot of the polling place boarding a voter's bus to return to her residence. Ms. Dumas was given authority under the circumstances to allow Ms. Lake to vote, once again by executing an affidavit, although the verification of identity required as part of the lawful registration process had never been complied with. Thereafter, Ms. Dumas went to the parking lot to retrieve Ms. Lake in order to allow her to sign an affidavit. By this time, however, Ms. Lake had departed without voting.

C. The Standing Issue

The Court is satisfied from the testimony on September 8th, that at the time the lawsuit was commenced, Ms. Lake did not have standing to challenge the new 2006 Voter ID law. That is, as an elector who registered by mail in 2003 (Amended Affidavit of Gloria W. Champion), and who did not comply with subsection (c) of O.C.G.A. § 21-2-220 (2005)², Ms. Lake was a "first time voter". Thus, under the new Voter ID law, as under the pre-existing law, she was required and allowed to present to the poll worker, as a condition of completing registration, any one of six forms of identification listed in subsection (a) of O.C.G.A. § 21-2-417 (2006), or in the alternative, "a copy of a current

² The Elections Code has been amended several times since 1997. In 2005, O.C.G.A. § 21-2-220 was amended to add a new subsection (c) so as to be consistent with the new voter ID requirements of O.C.G.A. § 21-2-417.

utility bill, bank statement, government check, pay check, or other government document that shows the name and address of such elector.” O.C.G.A. § 21-2-417 (c) (2006). There has been no allegation or evidence presented that Ms. Lake did not have the ability to present one of the latter forms of identification. As a “first time voter” she was not required to have a photo ID of any sort.

Now at issue in this case is whether Ms. Lake, who the Court has determined did not have standing at the time the lawsuit was initially filed, can nonetheless proceed with her claim. Standing is generally determined from the date of the commencement of the lawsuit: “To have standing to institute a claim, the [plaintiff] must have a legally protected interest, or “legal interest standing.” Georgia Power Co. v. Allied Chemical Corp., 233 Ga. 558, 560 (1975).

However, even if a party did not have standing at the time of filing suit, the suit does not have to be dismissed in certain circumstances. Under O.C.G.A. § 9-11-15(b), issues not raised by the pleadings that are tried by express or implied consent of the parties shall be treated in all respects as if they had been raised in the pleadings. Furthermore, the Court has the discretion to conform the Complaint to the evidence. See generally, Andean Motor Co. v. Mulkey, 251 Ga. 32, 33 (1983); Smith v. Smith, 235 Ga. 109, 112-113 (1975).

During the September 8th hearing on this declaratory judgment action, the Court took evidence and heard argument as to whether Plaintiff Lake had standing to assert a claim under the 2006 Voter ID law. After close of the evidence, the Court requested additional briefing on the issue of standing as to whether Ms. Lake still had standing despite not having had standing when the lawsuit was initially filed. Both parties and Amicus Common Cause submitted argument and citations as to the issue of standing and

the Court will make those submissions a part of the record. To the extent necessary, the Court will treat the pleadings to have been amended to address the issue. Moreover, the State Defendants do not dispute they had a fair opportunity to defend on this issue and agree under Carreras v. Austell Box Bd. Corp., 154 Ga. App. 135, 137 (1980) the Court has discretion to conform the Complaint to the evidence on that issue.

Accordingly, it does now appear that Ms. Lake, having been allowed to vote on July 18, 2006, is no longer a "first time voter" and therefore is subject to the photo ID requirement of O.C.G.A. § 21-2-417 (2006) as a prerequisite to having her vote counted in the November elections.

Inasmuch as Ms. Lake has alleged and satisfied the Court that she does not have one of the forms of photo ID as required by the new Voter ID law, standing is conferred upon her as she can no longer vote without meeting the requirements of O.C.G.A. 21-2-417(a) or (b) (2006).³

II. THE CONSTITUTIONAL CHALLENGE

A. The "New" Voter ID Law Disenfranchises an Otherwise Qualified Voter

Although Plaintiff's challenge to the 2006 Voter ID law, at first blush, seems to focus entirely on the need for a photo ID, particularly a state-issued voter ID, as a condition to vote, the Court's analysis sees the issue a little differently. What appears to be the real issue is the requirement under the new law, O.C.G.A. § 21-2-417 (b), that failing a voter's ability to produce one of the six required forms of photo ID, the voter is then allowed to vote a "provisional ballot" (O.C.G.A. § 21-2-418 (2005) and § 21-2-419

³ The evidence was conflicting as to whether Ms. Lake's Florida International University ID card was a "valid" identity card. Ms. Lake and Ms. Jordan said the poll workers would not take it. Ms. Champion, the registrar, said it was "valid" for voting, notwithstanding the affidavit of Ms. Marini of FIU who said it was not "valid". The Court agrees with the Defendant, "valid" means valid.

(2003)) which will only be counted if the registrars are able to verify current and valid identification of the elector by one of the six forms of photo ID already required by O.C.G.A. § 21-2-417 (a). Pursuant to O.C.G.A. § 21-2-419, the burden is then put upon the voter to appear within two days at the registrar's office and provide the photo ID required, or simultaneously provide lesser forms of identification to qualify for issuance of a State voter photo ID (O.C.G.A. § 21-2-417.1(e)), at which time, after the voter's photo is taken, and their ID card is issued, their vote is allowed to be counted. If the voter fails to appear within two days and provide any one of the six necessary photo IDs, which may include a voter ID card which presumably in the interim could have been obtained at a Department of Driver Services location, or simultaneously, at the registrar's office, their vote is not counted. In effect, an otherwise qualified voter forfeits his or her vote. This cannot be.

Significantly, the primary distinction between the 1997 law with the "fail safe" affidavit provision, and the new Voter ID law with its "provisional ballot" requirement is that under the 1997 law, the vote was counted with the burden being on the State to demonstrate through its registration records that the voter was not otherwise qualified to vote. Under the new law, an otherwise qualified voter has the burden of satisfying the registrar that he or she is qualified to vote by the further condition of producing a photo ID, which, coincidentally, can be obtained without showing a photo ID. This additional condition to casting a valid vote is curious because, for purposes of registering to vote, a photo ID is not required. The only information at the registrar's office subject to verification is residency, date of birth and a signature. There is no photo on file for comparison purposes. See discussion p. 17, infra.

B. The Requirement of a Photo ID as the Sole Method of Establishing Identity for Purposes of Having a Vote Counted as a Condition of Voting is Not Required by the Constitution

As a general rule, the Courts are required to give great deference to the legislature. That is why the Court cannot second guess the legislature's reasons for enacting the 2006 Voter ID law. As far as this Court is concerned, if the legislature perceives there to be a concern over voter fraud then that is for the legislature to determine and not this Court to second guess. Likewise, this Court, as a concerned citizen itself and as a voter, understands and appreciates the need for integrity of the voting process. Our democratic institutions and processes which depend on the principle of citizen participation through voting demands that there be integrity in the very process itself. In many parts of the world, voting "monitors" from the international community are often in place to ensure the fairness of the voting process. Indeed, in Iraq, this country has placed its soldiers at the polls to ensure Iraq's fledgling democracy experiences integrity at the polls.

This Court's concern then, in the case before it, is not the desirability of requiring certain forms of voter ID, but is whether the legislature has exceeded its constitutional authority in the regulation of voting by placing an additional condition on the right to vote not otherwise authorized by the Constitution.

The Constitution authorizes the State, through the legislature, to condition the right to vote on compliance with the registration requirements set forth by the legislature. Ga. Const. art. II, § 1, ¶ 2. Once a voter properly registers, the legislature may impose reasonable identification requirements aimed at ensuring that the person who appears to vote is the person who has registered to vote and who is otherwise qualified to vote. See Franklin v. Harper, 205 Ga. 779, 789 (1949).

As the determination of validity or acceptability of identification at the polling place necessarily requires the exercise of some discretion on the part of the poll worker,⁴ and given that there is always the chance that an otherwise qualified voter may not have one of the pieces of identification required by law, under the pre-existing law there was a "fail safe" procedure, as has been discussed, by which a qualified voter could by affidavit verify identification, then vote.

Under the new Voter ID law, the legislature under the guise of verifying voter identification, has now required as a condition of counting the vote of an otherwise registered and qualified voter, the additional requirement of appearing at the registrars office within two days and either presenting a photo ID or having a photo ID made, then presenting it. If the properly registered and otherwise qualified voter fails to comply with this requirement, then the provisionally cast ballot is not counted. The result of this provisional ballot scheme is to disenfranchise an otherwise qualified voter who does not comply with the additional conditions imposed by the legislature.

As a general rule, the law abhors forfeitures. The effect of the requirement that a voter comply with the subsequent condition to prove identification by a photo ID results in a forfeiture of the right to have one's ballot counted. Nowhere in the constitutional provisions related to voting is the legislature allowed to take away the right to vote except as otherwise specifically enumerated. See Ga. Const. art. II, § 1, ¶ 3.

The right to vote is a fundamental right of citizenship. Ambles v. Stole, 259 Ga. 406, 408 (1989). It, like the integrity of the voting process itself, goes to the very core of

⁴ The Court finds instructive on this issue of discretion the obstacles Ms. Lake did, in fact, confront when trying to vote on July 18th. It is interesting to note that the poll workers and Ms. Champion of the registrar's office had differing views as to the "validity" of Ms. Lake's Florida International University Student ID card. Fortunately, under the pre-existing law, this difference of opinion or exercise of discretion would not deprive a qualified voter of the right to vote and have their vote counted.

our democracy. Without the right to vote, there is no democracy. Likewise, “to refuse to count an elector’s vote is tantamount to a refusal to allow him to cast it . . .” Thompson v. Willson, 223 Ga. 370, 373 (1967). Additionally, our Supreme Court has recognized for years that the legislature may not deny the right to vote by “making the exercise of such right so difficult or inconvenient as to amount to a denial of the right to vote.” Franklin, 205 Ga. at 790 (citation omitted). Any attempt by the legislature to require more than what is required by the express language of our Constitution cannot withstand judicial scrutiny.

The 2006 law requiring a photo ID as the exclusive means of proving one’s identity at the polls and thereby making the possession of an approved form of photo ID a prerequisite to voting in person and having one’s ballot counted violates the plain terms of the Georgia Constitution.

Article II, Section 1, Paragraph 2 of our Constitution guarantees the right to vote to all residents of Georgia who are (1) citizens of the United States, (2) at least 18 years of age, (3) who meet the minimum residency requirements prescribed by the General Assembly, and (4) who have registered to vote:

Every person who is a citizen of the United States and a resident of Georgia as defined by law, who is at least 18 years of age and not disenfranchised by this article, and who meets minimum residency requirements as provided by law shall be entitled to vote at any election by the people. The General Assembly shall provide by law for the registration of electors.

Ga. Const., art. II, § 1, ¶ 2.

In construing this constitutional provision, the Court must honor its plain meaning. See, e.g., Hollowell v. Jove, 247 Ga. 678, 681 (1981) (discussing construction of statutes). “[W]here a constitutional provision or statute is plain and susceptible of but

one natural and reasonable construction, the court has no authority to place a different construction upon it, but must construe it according to its terms.” Rayle Electric Membership Corp. v. Cook, 195 Ga. 734, 734 (1943) (citations omitted). There is nothing equivocal about the words “shall be entitled to vote.” By requiring Georgia residents over 18 who are properly registered to vote to present an approved form of photo ID as the exclusive means of identification in order to have one’s vote counted, the 2006 Voter ID law violates the plain terms of this constitutional provision.

Equally clear is the principle that where the Constitution “undertakes to enumerate and describe . . . that enumeration and description is exhaustive, and the legislature cannot thereafter enlarge the list.” Stewart v. State, 98 Ga. 202, 205 (1896). The analysis in Morris v. Powell, 25 N.E. 221 (Ind. 1890) where the Indiana legislature attempted to impose voter qualifications not required by that State’s constitution is instructive:

That, when the people by the adoption of the constitution have fixed and defined in the constitution itself what qualifications a voter shall possess to entitle him to vote, the legislature cannot add an additional qualification, is too plain and well recognized for argument, or to need the citation of authorities. The principle is elementary that when the constitution defines the qualification of voters, that qualification cannot be added to or changed by legislative enactment.

25 N.E. at 223.

Likewise, in Koy v. Schneider, 218 S.W. 479 (Tex. 1920), the Texas Supreme Court in discussing the extent of suffrage granted by the Texas constitution observed:

‘Where the right of suffrage is fixed in the constitution of a State, as is the case in most States, it can be restricted or changed by an amendment to the Constitution or by an amendment to the federal Constitution, which, of course, is binding upon the States. But it cannot be restricted or

changed in any other way. The Legislature can pass no law directly or indirectly, either restricting or extending the right of suffrage as fixed by the Constitution.' (citations omitted).

218 S.W. at 480.

The role of the legislature in our State is both expressly **defined** and **limited** by Article II, Section 1, Paragraph 2 of the Constitution to two specific functions: (1) establishing minimum residency requirements; and (2) providing for the registration of electors. The new photo ID only requirement is *ultra vires* because it is neither a residency requirement nor is it a condition of registration. "[W]here the State constitution provides who shall be entitled to vote, the legislature cannot take from or add to the qualifications unless the power is granted expressly or by necessary implication." Franklin, 205 Ga. at 790. "Registration statutes have for their purpose the regulation of the exercise of the right of suffrage, not to qualify or restrict the right to vote." Id.

The new photo ID only requirement is also prohibited by Article II, Section 1, Paragraph 3 because the Constitution limits the grounds on which a Georgia citizen who is registered may be denied the right to vote to those persons who have been (1) convicted of a felony involving moral turpitude, or (2) judicially determined to be mentally incompetent to vote. Nowhere in the Constitution is the legislature authorized to deny a registered voter the right to vote on any other ground, including possession of a photo ID of the type required by § 21-2-417.1 of the 2006 law.

Where the Constitution expressly states circumstances under which a power is to be exercised, the power may not be exercised in any other manner. Jones v. Fortson, 223 Ga. 7, 13 (1967). In Jones, the Supreme Court approved the following principle:

A [constitutional] provision which expressly prescribes the manner of doing a particular thing is exclusive in that regard and impliedly prohibits performance in a

substantially different manner. Thus, where the manner in which, or the means by which, a power granted shall be exercised are specified, such manner or means are exclusive of all others, and the right or power to use other means does not arise by implication even though considered more convenient or effective.

In accord with the reasoning in Jones, the directive in the Constitution specifying those persons who may be denied the right to vote is exclusive of all other reasons for the denial of this fundamental right. See also, Powell v. McCormack, 395 U.S. 486 (1969) and U.S. Term Limits, Inc. v. Thornton, 514 U.S. 779 (1995) (providing analogy to limits on Congress and State legislatures).

C. The New Voter ID Law Appears to be Inconsistent with the Preexisting and Current Scheme to Verify the Identification of Voters

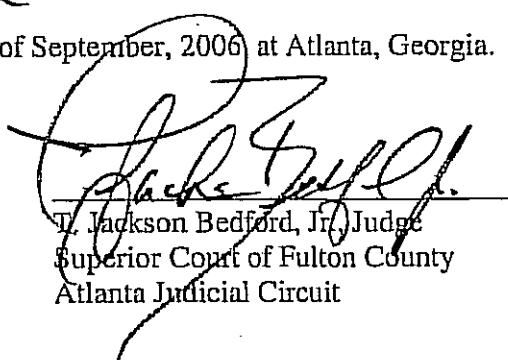
As has been discussed above, the new Voter ID law's "provisional ballot" requirement of O.C.G.A. § 21-2-417(b) shifts the burden of voter registration verification from the State to the voter, and results in the disenfranchisement of an otherwise qualified voter if the voter does not produce the required photo ID. A review of the Elections Code, particularly O.C.G.A. § 21-2-418 (2005), reveals that "provisional ballots" are allowed to be cast under circumstances where the voter's name does not appear on the list of registered electors thereby raising the issue of whether the prospective voter is indeed qualified and registered to vote. O.C.G.A. § 21-2-419(b) charges the registrar with then making a "good faith effort to determine whether the person casting the provisional ballot was entitled to vote. . .". That code section repeatedly puts the burden on to the registrar to determine if the person was (1) timely registered to vote; and (2) was eligible and entitled to vote. According to the Elections Code, the only way registrars have to make this determination is to review their registration documents which, if the voter has registered to vote, include identifiers such

as full legal name, date of birth, residence address and signature. The added requirement of a photo ID as a condition to having one's vote counted has no rational connection to ascertaining the identity of the voter by comparing it to the information kept by the registrar as a condition of registration. This additional photo ID requirement results in a condition being placed on the right to vote unique to a class of voters who, except for the inability to obtain a photo ID (other than the State ID now challenged) are otherwise qualified to vote. This is why the "fail safe" procedure of the 1997 law worked. If the voter was otherwise on the registrar's list of registered voters, they were allowed to vote unconditionally by signing the required affidavit. It was then incumbent on the registrar to compare signatures and other identifying information before challenging the vote.

III. CONCLUSION

For the foregoing reasons, this Court **HEREBY DECLARES O.C.G.A. § 21-2-417 AS AMENDED IN 2006 UNCONSTITUTIONAL** pursuant to the Georgia Constitution, Article II, Section 1, Paragraphs 2 and 3, and **HEREBY PERMANENTLY ENJOINS** the Defendants in their official capacities and the State and all its political subdivisions from enforcing or applying the provisions of O.C.G.A. § 21-2-417 (2006) so as to condition the counting of any properly registered and qualified voter's ballot exclusively on the presentation of a photo ID for in-person voting. This injunction shall apply to any special, general, runoff, local or referenda election in the State of Georgia.

IT IS SO ORDERED this 19th of September, 2006 at Atlanta, Georgia.


T. Jackson Bedford, Jr., Judge
Superior Court of Fulton County
Atlanta Judicial Circuit

C

United States Postal Service Postage Statement — Standard Mail

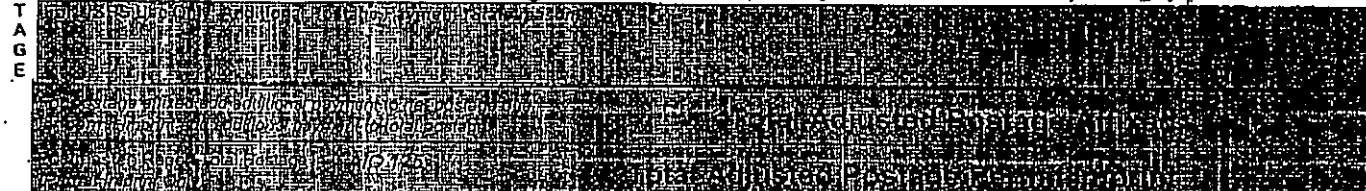
Comments: OCI Voter ID Cards WO 3815

MAILER	Permit-Holder's Name and Address and Email Address, if Any Reynolds Publishing 4460 Commerce Circle Atlanta GA 30338	Telephone (678)-458-0854 Extension	Name and Address of Mailing Agent (if other than permit holder)	Telephone () - Extension	Name and Address of Individual or Organization for Which Mailing is Prepared (if other than permit holder) Georgia Correctional Industries
	CAPS Cust Ref No. Dun & Bradstreet No.		Dun & Bradstreet No.		Dun & Bradstreet No.

MAILING	Post-Office of Mailing Atlanta GA 30369	Processing Category <input checked="" type="checkbox"/> Letters <input type="checkbox"/> CMM <input type="checkbox"/> Flat <input type="checkbox"/> Airmail Flat (DMM 301.3) <input type="checkbox"/> Parcel	Mailing Date 9/20/2006	Fed. Agency Cost Code	Statement Seq. No. GCLV2	No. of Containers 1' MM Trays 88 2' MM Trays 92 2' EMM Trays Total Trays 158
	Type of Postage <input checked="" type="checkbox"/> Permit Inprint <input type="checkbox"/> Precanceled Stamps <input type="checkbox"/> Metered	For Mail Enclosed Within Another Class <input type="checkbox"/> Periodicals <input type="checkbox"/> Bound Printed Matter <input type="checkbox"/> Library Mail <input type="checkbox"/> Media Mail <input type="checkbox"/> Parcel Post	Weight of a Single Piece 0.0156 pounds	Total Pieces 78,498	Total Weight 1,240.1375	Sacks Pallets Other
	Permit # 5669			If Sacked, Based on <input type="checkbox"/> 125 pcs <input type="checkbox"/> 15 lbs <input type="checkbox"/> Both		
	For Automation Rate Pieces, Enter Date of Address Matching and Coding (DMM 708.3.3) 9/10/2006	For ECR Rate Pieces, Enter Date of Address Matching and Coding (DMM 708.3.3) 9/10/2006	For ECR Rate Pieces, Enter Date of Carrier Route Sequencing (DMM 245345/445) 9/10/2006	Detached Address Labels? (DMM 602.4) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Parts Completed (Select all that apply) A B C D E F G H I J K L M S

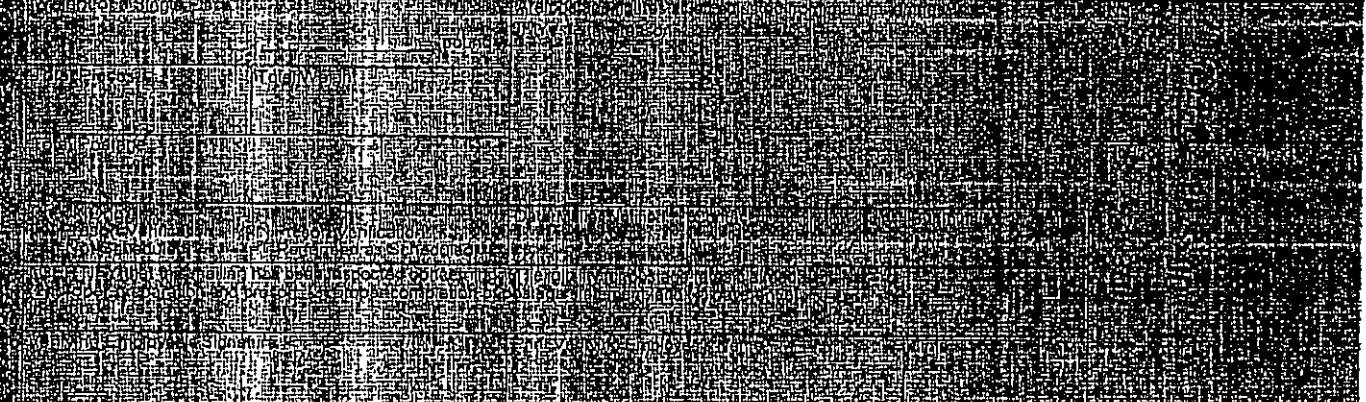
Total Postage (Add Parts Totals)		15,100.85
Rate at Which Postage Affixed (Check one) (DMM 244, 344, 444) <input type="checkbox"/> Correct <input type="checkbox"/> Lowest <input type="checkbox"/> Neither	pcs. x \$ =	Postage Affixed
Net Postage Due (Subtract postage affixed from total postage)		



The mailer's signature certifies that: (1) the mailing complies with DMM 703; (2) the income derived from the sale of any products or services advertised in the mailing is not subject to the Unrelated Business Income Tax (UBIT) and any products and services advertised are substantially related to the nonprofit organization's authorized purpose within the meaning of 50 U.S.C. § 3626(b)(1)(D)(ii) and 28 U.S.C. § 513(A); (3) the mailing is made by a voting registration official, is required or authorized by the National Voter Registration Act of 1993; and (4) it will agree to pay, subject to appeal, any revenue deficiencies assessed on this mailing. If an agent signs this form, the agent certifies that he or she is authorized to sign on the behalf of the mailer, and that the mailer is bound by the certification and agrees to pay any deficiencies. In addition, agents may be liable for any deficiencies resulting from matters within their responsibility, knowledge, or control. The mailer hereby certifies that all information furnished on this form is accurate, truthful, and complete; that the mail and the supporting documentation comply with all postal standards and that the mailing qualifies for the rates and fees claimed; and that the mailing does not contain any matter prohibited by law or postal regulation. I understand that anyone who furnishes false and misleading information on this form or who omits information requested on this form may be subject to criminal and/or civil penalties, including fines and imprisonment.

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Signature of Mailer or Agent	Printed Name of Mailer or Agent Signing Form	Telephone Extension
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D

United States Postal Service
Postage Statement — Standard Mail

Comments:
GCI Voter ID Cards WO 3515

MAILER	Permit Holder's Name and Address and Email Address, if Any Reynolds Publishing 4480 Commerce Circle Atlanta GA 30335	Telephone (870)-458-0654 Extension	Name and Address of Mailing Agent (if other than permit holder)	Telephone () - Extension	Name and Address of Individual or Organization for Which Mailing is Prepared (if other than permit holder) Georgia Correctional Industries
	CAPS Cust Ref No. Dun & Bradstreet No.		Dun & Bradstreet No.		Dun & Bradstreet No.

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	Type of Postage <input checked="" type="checkbox"/> Permit Imprint <input type="checkbox"/> Precanceled Stamps <input type="checkbox"/> Metered	For Mail Enclosed Within Another Class <input type="checkbox"/> Periodicals <input type="checkbox"/> Bound Printed Matter <input type="checkbox"/> Library Mail <input type="checkbox"/> Media Mail <input type="checkbox"/> Parcel Post	Weight of a Single Piece 0.0158 pounds	If Sacked, Based on <input type="checkbox"/> 125 pcs <input type="checkbox"/> 15 lbs <input type="checkbox"/> Both	Total Places 115,747	Total Weight 1,808.6532

For Automation Rate Pieces, Enter Date of Address Matching and Coding (DMM 708.3.3) 9/09/2006	For ECR Rate Pieces, Enter Date of Address Matching and Coding (DMM 708.3.3) 9/09/2006	For ECR Rate Pieces, Enter Date of Carrier Route Sequencing (DMM 245/345/445) 9/09/2006	Detached Address Labels? (DMM 802.4) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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Rate at Which Postage Affixed (Check one) (DMM 244, 344, 444) <input type="checkbox"/> Correct <input type="checkbox"/> Lowest <input type="checkbox"/> Neither			Total Postage (Add Parts Totals) 20,802.97
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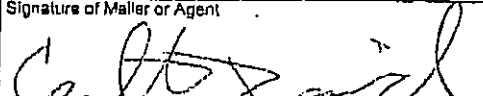
For USPS use only. Additional postage payment(s) for this mailing.	Total Additional Postage
For metered mail, indicate the amount of postage paid for this mailing.	Total Additional Postage
For metered mail, indicate the amount of postage paid for this mailing.	Total Additional Postage

CERTIFICATION

The mailer's signature certifies acceptance of liability for and agreement to pay any revenue deficiencies assessed on this mailing, subject to appeal. If an agent signs this form, the agent certifies that he or she is authorized to sign on behalf of the mailer, and that the mailer is bound by the certification and agrees to pay any deficiencies. In addition, agents may be liable for any deficiencies resulting from matters within their responsibility, knowledge, or control.

The mailer hereby certifies that all information furnished on this form is accurate, truthful, and complete; that the mail and the supporting documentation comply with all postal standards and that the mailing qualifies for the rates and fees claimed; and that the mailing does not contain any matter prohibited by law or postal regulation.

I understand that anyone who furnishes false or misleading information on this form or who omits information requested on this form may be subject to criminal and/or civil penalties, including fines and imprisonment. Privacy Notice: For information regarding our Privacy Policy visit www.usps.com.

Signature of Mailer or Agent 	Printed Name of Mailer or Agent Signing Form	Telephone Extension
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E

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GEORGIA 2006

Letters on voter ID under fire

200,000 mailed out after law struck down

By ERNIE SUGGS
The Atlanta Journal-Constitution
Published on: 10/13/06

Less than a week after a judge struck down Georgia's photo ID requirement for voters because it violated the state Constitution, nearly 200,000 letters — not the originally reported 20,000 — were sent out to registered voters, notifying them they may not have a valid driver's license or state-issued photo ID.

Photo ID is not required to vote Nov. 7. A state judge ruled Sept. 19 that Georgia's voter ID law violated the state Constitution.

Taylor plan pushes ban on paroles

David Worley, a Democratic appointee to the State Election Board, is threatening to file a complaint with the U.S. Justice Department, charging the board with voter suppression for mailing the letters after the law was struck down.

Letters on voter ID under fire

Perdue, Taylor meet in first debate

The letter suggests that if a voter does not have a photo ID, they will not be allowed to vote on Election Day.

Supreme Court race gets political

"Essentially, this is a taxpayer-funded voter suppression effort by the Republicans and a willful violation of the court's order," Worley said. "I think it is a violation of the Voting Rights Act, and I intend to take whatever legal action is available, including filing a complaint with the Justice Department. This shows the lengths to which Republicans are willing to go to stay in power."

Middle Ga. plays pivotal role in governor's race

Cox, Perdue cut ribbon at Capitol

The "Dear Georgia Voter" letter was part of a voter education campaign designed to remind voters about the January legislation that required voters to show one of six forms of government-issued photo identification at the polls. Worley said that in early September the State Election Board voted to send out 300,000 letters to Georgians who were on the voter registration list but who did not have a driver's license.

Ethics complaint filed over Perdue land deal

Tex McIver, the vice chair of the election board who authorized the \$55,000 mailing of the letters, said the board was only acting on an earlier order by U.S. District Judge Harold L. Murphy to educate the public about changes in Georgia voting law.

But Worley said letters should not have been sent out after the law was struck down in state court.

"I think it was necessary to send out the letter, but once the judge issued his order [voiding the law], that necessity evaporated," Worley said. "At that point, sending out the letters was intentionally misinforming the voters."

Worley said that at a Sept. 22 State Election Board meeting, he asked if the letters had been mailed.

"The vice chair said that at the time the order came down on the 19th, all but 20,000 of the letters had gone out," Worley said.

But according to a printing and postal delivery schedule provided on Wednesday by the State Elections Division of the Secretary of State's office, there were 79,496 letters delivered to the post office for mailing on Sept. 20 and another 115,747 sent on Sept. 25.

Mclver said that he was told by staffers that only 20,000 letters had not been mailed and authorized that final batch to be sent after the Sept. 19 ruling. He said had he known that nearly 200,000 letters had not been sent, he would have still authorized the shipment.

"It doesn't change my opinion at all. I am under a federal order to educate these voters and that is what we were doing," Mclver said of the letters mailed after the ruling.

"[Worley's] complaints were that this was adding to voter confusion, but everything we did was to prevent confusion," Mclver said. "The letter should not confuse anybody. In it, we said that if you don't have a driver's license, go get a free one. That letter never said you can't use the 17 forms [of ID to vote]. It did say get a free ID. It also said you can vote absentee. It was not confusing."

But Jennifer Owens, executive director of the League of Women Voters of Georgia, isn't buying it. She said she has fielded several calls from confused voters and her office is in the process of mobilizing grass-roots efforts to meet with potential voters around the state to educate them on the voting process.

"From where we are sitting, this is one of the worst things that could happen as far as voter confusion," Owens said. "It certainly sends quite a clear message to those voters that they might have to show a driver's license. And if they are not paying attention to court rulings, they are not sure what they are gonna do. It raises red flags."

Carolyn Gray said her 90-year-old mother, Corrie Gray, received one of the letters.

Corrie Gray, who is black, has been voting for decades in Temple with a voter registration card and other forms of ID. She has never had a driver's license.

"She gets this letter, that she does not have photo ID. I knew that the photo ID had been blocked, so I was wondering why is this coming to her, when we know, it is not required," said Carolyn Gray. "If I had not been paying attention, I would have been running around trying to get her a photo ID. For her and a lot of elderly black folks, getting a photo idea is hell on wheels."

Worley said that he was going to ask Secretary of State Cathy Cox — who chairs the State Election Board — to call an emergency meeting next week.

Chris Riggall, Cox's spokesman said it is unprecedented that the elections board would have sent out the letters, since traditionally it was the job of the election division of the Secretary of State's Office. The General Assembly put the elections board — which is majority Republican — in charge of informing voters of the changes in voting law, Riggall said.

"There is a majority on the election board, which [Cox] is not in, that has made sure that Tex [Mclver] would be the point person and the board has directed the elections division to stay out of this project," Riggall said. "It has been a situation in which the board, under Mr. Mclver's leadership, has undertaken this and they have called the shots."

Mclver said sending the letters after the judge's ruling has been helpful.

"By continuing to mail them, it helps me refine that list," said Mclver, adding that several people have responded to the letters telling the state that they do have driver's licenses. "This was a way of building a better, cleaner, smarter, more accurate list."

Current law, which will be in effect for the Nov. 7 elections, allows voters to show one of 17 forms of identification, including some non-photo ID such as a utility bill or Social Security card. It also allows voters to sign a statement swearing to their identity if they can't produce identification.

Election board letter

Dear Georgia Voter,

You are receiving this letter from the State Election Board because your name appears on a list of registered voters who may not have a driver's license or photo ID card from the Georgia Department of Driver Services (DDS).

If you DO have a Georgia driver's license or an unexpired photo ID from DDS, we ask that you contact your county Voter Registrar's office and let them know. You do NOT need to do anything else.

If you DO NOT have a Georgia driver's license or an unexpired photo ID from DDS you can receive a FREE Georgia Voter Identification Card at your local Voter Registrar's office in the county where you live.

You do not need a FREE Georgia Voter Identification Card to vote IN PERSON, if you have ANY of the following so long as it is valid and contains your photograph:

- a U.S. military identification card;
- a state or federal employee identification card;
- a U.S. Passport; a tribal identification card; OR,
- a photo identification card issued by any branch, department, agency, or entity of Georgia, any other state, or the United States.

All Georgia voters can vote ABSENTEE BY MAIL. You do NOT have to have any excuse and you do NOT need a photo ID.

For more information or if you have any questions, call your county Voter Registrar's office; or visit www.sos.state.ga.us to get more information on how to get a FREE Voter Identification Card.

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