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The Honorable Sonny Perdue
Governor, State of Georgia
203 Georgia State Capitol
Atlanta, GA 30334

Re: HB 244 - The Photo ID Voting Bill

Dear Governor Perdue:

We are writing to urge you to veto HB 244, the bill that would require legally registered voters to present government-issued photo identification before they could cast a vote at the polls. HB 244 would certainly prevent some legitimate voters from casting their ballots; yet, it would catch and deter no illegal votes. Furthermore, HB 244 would violate federal law as well as federal and state constitutional provisions.

There is no evidence that people are committing voter fraud by impersonating registered voters at the polls. The allegations of voter fraud discussed in committee hearings and on the Senate and House floors concerned fraudulent registration and vote buying. Requiring a government-issued photo ID at the polls would not solve either of these problems. There were no allegations of fraud by impersonation at the polls.

Indeed, impersonating a registered voter at the polls is an extremely risky and difficult crime to attempt, which is why voter impersonation at the polls is not and has never been a vulnerability of the voting system. To commit the crime, the person has to have information about the real voter, resemble him or her in some respects, and know that the real voter has not already voted at the polls that day, by absentee, or by early voting. The person would also risk being convicted of both federal and state crimes.

Currently, if a poll worker either doubts that a voter is who she claims or believes that the voter's identification is fraudulent; the poll worker may challenge the vote. In addition, Georgia has numerous ways for a poll worker to verify a voter's identity without demanding a photo ID. With Georgia's statewide computerized voter registration list in place, poll officials at every precinct have access to information about each voter. If there is any doubt about the person, she can be questioned as to her date of birth, middle or maiden name, previous address, voting history ("if you voted in the primary this year, did you participate in the Republican or the Democratic primary"), or signature to help resolve identity.

It is no answer to surmise that voter impersonation currently goes undetected because voters are not currently required to produce identification. Georgia maintains sufficient records and investigatory powers to determine if there are instances of persons without identification who voted at the polls but were not the person they claimed to be. If there were a problem, it should be investigated. But the photo identification requirement in this bill is a "fix" in search of a problem.

Finally, proponents of the bill have been unable to answer the question of why identification such as a social security card, a birth certificate, a bank statement, or an employer verification **are sufficient to obtain the driver's license that must be presented at the polls, but those very same documents are not sufficient identification at the polls.** Essentially, those voters who once were able to show a birth certificate at the polls, must now take the birth certificate to the DMV, get a photo ID, and then later go to the polls. The new system, therefore, would not make the identification more accurate or secure; it would simply add an additional hurdle for voters.

Although the photo ID requirement would not prevent voter fraud, **it will prevent legitimate voters from voting.** Requiring a government issued photo ID is a significant hurdle for many voters - a hurdle that would have a disparate impact on the elderly, racial minorities, poor, and disabled voters. Unless you are a government employee, your only state approved photo ID is probably a driver's license. But if you're poor, elderly, disabled, or a racial minority you are much less likely to have one. For example, African Americans in Georgia are nearly 5 times more likely not to have access to a motor vehicle than are whites. And, 36 percent of Georgians over 75 years of age do not have a driver's license.

The provision allowing a person a free photo ID if the person (1) is indigent; (2) can demonstrate he or she is registered to vote; **and** (3) has **never** before been issued a driver's license in Georgia, does not lift the burden placed on voters. Even if the ID is free, a citizen must bear the burden of actually obtaining the photo ID. There are only 50 Department of Vehicle (DMV) locations in the 159 counties in Georgia. Voters, therefore, will have to travel long distances to obtain a photo ID. Once the voter gets to the DMV, it may take hours to actually obtain the photo ID. In addition, some voters must also acquire documentation, such as a birth certificate, that must be presented to obtain the government-issued photo ID. Acquiring these documents will also require time and money. In O.C.G.A. § 21-2-404, which directs employers to allow voters to leave work for two hours on election day, the State recognizes the difficulty voters have simply getting off of work to vote. Yet, HB 244 does not recognize the burden placed on voters to get a photo ID to vote.

The "provisional ballot" also fails to lift the burden on the voter because it still requires the voter to present a government-issued photo ID. The "provisional" ballot section merely gives a voter 48 more hours to obtain and present the ID.

Allowing people to send in an absentee ballot, instead of going to the polls, also fails to stop disenfranchisement. First, many people want to exercise their right to vote by going to the polls. Second, this bill does not provide for any funds to educate voters

that they will need an ID. As you know, municipal elections are held in odd years. Thus, the first elections to be affected by the new strict standards would take place this November-just a few months away. There is a great likelihood that by the time people find out they are not welcome to cast a vote at the polls, it will be too late to request and cast an absentee ballot. In fact, it is likely that people will not know of the requirement until they show up at the polls on voting day.

Finally, the photo ID will likely prompt legal challenges. In accordance with the Voting Rights Act of 1965, the United States Department of Justice Civil Rights Division must pre-clear this bill. In order to survive pre-clearance, the State must demonstrate that the bill does not have either a discriminatory purpose or effect. As explained above, however, this bill would have a disparate impact on minority voters. Furthermore, the bill is likely to violate other state and federal laws and constitutional provisions, including: Article II, Section I, Par. II of the Georgia State Constitution; the guarantees of the right to vote in the Federal and State Constitutions; and the Civil Rights Act of 1964.

If HB 244 were to go into effect, Georgia would have the most restrictive voter identification law in the country. The American Civil Liberties Union believes it is important that election systems are fair to all voters and worthy of public trust. The photo ID requirement will make people distrust the voting system because legal voters will be turned away from the polls. **Please ensure that all legitimate voters in Georgians can exercise their right to vote-veto HB 244.**

Sincerely,

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