

GOP proposes voter ID amendment

Changing state Constitution could shield law from courts

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In the latest attempt to get around complex legal problems, a state legislator wants to ask voters to amend Georgia's Constitution to give lawmakers the power to require photo IDs at the polls.

State Sen. Cecil Staton (R-Macon), who sponsored the photo ID law, filed a proposed amendment to the state constitution Monday intended to protect the photo ID law from legal challenges in Georgia courts. The implications of such an amendment for federal challenges of the law were unclear.

Staton described his proposal as a ballot security measure, warning of "frequent identity theft and even evidence of illegal aliens being registered to vote."

Under his proposal, voters would be asked if the constitution should be changed to give state lawmakers the power to draft "procedures to verify the identity" of people voting in primaries and elections.

"This is just a way once and for all to let the people of Georgia have their say," Staton said. "Let's have a vote and we will spell it out in the constitution once and for all that this is something that we can do."

Staton's bill has a long road ahead. If two-thirds or more of the membership of both chambers in the Legislature pass the measure in next year's session, the soonest it could appear on the ballot would be November 2008.

The measure could become law immediately after voters approve it, but it could not be enforced until it is approved by the U.S. Justice Department under the federal Voting Rights Act.

Staton conceded his bill probably will face tough sledding in the Legislature since the Republicans do not have a two-thirds majority in either chamber.

A key Democrat expressed concerns over what he sees as a continued threat to voting rights. "It is really a sad day in Georgia that we continue to fight these kinds of battles," said Senate Minority Leader Robert Brown (D-Macon), who opposes Staton's bill. "Voting is a right that we are fighting to protect in Iraq and we are struggling in Georgia to reject."

Staton said his bill would force state lawmakers to go on record about the photo ID law before they face re-election in 2008.

"If the Democrats want to lock down and deny the people of Georgia a chance to vote on this, then fine. I will be happy to take that back to the people of Georgia," Staton said.

The photo ID law requires voters to show one of six forms of government-issued photo ID at the polls. The proposed constitutional amendment, if approved, would allow the state to possibly sidestep court rulings that have held the photo ID law violates the state constitution.

Former Gov. Roy Barnes filed a lawsuit this year on behalf of a Fulton County resident, arguing the photo ID requirement violated the state constitution. Barnes and co-counsel Jennifer Jordan argued in Fulton Superior Court that the Georgia Constitution granted the right to vote to all citizens, with only minimal requirements such as a minimum age. Barnes and Jordan said the photo ID law represented an unnecessary impediment to voting, above and beyond the minimum standards set forth in the constitution.

On Sept. 19, Fulton County Superior Court Judge T. Jackson Bedford Jr. struck down the photo ID requirement. He agreed with Barnes' contention, saying the ID requirement is an unlawful "prerequisite" to voting in violation of the state constitution.

Several civil and voting rights groups, including the NAACP, Common Cause Georgia and League of Women Voters of Georgia, have sued in federal court to stop Georgia's enforcement of voter photo ID rules.

U.S. District Judge Harold Murphy has twice prohibited the state from enforcing the law, once in 2005 and again before the primaries this summer. Murphy has also characterized the photo ID requirement as a potentially illegal burden on the right to vote.

"This proposed amendment does nothing to solve the problems of dead people voting, duplicate registrations or other more prevalent voter fraud instances," said Jennifer Owens, executive director of the League of Women Voters of Georgia. "If the legislation makes it on to the ballot, I believe the people of Georgia will see through this partisan attempt to keep people from the polls and uphold the current voter ID laws we have on the books, which balance accessibility with security."

Gov. Sonny Perdue's office weighed in on the issue Monday even though the constitutional amendment would not need his signature.

"Governor Perdue believes that voting is a sacred right and deserves the highest level of integrity and prevention of fraud," Perdue spokeswoman Heather Hedrick said. "Requiring a photo ID to vote is a simple protection of this fundamental right."