



Judge halts Georgia voter ID law Foes claiming bias win first round

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Three weeks before municipal elections will be held statewide, a federal judge has suspended Georgia's new voter ID requirement after finding the law imposes an unconstitutional poll tax and will not effectively combat voter fraud.

In a 123-page ruling issued Tuesday, U.S. District Judge Harold Murphy of Rome temporarily barred the state from requiring voters to show a government-issued photo ID at the polls. Even though Murphy ruled only on the injunction, his strongly worded denunciation of the ID requirement law suggests that he may ultimately find it unconstitutional.

"The photo ID requirement is most likely to prevent Georgia's elderly, poor and African-American voters from voting," Murphy wrote. "For those citizens, the character and magnitude of their injury — the loss of their right to vote — is undeniably demoralizing and extreme."

The state has not received a report of voter impersonation fraud over the past nine years, Murphy wrote, adding that it will be extremely difficult for many in rural Georgia to obtain a state-issued voter ID card.

Murphy, a former state representative, noted that he has great respect for the Georgia Legislature, which passed the voter ID law after heated debate early this year. "The court, however, simply has more respect for the Constitution," Murphy wrote.

Georgia's voter ID law, the most stringent in the nation, has grabbed the attention of both the political right and left across the country, spurring debate among national television and radio hosts.

Former presidents Jimmy Carter and Bill Clinton denounced the law. Civil rights leaders said it creates barriers to voting, especially for minorities, and would have a chilling effect on voter participation.

The ruling handed a preliminary legal victory to lawyers for Common Cause of Georgia, the ACLU, the NAACP, the League of Women Voters, the Georgia Association of Black Elected Officials and other groups that condemned the Republican-backed House Bill 244 as a ploy to suppress minority voting.

State Rep. Stan Watson (D-Decatur), chairman of the Georgia Legislative Black Caucus, was elated.

"It shows we can still have faith in our judiciary," he said. "Now we just need to make sure it doesn't come up again. It doesn't just discriminate against blacks, but Hispanics, the elderly and students."

Backers of law not deterred

The law's supporters, who said the ID requirement is needed to curb voter fraud by requiring photographic proof of identification, urged the state to appeal Murphy's ruling.

"The U.S. Justice Department reviewed and approved this law, saying it complied with the Voting Rights Act of 1965," House Speaker Glenn Richardson (R-Hiram) said. "Despite this review and approval, a Jimmy Carter-appointed judge has now ignored that decision, thwarting the best interests of the people of this state."

State Sen. Cecil Staton (R-Macon), who authored the Senate version of the law, said he was confident it will ultimately be upheld. "It is strong language," Staton said of Murphy's decision. "I disagree with the judge on that. I don't see how this can be considered a poll tax. Obviously, the Department of Justice did not consider it a poll tax."

Gov. Sonny Perdue also praised the law. He said the "vast majority of Georgia citizens agree that requiring photographic identification to vote is an appropriate and common-sense approach to ensure voter integrity and sound elections in our state."

Legislators who voted for the measure said the ID requirement is needed to regulate voting and prevent voter impersonation fraud. They said the law allows anyone who cannot afford a voter ID card to sign an affidavit declaring they are indigent, allowing them to get the cards for free. A five-year state-issued voter ID card costs \$20; a 10-year cards costs \$35.

Addressing the indigency affidavits, Murphy wrote that "many voters simply may be too embarrassed over their inability to afford a photo ID card to request and complete an affidavit for a free card."

The judge also cited testimony from state officials who said there is a "no-questions-asked" policy regarding the affidavits. This is "ironic," Murphy noted, because while the law seeks to prevent one type of fraud, this policy allows non-indigent voters to lie about their financial status and receive free ID cards.

Murphy wrote that elderly and disabled voters who must get their voter ID cards at Department of Driver Services offices may not be able to get there and, when they do, may not be able to endure to "often-lengthy lines." The centers are not located in every Georgia county, particularly across rural Georgia, and are too far away for many residents, Murphy said.

Although the state said it put a Georgia Licensing on Wheels (GLOW) bus on the road to issue photo ID cards to low-income people, that is not enough, Murphy wrote.

"The fact remains . . . that the DDS has only one GLOW bus and Georgia has 159 counties," Murphy wrote, adding it is not reasonable to expect that the mobile unit can travel to all the state's counties and communities before the Nov. 8 elections. Not only that, Murphy added, the bus is not wheelchair-accessible.

Even though the state has argued that voters can vote via absentee ballot without producing any photo ID at all in most instances, most voters "likely are unaware" they can vote this way, Murphy said. "It is simply unrealistic to expect that most of the voters who lack photo IDs will take advantage of the opportunity to vote an absentee ballot."

Murphy did not appear to have any difficulty in finding that voter ID law runs afoul of the Twenty-fourth Amendment, which prohibits a poll tax. "The fact that some individuals avoid paying the cost for the photo ID card does not mean that the photo ID card is not a poll tax," he wrote, finding a "substantial likelihood" the plaintiffs will prevail on this issue.

Murphy's decision only addressed the plaintiffs' request for a preliminary injunction, which suspends the law until he ultimately decides whether it is constitutional.

Meredith Bell-Platts, a staff attorney with the ACLU Voting Rights Project in Atlanta, said Tuesday the plaintiffs "look forward to litigating the remainder of this case to secure a final judgment that the law is unconstitutional, violates the Voting Rights Act, the Civil Rights Act and the Georgia Constitution."

Officials have to adjust

More immediately, state and local election officials said they will try to prevent problems during next month's elections.

Chris Riggall, a spokesman for the Secretary of State's Office, said his office was already shipping out revised instructions to poll workers, reflecting Murphy's decision. "Our task now is to do everything possible to help county and municipal election officials comply with the order by Nov. 8," he said.

Shea Hicks, chairwoman of the Board of Elections and Registration in Gordon County, testified in the case that a preliminary injunction against the photo ID requirement before Nov. 8 could cause confusion among election officials, poll voters and voters.

But Tuesday afternoon, Hicks said she was not expecting any problems on election day. She said it might have been tough had the county already trained its poll workers on the photo ID requirements, but she said that training is not scheduled until Oct. 27. "We'll be ready," she said.

Staff writers Nancy Badertscher, Jim Galloway and Sonji Jacobs contributed to this article.