

Georgia Photo Identification for Voting Fact Sheet & Timeline

March 28, 2006

A consortium of voting rights groups and private attorneys urge the Justice Department to withhold pre-clearance approval of S.B. 84, on the ground that S.B. 84's modifications to the voter ID requirements established by H.B. 244 are "insignificant, superficial, and in no way remediate the discriminatory and retrogressive effect of the voter ID requirements established by H.B. 244." Voting rights advocates further assert that S.B. 84 has "an even greater element of discrimination than H.B. 244."

February 9, 2006

In a victory for voting rights advocates, the 11th Circuit Court of Appeals issues a procedural ruling that means the photo ID requirements for voting in-person in Georgia remain unenforceable, despite passage of S.B. 84. Rather than vacate or otherwise invalidate the preliminary injunction on the ground because of the changes made by S.B. 84, the Court of Appeals simply remands (sends back) the case to Judge Murphy "for such further proceedings as it [the district court] deems appropriate in light of the enactment of SB 84 on January 26, 2006." This procedural ruling means that the preliminary injunction issued by the district court remains intact, and both the old and the new laws requiring photo-IDs for in-person voting remain unenforceable until further developments.

January 24, 2006

In an attempt to get around some of the problems the district court and voting rights advocates had cited in their criticism of H.B. 244, namely that the fees necessary to obtain a photo ID constituted a poll tax, the Georgia General Assembly hastily passes S.B. 84. The measure is signed by Governor Perdue two days later, on January 26, 2006. Although the new measure makes photo IDs free, the new law still fails to address many of the issues raised in the original lawsuit, including the fact that poor, elderly and minority voters (and others) still will incur significant financial costs and face undue burdens to obtain these supposedly "free" IDs. The new law also does nothing to address the Equal Protection claims made in the lawsuit, as absentee voters can still vote without showing any photo identification while a photo ID remains an absolute requirement for in-person voting.

October 27, 2005

Less than two weeks before Election Day, in a victory for voting rights advocates, the Eleventh Circuit Court of Appeals upholds Judge Murphy's decision blocking implementation of H.B. 244.

October 18, 2005

U.S. District Court Judge Harold Murphy stays implementation of photo ID requirements saying plaintiffs have a "substantial likelihood" of succeeding in court on the merits of their claims that the photo ID requirement is an unconstitutional burden on the right to vote and constitutes a poll tax. In his decision, Judge Murphy writes that, "In reaching this conclusion, the Court observes that it has great respect for the Georgia legislature. The Court, however, simply has more respect for the Constitution." (Common Cause v. Billups, Order of Oct. 18, 2005, p. 120-121). Two days after issuing his October 18 ruling, Judge Murphy denies the state's request to stay the preliminary injunction.

October 6, 2005

Voting rights advocates file documents in federal court in Rome, Georgia, in support of their motion for a preliminary injunction enjoining the enforcement of Georgia's photo identification requirement for voting. The filing consists of the plaintiff's motion for a preliminary injunction, a 74-page brief in support of the motion, and 31 sworn declarations attesting to the negative impact of House Bill 244 on Georgia voters.

September 19, 2005

A consortium of voting rights advocates and private attorneys file suit in federal court challenging House Bill 244, charging the law violates the state and federal constitutions, the 1965 Voting Rights Act and the 1964 Civil Rights Act. The case, Common Cause/Georgia v. Billups, 4:05-CV-201, is filed in U.S. District Court for the Northern District of Georgia, Rome Division, and assigned to the Honorable Harold Murphy.

August 26, 2005

Political appointees at the U.S. Department of Justice grant clearance to H.B. 244 over the objections of four Civil Rights Division Voting Section career staffers who say the measure is retrogressive and will make minority voters worse off.

July 8, 2005

More than two dozen civil rights, religious, labor and advocacy groups urge the Department of Justice to withhold approval and block implementation of H.B. 244 which they say will have a substantially negative "racial impact" on minority voters. The groups argue that the new photo identification requirements contained in Georgia House Bill 244 are unnecessary and were purposefully adopted to make minority voters worse off.

June 10, 2005

As required by the Voting Rights Act, the State of Georgia asks the U.S. Department of Justice to approve H.B. 244.

April 8, 2005

Georgia Governor Sonny Perdue signs H.B. 244 into law. On the same day, Georgia Secretary of State Cathy Cox, the state's chief elections official, writes to Governor Perdue to urge him not to sign the bill. In her letter, Secretary Cox writes, "I cannot recall one documented case of voter fraud during my tenure as Secretary of State or Assistant Secretary of State that specifically related to the impersonation of a registered voter at voting polls."

March 31, 2005

Georgia General Assembly gives final approval to H.B. 244 making Georgia one of only two states requiring registered voters to present a photo ID as an absolute condition of voting at the polls. The other state is Indiana.

March 29, 2005

H.B. 244 passes the Georgia Senate on a sharply divided partisan vote of 31 to 20.

March 24, 2005

A coalition of civil rights activists, labor unions, Democratic lawmakers, college students and others descend on the state Capitol to loudly protest H.B. 244 and S.B. 84, which would require voters to show photo identification at the polls.

March 11, 2005

H.B. 244 passes the Georgia House of Representatives on a sharply divided partisan vote of 98 to 65.

February 2, 2005

Sponsored by Rep. Sue Burmeister (R-Augusta), H.B. 244 is introduced in the Georgia General Assembly. The bill requires all registered voters in Georgia who vote *in person* after July 1, 2005, to present a government-issued photo ID card to election officials as a condition of being allowed to vote. According to the U.S. Justice Department Civil Rights Division staff memorandum of August 25, 2005, Burmeister would later assert that "if there are fewer black voters because of this bill, it will only be because there is less opportunity for fraud." Burmeister also reportedly said that "when black voters in her black precincts are not paid to vote they do not go to the polls."



www.votingrights.org