

Our mission is to end discrimination based on sexual orientation and gender identity, and to ensure the dignity, safety, and legal equality of all Kansans.

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Testimony of Thomas Witt, Executive Director
Kansas Equality Coalition
House Committee on Elections
In Support of SB389
February 15, 2012

Good morning Madame Chair and members of the committee. I am here today to speak in support of SB389, and I thank you for the opportunity to do so.

Last year, Secretary of State Kris Kobach testified before your committee as a proponent of HB2067, dubbed the "Safe and Fair Elections Act." In his written testimony, Secretary Kobach cited the State of Georgia as an example of other jurisdictions which have successfully implemented voter identification laws of the type we have now enacted in Kansas.

Not included in Secretary Kobach's testimony, however, was any mention of the years of litigation between passage of Georgia's original act and its enforcement. It wasn't until after the State of Georgia had invested millions of dollars in a statewide campaign of voter education that the courts allowed that state to proceed with enforcement of its new statutes.

Attached to my testimony, you will find an index of filings in that litigation. It is extensive record of a complex case. Also attached to my testimony you will find a PowerPoint presentation by Brian P. Kemp, the then-Secretary of State for Georgia. In his presentation, Secretary Kemp outlined the number and type of voter contacts his state made during their training program, and the types of information included in that program.

SB389 specifies a variety voter contact methods, and sets a minimum number of several types of contact. Those numbers are roughly 1/3 those cited for the Georgia program; as reported by the Census, the current Kansas population is approximately 1/3 that of Georgia's 2007 population.

Unfortunately, we do not believe the current Kansas program of voter education, as described in recent legislative briefings provided by the Secretary of State, is adequate. Our understanding is that the Secretary has currently budgeted \$300,000 for a statewide program. This amount is clearly inadequate to reach all eligible voters in Kansas.

We believe that Kansas program of voter education be at least as extensive as that in the state Secretary Kobach has cited as his example of successful implementation. What's good for Georgia is, at its least, just as good for Kansas. We urge you to adopt SB389, and provide Kansas with a voter education program our state can be proud of.

Thank you for your time and attention. I am happy to take questions.

Election Law @ Moritz

Information and insight into the laws governing federal, state, and local elections

LITIGATION

Last Updated: September 10, 2010 at 1:40 PM

NAACP v. Billups

Case Information

Date Filed / Ended: September 19, 2005 / June 8, 2009

State: Georgia

Issue: Voter ID

Courts that Heard this Case: U.S. District Court, Northern District of Georgia (Rome) (*Case 4:05-cv-00201-HLM*); U.S. Court of Appeals, 11th Circuit (*Case 05-15784, 06-11927, 07-14664, 08-10432*); U.S. Supreme Court (*Case 08-1231*)

Issue:

Whether Georgia's Voter ID Statue, which requires a state-issued photo ID, is unconstitutional or violative of the federal Voting Rights Act.

Status:

11th Circuit opinion vacating, rendering and affirming entered 1/14. Motion to Stay Mandate filed 2/10. Petition for Writ of Cert filed with the U.S. Supreme Court on 4/1. Brief in Opposition filed 5/6. Reply Brief filed 5/19. Petition denied on 6/8.

Summary: [Read Detailed Summary](#)

U.S. Supreme Court Documents






- [Petition for Writ of Certiori](#) (filed 4/1/09)
- [Brief in Opposition](#) (filed 5/6/09)
- [Reply Brief](#) (filed 5/15/09)
- Petition denied (entered 6/8/09)

U.S. Court of Appeals Documents

- [Civil Appeal Statement](#) (filed 10/21/05)
- [Appellant's/State Defendant's Motion to Stay Preliminary Injunction Pending Appeal](#) (filed 10/21/05)
- [Motion to Treat Appellant's/State Defendant's Motion to Stay as an Emergency Motion](#) (filed 10/21/05)
- [Appellant's/State Defendant's Motion to Expedite Appeal](#) (filed 10/21/05)
- [Certificate of Interested Persons & Corporate Disclosure Statement](#) (filed 10/21/05)
- [Appellee's Response to Appellant's/State Defendants Motion for Stay Pending Appeal](#) (filed 10/24/05)
- [Appellee's Response to Motion to Expedite Appeal](#) (filed 10/24/05)

- [Order of 11th Circuit Court of Appeals Denying Stay of Injunction](#) 
- [Brief of State Defendants-Appellants Cathy Cox and State Election Board](#)  (filed 12/5/05)
- [Brief of Plaintiffs-Appellees Common Cause, Georgia](#)  (filed 1/9/06)
- [Amicus Brief of the Mountain States Legal Foundation](#)  (filed 1/11/06)
- [Appellant's Reply Brief](#)  (filed 1/23/2006)
- [Amicus Brief of the Brennan Center for Justice at N.Y.U. Law School in Support of Plaintiffs-Appellees and Affirmance](#)  (filed 1/26/06)
- [Order granting remand](#)  (entered 2/9/06)
- Motion to stay pending outcome of U.S. Supreme Court case Crawford v. Marion City (filed 11/2/07) [not available]
- Appellants' Motion to Stay Briefing pending a decision in Supreme Court is GRANTED (entered 11/15/07) [not available]
- Appellants' Third Report on the Status of Crawford et al v. Marion County Board of Elections (filed 2/15/08)
- State Defendants-Appellants' Motion to Consolidate Appeals 08-10432 and 07-10664 (filed 2/15/08)
- Response Opposing In Part Defendant's Appellants' Motion to Consolidate Appeals (filed 3/3/08)
- [Brief of State Defendants-Appellants](#)  (filed 5/28/08)
- [Brief of Appellants](#)  (filed 5/29/08)
- [Amicus Curiae Brief: \(Atty: Sidney S. Rosdeitcher\)](#)  (filed 6/5/08)
- Appellee Brief Filed: Karen Handel & State Election Board (Atty Mark Cohen) (filed 6/27/08)
- [E-Brief Tendered: Appellee by Mark H. Cohen](#)  (filed 6/30/08)
- [E-Brief Tendered: Appellee by David G.H. Brackett](#)  (filed 7/1/08)
- Appellee Brief Filed: (Atty: David G.H. Brackett) (filed 7/1/08)
- [E-Brief Tendered: Reply by David G.H. Brackett](#)  (filed 7/14/08)
- Motion to Expedite (filed 7/17/08)
- Record on Appeal (filed 7/18/08)
- Exhibits (filed 7/18/08)
- Motion to Expedite (filed 7/17/08)
- Response to Motion to Expedite Hearing on Consolidated Appeals (Atty: Mark H. Cohen) (filed 7/23/08)
- Appellants' Motion to Expedite hearing on these appeals is DENIED. Clerk is directed to forthwith schedule these appeals for oral argument consistent w/this Court's regular procedures. (filed 7/29/08)
- [Reply/Cross-Appellee Brief \(Atty: Mark H. Cohen\)](#)  (filed 8/4/08)
- [E-Brief Tendered: Appellee-Cross Appellant Reply Brief by David G.H. Brackett](#)  (filed 8/22/08)
- Oral Argument Scheduled: 12/03/08 (filed 9/11/08)
- Emmet J. Bondurant argued for Appellee; Mark H. Cohen argued for Appellant (12/5/08)
- Notice of court action (entered 12/19/08)
- [Opinion Issued: VACATED, RENDER & AFFIRMED.](#)  (entered 1/14/09)
- Motion to Stay Mandate (filed 2/10/09)
- MOT2 (Notice of Court Action) Issued (filed 2/19/09)

District Court Documents

- [Corrected Complete Complaint](#)  (filed 9/19/2005)
 - [Exhibit A \(memo from Secretary of State to State Senate\)](#) 
 - [Exhibit B \(letter from Secretary of State to Governor\)](#) 
 - [Exhibit C \("Applying for a Georgia ID Card"\)](#) 
 - [Exhibit D \("Birth Certificates"\)](#) 






























- [Motion to set a Preliminary Injunction Hearing](#) (filed 9/19/2005)
- [Order granting Motion to Set a Preliminary Injunction Hearing](#)
- [Motion to Intervene and Expedited Request for Consideration of the Motion](#) (filed 10/5/05)
- [Brief in Support](#)
- [Order granting State Election Board's Motion to Intervene & for expedited consideration](#) (filed 10/05/2005)
- [Motion for Preliminary Injunction](#) (filed 10/06/2005)
 - [Brief in Support](#)
 - [Exhibit A](#)
 - [Exhibit B](#)
 - [Exhibit C](#)
 - [Exhibit D](#)
 - [Exhibit E, Part 1](#)
 - [Exhibit E, Part 2](#)
 - [Exhibit E, Part 3](#)
 - [Exhibit E, Part 4](#)
 - [Exhibit E, Part 5](#)
 - [Exhibit F](#)
- [Motion to Dismiss Individual Capacity Claims](#) (filed 10/7/05)
 - [Brief in Support](#)
- [Response in Opposition to Motion for Preliminary Injunction](#) (filed 10/11/05)
 - [Exhibit 1](#) (House Bill 244 (part 1))
 - [Exhibit 2](#) (House Bill 244 (part 2))
 - [Exhibit 2](#) (Excerpts of Cox Deposition)
 - [Exhibit 3](#) (Section 5 Preclearance Letter)
 - [Exhibit 4](#) (Williams Deposition)
- [Response to Motion to Dismiss Individual Capacity Claims](#) (filed 10/11/05)
- [Amended Complaint against all Defendants, filed by Common Cause/Georgia](#) (filed 10/12/05)
- [Preliminary Injunction](#)
- [Motion to Stay Preliminary Injunction](#) (filed 10/19/05)
 - [Brief in Support of Motion to Stay Preliminary Injunction](#) (filed 10/19/05)
- [Order denying Motion to Dismiss Individual Capacity Claims](#)
- [Response in Opposition to Motion to Stay Preliminary Injunction](#) (filed 10/20/05)
 - [Exhibit A](#)
- [Order denying the State Defendant's Motion for Stay Pending Appeal](#)
- [Notice Of Appeal as to Order on Motion for Preliminary Injunction](#) (filed 10/21/05)
- [Motion to Stay Proceedings Pending Resolution of Expedited Appeal to the Eleventh Circuit](#) (filed 11/10/05)
 - [Brief in Support](#)
- [Answer to Amended Complaint and Complaint by Cathy Cox](#)
- [Response to Motion to Stay Proceedings Pending Resolution of Expedited Appeal to the Eleventh Circuit](#) (filed 11/23/05)
- [Motion to Certify Question of State Law to Georgia Supreme Court](#) (filed 11/23/05)
 - [Brief in Support](#)

- [Order granting State Defendants' Motion to Stay Proceedings Pending Resolution of Expedited Appeal to the Eleventh Circuit](#)
- [Response in opposition to Motion to Certify Question of State Law to Georgia Supreme Court](#) (filed 12/8/05)
- [Reply brief in support of Motion to Certify Question of State Law to Georgia Supreme Court](#) (filed 12/27/05)
- [Order denying Plaintiffs' Motion to Certify Question of State Law to Georgia Supreme Court](#)
- [Order](#)
- [Plaintiffs' Motion for Leave to File Second Amended Complaint](#) (filed 2/23/06)
 - [Exhibit](#)
 - [Exhibit](#)
 - [Exhibit](#)
 - [Exhibit](#)
 - [Exhibit](#)
 - [Exhibit](#)
 - [Exhibit](#)
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 - [Exhibit](#)
 - [Exhibit](#)
 - [Exhibit](#)
 - [Exhibit](#)
 - [Exhibit](#)
 - [Exhibit](#)
- [Order memorializing actions taken by the Court during the 3/2/06 telephone conference](#)
- [Minute Entry for proceedings held before Judge Harold L. Murphy](#)
- [Notice of Section 5 Preclearance of Act No. 432 \(S.B. 84\)](#) (filed 4/21/06)
 - [Department of Justice Preclearance Letter of Act 432/S.B. 84](#)
- [Second Amended Complaint](#) (filed 4/26/06)
 - [Exhibit A, part 1](#)
 - [Exhibit A, part 2](#)
 - [Exhibit A, part 3](#)
 - [Exhibit B](#)
 - [Exhibit C](#)
 - [Exhibit D](#)
 - [Exhibit E](#)
 - [Exhibit F](#)
 - [Exhibit G](#)
 - [Exhibit H](#)
 - [Exhibit I](#)
- [Answer and Defenses of Tracy Brown](#) (filed 5/9/06)
- [Answer and Defenses of Cathy Cox and State Election Board](#) (filed 5/10/06)
- [State Defendants' Motion to Dismiss Second Amended Complaint for Declaratory and Injunctive Relief in Part Pursuant to Fed. R. Civ. P. 12\(b\)\(6\)](#) (filed 5/10/06)
 - [Brief in Support of State Defendants' Motion to Dismiss Second Amended Complaint for Declaratory and Injunctive Relief in Part Pursuant to Fed. R. Civ. P. 12\(b\)\(6\)](#)

- [Master Answer and Defenses of Ms. Evon Billups, Mr. Gary Petty, Ms. Michelle Hudson, Ms. Amanda Spencer, Mr. Ron McKelvey, Ms. Nina Crawford, Judge John Payne, Ms. Shea Hicks, Ms. Jennifer A. Johnson and Mr. Sam Little](#) (filed 5/10/06)
- [Plaintiffs' Response in Opposition to State Defendants' Motion to Dismiss, in Part, the Second Amended Complaint](#) (filed 5/25/06)
- [Plaintiffs' Renewed Motion to Certify Question of State Law to the Georgia Supreme Court](#) (filed 5/25/06)
- [State Defendants' Response in Opposition to Plaintiffs' Renewed Motion to Certify Question of State Law to the Georgia Supreme Court](#) (filed 6/8/06)
 - [Exhibit 1](#)
- [Reply Brief in Support of State Defendants' Motion to Dismiss Second Amended Complaint for Declaratory and Injunctive Relief in Part Pursuant to Fed. R. Civ. P. 12\(b\)\(6\)](#) (filed 6/8/06)
- [Motion for Preliminary Injunction](#) (filed 7/5/06)
 - [Brief in Support of Motion for Preliminary Injunction](#)
 - [Exhibit A](#)
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 - [Exhibit G](#)
 - [Exhibit H](#)
 - [Exhibit I](#)
 - [Exhibit J - Part 1](#)
 - [Exhibit J - Part 2](#)
 - [Exhibit J - Part 3](#)
- [State Defendants' Brief In Opposition To Plaintiffs' Motion For Preliminary Injunction](#) (filed 7/10/2006)
- [State Defendant's Motion to Dismiss Plaintiffs' Motion for Preliminary Injunction](#) (filed 7/7/2006)
- [Plaintiffs Brief In Opposition To State Defendants' Motion To Dismiss Plaintiffs' Motion For Preliminary Injunction](#) (filed 7/10/06)
- [Order deferring ruling on Defendants Motion to Dismiss](#) (entered 7/10/06)
 - Deadline for State Defendant's to file their response to Plaintiff's Second Motion for Preliminary Injunction by 11:59 pm on Monday July 10, 2006
 - If the Georgia Supreme Court declines to stay the restraining order in the Lake case, the Court will continue the preliminary injunction hearing scheduled for Wednesday, July 12, 2006 until a later date.
- [Minute Entry for proceedings held before Judge Harold L. Murphy](#) (entered 7/13/06)
 - Court orally granted preliminary injunction, written order to follow
- [Order granting preliminary injunction](#) (entered 7/14/06)
 - [Cover Page](#)
 - [Order Denying Defendants motion in opposition to preliminary injunction](#)
- [MOTION for Admission of Plaintiffs' Exhibits 5 through 15, by Common Cause](#) (filed 7/14/06)
- [ORDER granting Motion for Miscellaneous Relief. Exhibits 5-12 and 15 are admitted](#) (filed 7/17/06)
- [RESPONSE in Opposition to MOTION for Admission of Plaintiffs' Exhibits 5 through 15, filed by State Election Board](#) (filed 7/20/06)

- [ORDER re plaintiff's Motion admitting exhibit 13 into the record](#) (entered 7/21/06)
- [RESPONSE TO ORDER TO SHOW CAUSE-Withdrawal of Motion to Admit Exhibit 14](#) (filed 7/25/06)
- [ORDER Granting in Part *Response to Order to Show Cause, MOTION for Admission of Plaintiffs' Exhibits 5 through 15*](#) (entered 7/26/06)
- [Minute Entry](#) (entered 9/5/06)
- [Plaintiffs' Motion For A Hearing On Plaintiffs' Second Motion For Preliminary Injunction In Advance Of The September Special Elections](#) (filed 9/6/06)
- [State Defendant's Response in Opposition to Plaintiffs' Motion For A Hearing On Plaintiffs' Second Motion For Preliminary Injunction In Advance Of The September Special Elections](#) (filed 9/6/06)
- [ORDER: The Court Orders the parties to appear before the Court for a brief evidentiary hearing on 9/14/2006](#) (entered 9/6/06)
- [Minute Entry for proceedings held before Judge Harold L. Murphy](#) (entered 9/15/06)
 - Court orally granted preliminary injunction; written order to follow
 - [Exhibit and Witness List](#)
- [Order granting Preliminary Injunction](#) (entered 9/15/06)
- [MOTION to Stay *Proceedings Pending Resolution of Appeal of the Superior Court of Fulton County's Declaratory Judgment and Permanent Injunction to the Georgia Supreme Court*, with Brief In Support by Cathy Cox](#) (filed 9/26/06)
 - [Brief in Support](#)
 - [Exhibit 1](#)
- [RESPONSE re MOTION to Stay *Proceedings Pending Resolution of Appeal of the Superior Court of Fulton County's Declaratory Judgment and Permanent Injunction to the Georgia Supreme Court* filed by Clara Williams](#) (filed 9/27/06)
- [ORDER granting *Motion to Stay Proceedings pending Resolution of Appeal of the Superior Court of Fulton County's Declaratory Judgment and Permanent Injunction to the Georgia Supreme Court* and Stays all proceedings in this case](#) (entered 9/28/06)
- [First MOTION for *Order Lifting Stay of Proceedings and Setting Trial on Merits* with Brief In Support by Cathy Cox, State Election Board.](#) (filed 7/27/07)
 - [Brief in Support](#) (Exhibits #1 & #2)
- [RESPONSE in Support of First MOTION for *Order Lifting Stay of Proceedings and Setting Trial on Merits*](#) (filed 7/31/07)
- [ORDER granting Motion to Lift Stay of Proceedings and to Set Trial on the Merits](#) (entered 8/1/07)
- [ORDER directing the parties and their counsel to appear before the Court at 10:00 am on 8/22/2007, for a trial on the merits](#) (entered 8/2/07)
- [NOTICE to Take Deposition of Dr. Trey Hood](#) (filed 8/13/07)
- [MOTION to Amend Amended Complaint,, to Add Plaintiffs and to Reflect the Substitution of a Defendant](#) (filed 8/13/07)
 - [Exhibit](#)
- [NOTICE by Common Cause/Georgia of *Filing the Declaration of Ed Hine as to the unavailability of Eleanor Whittenburg*](#) (filed 8/14/07)
- [RESPONSE in Opposition re MOTION to Amend Amended Complaint](#) (filed 8/14/07)
- [MOTION to Dismiss *Plaintiff Clara Williams for Lack of Standing*](#) (filed 8/14/07)
 - [Brief in support](#)
- [Emergency MOTION for Protective Order](#) (filed 8/14/07)
- [RESPONSE in Opposition re Emergency MOTION for Protective Order](#) (filed 8/14/07)

- Exhibits [A](#), [B](#), [C](#), [D](#), [E](#), [F](#) [↗](#)
- [REPLY to Response to Motion re Emergency MOTION for Protective Order](#) [↗](#) (filed 8/15/07)
 - [Exhibit](#) [↗](#)
- [ORDER granting State Defts' Emergency Motion for Protective Order](#) [↗](#) (entered 8/15/07)
- [TRIAL BRIEF by STATE DEFENDANTS](#) [↗](#) (filed 8/15/07)
- [TRIAL BRIEF by PLAINTIFFS](#) [↗](#) (filed 8/15/07)
- [REPLY BRIEF re MOTION to Dismiss Plaintiff Clara Williams for Lack of Standing](#) [↗](#) (filed 8/17/07)
 - [Exhibit A](#) [↗](#)
- [ORDER granting Motion to Amend](#) [↗](#) (entered 8/17/07)
- [Emergency MOTION for Protective Order with Brief In Support by STATE DEFENDANTS](#) [↗](#) (filed 8/17/07)
 - Exhibits [A](#), [B](#), [C](#), [D](#) [↗](#)
- [NOTICE Of Filing Depositions](#) [↗](#) (filed 8/17/07)
- [DEPOSITION of Karen C. Handel taken on August 14, 2007](#) [↗](#) (filed 8/17/07)
 - Exhibits [19](#), [20](#), [21](#) [↗](#)
- [DEPOSITION of Frances Jackson taken on September 12, 2006](#) [↗](#) (filed 8/17/07)
- [DEPOSITION of Claud Lee McIver, III taken on September 12, 2006](#) [↗](#) (filed 8/17/07)
 - Exhibits [1](#), [2](#), [3](#), [4](#), [5](#), [6](#) [↗](#)
- [DEPOSITION of Loraine Piro taken on September 13, 2006](#) [↗](#) (filed 8/17/07)
 - Exhibits [1](#), [2](#), [3](#), [4](#), [5](#), [6](#), [7](#), [8](#), [9](#) [↗](#)
- [DEPOSITION of Timothy Ross Potts taken on September 13, 2006](#) [↗](#) (filed 8/17/07)
 - [Exhibit 1](#) [↗](#)
- [DEPOSITION of Robert Albert Simms taken on August 10, 2007](#) [↗](#) (filed 8/17/07)
 - Exhibits [1](#), [2](#), [3](#), [4](#), [5](#), [6](#), [7](#), [8](#), [9](#), [10](#), [11](#), [12](#), [13](#), [14](#), [15](#), [16](#), [17](#), [18](#) [↗](#)
- [RESPONSE in Opposition re Emergency MOTION for Protective Order](#) [↗](#) (filed 8/19/07)
 - Exhibits [A](#), [B](#), [C](#), [D](#), [E](#) [↗](#)
- [REPLY to Response to Motion re Emergency MOTION for Protective Order](#) [↗](#) (filed 8/20/07)
 - Exhibits [A](#), [B](#), [C](#), [D](#), [E](#), [F](#), [G](#), [H](#), [I](#) [↗](#)
- [DEPOSITION of Robert Sims taken on August 10, 2007](#) [↗](#) (filed 8/20/07)
 - Exhibits [1-6](#) & [7-17](#) [↗](#)
- [ORDER granting Motion for Protective Order](#) [↗](#) (entered 8/20/07)
- [TRANSCRIPT of Proceedings held on 9/14/2006](#) [↗](#) (filed 8/20/07)
- [NOTICE Of Filing Declaration of David Brackett](#) [↗](#) (filed 8/21/07)
- [AFFIDAVIT Declaration of David G.H. Brackett](#) [↗](#) (filed 8/21/07)
 - [Exhibit A - Declaration of Ruth White](#) [↗](#)
 - [Exhibit B - Ruth White Obituary](#) [↗](#)
- [NOTICE Of Filing Depositions](#) [↗](#) (filed 8/21/07)
- [DEPOSITION of Melvin Vernon Hood taken on August 20, 2007](#) [↗](#) (filed 8/21/07)

- Plaintiff's exhibits [1](#), [2](#), [3](#), [4](#), [5](#), [6](#), [7](#), [8](#), [9](#), [10](#), [11](#), [12](#), [13](#) 
- Defendant's exhibits [1](#), [2](#), [3](#) 
- [DEPOSITION of Eugene Taylor taken on August 18, 2007](#)  (filed 8/21/07)
- [DEPOSITION of Loraine Piro taken on August 21, 2007](#)  (filed 8/21/07)
 - Exhibits [1](#) & [2](#) 
- [NOTICE Of Filing Deposition of Sheryl Gowen](#)  (filed 8/24/07)
- [DEPOSITION of Sheryl Gowen taken on August 20, 2007](#)  (filed 8/24/07)
 - Gowen Deposition parts [1](#), [2](#), [3](#), [4](#) 
 - Exhibits [1](#), [2](#), [3](#), [4](#) 
 - Exhibit 5: [Intro](#), [Ch. 1](#), [Ch. 2](#), [Ch. 3](#), [Ch. 4](#), [Ch. 5](#), [Ch. 6](#), [Appendix A](#), [Appendix B & C](#), [Appendix D](#), [Appendix E](#) 
 - [Exhibit 6](#) 
- [NOTICE Of Filing Notice of Filing of Depositions of Trey Hood and Bertha Young](#)  (filed 8/27/07)
- [DEPOSITION of Trey Hood taken on August 17, 2007](#)  (filed 8/27/07)
 - Exhibits [1](#), [2](#), [3](#), [4](#), [5](#), [6](#) 
- [DEPOSITION of Bertha Young taken on August 17, 2007](#)  (filed 8/27/07)
 - [Exhibit](#) 
- [MOTION to Exclude Reports and Testimony of Plaintiffs' Experts with Brief In Support by STATE DEFENDANTS](#)  (filed 8/28/07)
 - [Brief in support of motion](#) 
- [NOTICE Of Filing Depositions by The National Association for the Advancement of Colored People \(NAACP\)](#)  (filed 8/31/07)
- [DEPOSITION of Larry Dewberry taken on 08/29/2007](#)  (filed 8/31/07)
 - Exhibits [1](#) & [2](#) 
- [DEPOSITION of Annie L. Johnson taken on 08/29/2007](#)  (filed 8/31/07)
 - Exhibits [1](#) & [2](#) 
- [RESPONSE in Opposition re MOTION to Exclude Reports and Testimony of Plaintiffs' Experts](#)  (filed 8/31/07)
- [ORDER granting the State Defendants' Motion to Exclude Reports and Testimony of Plaintiffs' Experts](#)  (entered 9/6/07)
- [ORDER Dismissing this case and Directing the Clerk to CLOSE this case. The Court DIRECTS the Clerk to enter judgment in favor of the State Defendants](#)  (entered 9/6/07)
 - [Part 2](#) 
- [CLERK'S JUDGMENT in favor of State Defendants against Plaintiffs](#)  (entered 9/6/07)
- [NOTICE OF APPEAL as to Order on Motion to Exclude, Order, Clerk's Judgment by The NAACP](#)  (filed 10/2/07)

Related Cases

- [Rosalind Lake v. Sonny Perdue](#), Superior Court of Fulton County, State of Georgia

Related Links


- [Secretary Handel Remarks on Voter ID Ruling, Duluth Weekly \(GA\) \(9/6/07\)](#)
- [Federal judge tosses Ga. voter ID lawsuit; law will be enforced, Access North Georgia \(9/6/07\)](#)
- [Both sides lobbied hard as voter ID trial ends, Atlanta Journal Constitution \(8/22/07\)](#)
- [Federal judge hears arguments on voter ID, Atlanta Journal Constitution \(8/22/07\)](#)
- [Voter ID goes back to court, Daily Report \(GA\) \(8/22/07\)](#)
- [Education Effort Planned for Voter ID Law, WXIA-TV GA \(8/1/07\)](#)
- Secretary of State candidates differ on voter ID, *Contra Costa Times* (10/23/06) [no longer available online]
- Confusion unlikely, but state can do more, *The Atlanta Journal-Constitution* (10/16/06) [no longer available online]
- State Elections Board letters misrepresented voting rules, *Macon Telegraph* (10/16/06) [no longer available online]
- Photo ID law suffers 2 setbacks, *The Atlanta Journal-Constitution* (7/13/06) [no longer available online]
- [State of Georgia's Request for Stay of Trial Court Order on Voter ID](#) (7/10/06)
- Ga. Appeals Restraining Order on Voter IDs, *Washington Post* (7/10/06) [no longer available online]
- Georgians at center in voting rights debate, *Atlanta Journal Constitution* (7/10/06) [no longer available online]
- [Preliminary Injunction enjoining Georgia from enforcing its voter i.d. law in the upcoming primary on grounds it violates the right to vote guaranteed in the Georgia Constitution, Superior Court of Fulton County \(7/7/06\)](#)
- [Judge Blocks Requirement In Georgia For Voter ID, New York Times \(7/8/06\)](#)
- Cherokee voter IDs may not be valid, *Atlanta Journal Constitution* (5/24/06) [no longer available online]
- U.S. OKs latest ID voter law, *Atlanta Journal Constitution* (4/22/06) [no longer available online]
- [The effect of Indiana court ruling on Georgia voting bill, S.B. 84 \(4/20/06\)](#)
- [Department of Justice Memorandum, Section 5 Recommendation](#)
- [Criticism of voting law was overruled, Washington Post \(11/17/05\)](#)
- [e-Book: Polling Place Rules \(Voter Identification Requirements at the Polling Place\)](#)

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Georgia Secretary of State
Brian P. Kemp


Voting with Photo Identification




Georgia Secretary of State
Brian P. Kemp

Photo Identification Background

In 2006 the State of Georgia enacted Senate Bill 84, which requires voters who cast their ballot in person to present one of six forms of acceptable photo identification.





Georgia Secretary of State Brian P. Kemp





Photo Identification Background


The six forms of acceptable photo ID:

- ✓ A Georgia driver's license, even if expired;
- ✓ Any valid state or federal government issued photo ID, including a free Voter ID Card issued by the voter's county registrar or Georgia Department of Driver Services;
- ✓ Valid U.S. passport;
- ✓ Valid employee photo ID from any branch, department, agency, or entity of the U.S. Government, Georgia, or any county, municipality, board, authority, or other entity of this state;
- ✓ Valid U.S. military photo ID; or
- ✓ Valid tribal photo ID.



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Photo Identification Background


If a voter does not have a photo ID or forgets to bring their photo ID to the polls, they can still cast a provisional ballot.

- ✓ The voter then has until the Friday after Election Day to obtain an acceptable form of photo ID, and return to their county elections office to have their vote counted.

No voter is ever turned away from the polls because they do not have an acceptable form of photo ID!



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Photo Identification Background

The Secretary of State's Office implemented a website (www.GaPhotoID.com) to educate Georgia voters about:


- ✓ The photo ID requirement for in-person voting
- ✓ The free Voter ID Card for voters who do not have photo ID
- ✓ The free photo ID card available at Dept. of Driver Services centers

The website also contains flyers, posters and brochures about Georgia's photo ID requirement that users can print and distribute.



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Photo Identification: Outreach and Education

Additionally, the Secretary of State's Office conducted a statewide, multi-media outreach and education campaign to inform Georgia voters about all facets of the photo ID requirement.

- ✓ The outreach and education campaign was conducted prior to six elections between September, 2007 and the November, 2008 General Election.



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Photo Identification: Outreach and Education

Media Type	Number
Direct Mail and Utility Bill Inserts	Over 5,009,700 pieces
Packages of Photo ID Materials to NGOs (Chambers of Commerce, Churches, Libraries)	633 packages; over 57,000 pieces
Automated Reminder Phone Calls	83,500
Video PSAs	1,232
Radio PSAs	Over 60, 610
Press releases	70



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Photo Identification: Outreach and Education Highlights

- ✓ 5,720 radio PSAs featuring then-Secretary of State Karen Handel and Atlanta Falcons players.
 - ✓ Increased awareness of the photo ID requirement, voter registration deadlines, and early voting options.
- ✓ Atlanta Falcons home games featured end zone-to-end zone LED banners directing fans to visit the Secretary of State's website for more information on photo ID, voter registration and early voting.
- ✓ Radio ads were purchased statewide on Clear Channel stations for airing during news casts, traffic reports, Atlanta Braves games, and on Clear Channel websites.
- ✓ 400 ads were placed inside Atlanta's MARTA buses to remind riders of photo ID.



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Photo Identification: Voter Identification Cards

Year	Cards Issued
2006	2,182
2007	4,229
2008	12,332
2009	2,473
2010	2,683
Grand Total, 2006-2010	23,899




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**Photo Identification: Photo ID Cards Issued by Georgia
Department of Driver Services**

Year	Cards Issued
2005	88
2006	108
2007	98
2008	529
2009	92
2010	134
Grand Total, 2005-2010	1,049



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Photo Identification: Voter Identification Cards

- Approximate grand total of Voter Identification Cards issued by county elections offices and Department of Driver Services centers: 25,116
- 51 percent of the Voter ID Cards issued since the program began were issued in 2008, the presidential election year. Presidential election years historically feature the highest number of votes.



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Photo Identification: Process to Obtain a Voter Identification Card

To obtain a free Voter Identification Card, an individual must provide:

- A photo identity document or approved non-photo identity document that includes full legal name and date of birth;
- Documentation showing the voter's date of birth;
- Evidence that the applicant is a registered voter;
- Documentation showing the applicant's name and residential address.



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Photo Identification: Analysis of Votes Cast

More than 14,630,000 votes have been cast in 35 state and federal elections in Georgia since September 2007 when photo ID was first required for in-person voting. (This does not include all municipal and county elections, which are administered locally.)







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Photo Identification: Analysis of Votes Cast

The 2008 elections were the largest in Georgia's history, featuring record turnout among minority voters with the photo ID requirement in place. The following figures represent voter turnout statistics among Hispanic/Latino, African-American and White voters from the 2004 and 2008 General Elections.

Voter Demographic	2004 Total Votes Cast	2008 Total Votes Cast	Percentage Increase
Hispanic/Latino	18,000	43,000	140%
African-American	834,000	1.2 million	42%
White	2.3 million	2.5 million	8%







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Photo Identification: Analysis of Votes Cast

The following figures represent voter turnout statistics among Hispanic/Latino, African-American and White voters from the 2006 and 2010 General Elections.

Voter Demographic	2006 Total Votes Cast	2010 Total Votes Cast	Percentage Increase
Hispanic/Latino	11,600	19,000	66.5%
African-American	513,700	741,000	44.2%
White	1.6 million	1.7 million	11.7%







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Photo Identification: Analysis of Votes Cast

Provisional ballots cast in major elections because the voter lacked photo ID, and voters who returned with photo ID to have their ballot counted.

	November 4, 2008 General Election	December 2, 2008 Run-off
Voters who voted provisionally because they lacked ID.	1,181 (3,972,704 total votes)	271 (2,164,622 total votes)
Voters who returned to provide ID.	308	82
Voters who did not return to provide ID.	873	189







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Photo Identification: Analysis of Votes Cast

Provisional ballots cast in major elections because the voter lacked photo ID, and voters who returned with photo ID to have their ballot counted.

	November 2, 2010 General Election	November 30, 2010 Run-off
Voters who voted provisionally because they lacked ID.	381 (2,485,670 total votes)	35 (2,164,622 total votes)
Voters who returned to provide ID.	108	6
Voters who did not return to provide ID.	273	29








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Photo Identification: Analysis of Votes Cast

Why do voters who cast a provisional ballot not return with photo ID to have their vote counted?

- We can't know for sure, but it could be because:
 - The outcome of the election is not in doubt, or
 - They are attempting in-person voter fraud.





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Photo Identification: Analysis of Votes Cast


Total votes cast in-person with photo ID versus by mail in the 2008 and 2010 Georgia General Elections

	Nov. 4, 2008 G.E.	Dec. 2, 2008 R.O.	Nov. 2, 2010 G.E.	Nov. 30, 2010 R.O.
In-person early and on Election Day	3,623,513 (91.2% in- person)	1,947,875 (90% in- person)	2,485,670 (93.4% in- person)	265,133 (81% in- person)
Mail-in votes	349,191	216,747	174,294	62,832
Total Votes	3,972,704	2,164,622	2,659,964	327,965



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Photo Identification: Legal Challenges

In September 2007, U.S. District Court Judge Harold Murphy dismissed a challenge to Georgia's photo ID law brought by Common Cause, finding that the law imposed no undue burden on the right to vote.

- ✓ In January 2009, the Eleventh Circuit Court of Appeals upheld Judge Murphy's decision, noting that, "The interest in detecting and deterring voter fraud is a valid neutral justification that this Court cannot ignore."



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Photo Identification: Legal Challenges

In March 2011, the Georgia Supreme Court upheld the photo ID law's constitutionality in a challenge brought by the Democratic Party of Georgia.

Georgia's photo ID law has now withstood challenges in Fulton County Superior Court, U.S. District Court, the U.S. Circuit Court of Appeals, and the Georgia Supreme Court.







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Photo Identification: Costs

Georgia Voter ID Card System	
2006 Initial Contract Amount	\$588,965.00
Annual Costs and Training, 2008 - 2010	\$169,370.25
Election Personnel Online Training	\$15,000
Grand Total	\$773,335.25





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Photo Identification: Costs

Photo ID Outreach and Education Campaign	
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Outreach and Education Phases 1-6 \$841,914.44

Grand Total Costs, 2006 – 2010: \$1,615,249.69

