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STATEMENT TO CONSTITUTIONAL REVISION SUB-COMMITTEE ON  
BILL OF RIGHTS AND ELECTIVE FRANCHISE

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The League of Women Voters has traditionally been closely identified with the area of suffrage and elections. After all, it was not so many years ago that we as women were denied the right to participate in these processes. Consequently we have always had an especial interest in the Elective Franchise and in those other liberties guaranteed in the Bill of Rights.

The League of Women Voters of Georgia hopes that the Constitutional Revision Commission will take advantage of this opportunity to reaffirm the substantive and procedural individual liberties of our citizens as outlined in Article I of the Georgia Constitution - the Bill of Rights. We believe that a Bill of Rights should be expressed in the clearest and most meaningful manner possible - in a manner easily understood by all citizens. Otherwise, a Bill of Rights may come to have no real significance to the people.

On this basis then we would like to suggest a few possible changes in Article I. For example, its length. As we all know, the Federal Bill of Rights is composed of ten succinct statements guaranteeing the protection of the citizen. The Model State Constitution, drawn up by the National Municipal League, contains seven such sections. In contrast, Article I of the Georgia Constitution is a collection of thirty-nine paragraphs ranging in subject matter from the traditional basic guarantees of liberty to such inappropriate matters of statute law as prohibition against lotteries (Section II, Paragraph IV) and lobbying (Section II, Paragraph V) and confirmation of tidewater titles (Section IV, Paragraph I). The language in some places is redundant or obsolete or simply confusing. For example, banishment and whipping are forbidden in a separate paragraph of Section I as though the "cruel and unusual punishment" prohibition of Paragraph VIII would not include this. Paragraph XVII prohibiting slavery is unnecessary in light of the 13th Amendment of the Federal Constitution. The terminology of Section II, Paragraph III is confusing to the lay person - the phrase "work corruption of blood" may have more medical than legal implications. Much of Section III on just compenstion is surplus verbiage in light of the due process of law clause of Section I.

Many provisions would be greatly strengthened by comgining the paragraphs and using less redundant terminology. It has been suggested that a bill of rights should be a "sparse" document; the expression of fundamental guarantees should not be obscured by unnecessary wordiness or lack of clarity.

We point out these few examples - there are others - as areas of weakness and dullness in what should be the strongest and brightest portion of our Constitution. Article I is certainly adequate as it stands, but we urge that it be considered afresh with the view toward making a truly significant document, not just for the use of constitutional lawyers but for the education of all our citizens as to our basic contitutional liberties.



From this brief statement on Article I, it follows quite naturally that we comment on Article II, Elective Franchise. The League of Women Voters of the United States, with state and local Leagues in all fifty states, has struggled without cessation to preserve the right of citizens - all citizens - to register and to vote and to increase the number of persons to exercise that right. The League of Women Voters of Georgia believes firmly that the integrity of our democratic system of government is dependent upon the citizens' participation through the electoral process. The process of registering and voting should be simple and clear, equitable and enforceable.

We believe that this Committee will readily agree that Article II of our present Constitution contains much material that is statutory and some material that permits discriminatory application in practice. Beginning with Section I, Paragraph I, the residence requirement penalizes many newcomers to Georgia and those state residents who move from one county to another. Many modern state constitutions require only six months' residence in the state (some require only three) and one month in the county. Some constitutions waive residence requirements. Why not broaden Georgia's voting-eligibility base to meet the competition of forward-looking states?

The chief concern, however, of the Georgia League of Women Voters is the provisions of Paragraph IV having to do with the qualifications of electors. Although it is generally agreed that constitutions should be of a basic nature and should avoid rigidity, these provisions are glaring examples of ambiguous terminology which lead to variations in interpretation and application. Specifically, the phrases "of good character", "understand the duties and obligations of citizenship", "correctly read. . . any paragraph", "correctly write", "reasonable interpretation of any paragraph" permit too much discretion and authority on the part of local registration officials. What is "good character" different interpretations of these qualifications.

The League would suggest a provision which would not allow for such subjectivity. For example, why not revise Paragraph IV so as to direct the Legislature to establish a simple, understandable qualification test which cannot be subject to different interpretations by registrars? Qualifications for illiterates could be on the basis of simple factual knowledge, those for literates should permit no variation in application. New York state has established such objective test of voters' literacy qualifications. Thirty states out of fifty have no literacy requirements whatever.

Section II of Article II, who disfranchised, might well be revised to a simple, understandable statement that "Electors are disqualified for voting for mental incompetency or conviction of felony".

In lieu of the numerous sections and paragraphs in Article II, which are of a statutory nature, the League recommends, in the interest of clarity, that there be substituted therefor a Section entitled Legislature to Prescribe for Exercise of Suffrage: The legislature shall by law define residence for voting purposes, insure secrecy in voting, and provide for the registration of voters, absentee voting, the administration of elections and the nomination of candidates.

Thank you for permitting us to appear before this Committee.