

League of Women Voters of Georgia
3121 Maple Drive, N. E. Suite #2
Atlanta, Georgia 30305
January 28, 1964

C A L L F O R A C T I O N

To: Local League Presidents and State C. R. Chairmen

From: Charlotte Moran, State C. R. Chairman

RE: PENDING ELECTION LEGISLATION

We are sending you a copy of the letter and the analysis of the proposed state Election Code, S. B. 205, which we shall send to the appropriate House and Senate Committees. As mentioned in the December-January GEORGIA VOTER, the Georgia League must still oppose many of its provisions, particularly those concerning voter registration - which remain essentially unchanged, with a few exceptions for the worse - and those dealing with regulation of primaries, primary expenses and candidates' fees.

It should be pointed out that in the proposed legislation the restrictions against printing and distribution of sample ballots seem to be removed; that the dates for the state primary and for closing registration for both the primary and general election would be established by law; and that the names of presidential and vice-presidential candidates shall be placed on the ballot. (See C. R. positions outlined in the December-January VOTER).

There are improvements in the administration and supervision of elections; there are provisions for registration by mail for certain citizens - military personnel, etc.; and for written application for re-registration. Nevertheless, in those areas regarding which we have particular interest, the suggested legislation is not changed sufficiently for us to withdraw our opposition.

As the recent report of the President's Commission on Registration and Voter Participation points out, the finest election system is valueless if voters are discouraged from participating in it by complicated and unfair registration procedures. It is in this latter area that the proposed state Election Code fails.

PLEASE CONTACT YOUR SENATOR AND REPRESENTATIVE AND URGE THEM TO REMOVE

THESE RESTRICTIVE AND DISCRIMINATORY PROVISIONS!

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House Judiciary Committee Members

Senate Reles Committee Members

Gentlemen:

Because of our long history of interest in voter registration and election laws, the League of Women Voters of Georgia is especially concerned with the proposed new state Election Code, Senate Bill 205. While we find it contains many improvements over existing law (the mere fact of Georgia's election laws being compiled into one unit is commendable) nevertheless, on close analysis we have found it to retain the same objectionable features the Georgia League has opposed in the past.

In a democratic republic the most fundamental right and responsibility of each citizen is the vote. Without it our form of government could not exist. The League of Women Voters feels that for the protection of our democracy every effort should be made to preserve the right of the citizen to register and vote and to increase the number of persons exercising this right.

For this reason, the processes of registration and voting should be clear, simple, fair and enforceable. In particular, registration, which should be intended only to prevent fraud at the polls, should not be complicated so as to prevent participation in voting. Recent figures indicate that only 31% of the eligible citizens in Georgia voted in the 1960 elections - Georgia ranked 48th among the states in voter participation. The Georgia League believes that complicated and discriminatory state voter registration regulations are partially responsible for this shocking figure.

In the attached summary you will find our analysis of these restrictive features contained in the proposed Code and of their relation to existing laws.

The proposed Election Code also does not change existing provisions regarding primaries - their regulation by parties, payment of the expense of conducting them, and the qualifying fees for candidates running in them. In these instances the Georgia League favors state regulation: primary dates should be established by law instead of party rule; similarly candidates' entry fees should be fixed by state law, rather than by the party committee, at an appropriate percentage of the salary of the office sought - high

House Judiciary Committee Members
Senate Rules Committee Members

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enough to discourage the irresponsible, but low enough to encourage qualified candidates to run. Primary expenses are now paid out of party committee funds, usually obtained from entry fees. We believe that together with state regulation of candidates fees, there should be provision for payment of the costs of primaries from public funds by the same governmental authority that bears regular election expenses.

Until these measures are provided for, thus expanding primaries to promote greater candidate and voter participation, we remain in opposition to those sections of the proposed Code dealing with the regulation of primaries.

In view of the vital nature of these and other features of the proposed Election Code, we respectfully request the Committees to provide at a public hearing the opportunity for the Georgia League of Women Voters, as well as any other interested citizens, to express their opinions regarding this important pending legislation.

Again, we urge your careful attention to those unnecessarily confusing and discriminatory features of the section on voter registration.

Yours very truly,

(Mrs.) Jane D. Martin, President

Mrs. Neil Moran, Chairman
Elections Study Committee

League of Women Voters of Georgia

NM:FS
encl.

CC: Governor Carl E. Sanders

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ANALYSIS OF SALIENT FEATURES OF PROPOSED ELECTION CODE

Proposed Administrative Proposals

Under present law there is a State Elections Commission composed of the Governor, Attorney General and the Secretary of State, who shall serve as chairman. The duties of the Commission are to assist and advise the county registrars in carrying out the 1958 Registration Act, and to distribute material and information to them. The proposed Code would establish a Commissioner of Elections whose primary function would be to promote the uniform, fair, orderly and legal conduct of primaries and elections.

The Commissioner would have the authority to institute or intervene in court actions, the authority to supersede county primary or election officials, the authority to hold investigative hearings when deemed necessary. The Commissioner may have as advisers a member of each political party to be appointed by the State Executive Committee of each party. Although it appears mandatory that the Commissioner must call a meeting of these advisers prior to issuance of any rule or of any notice of a hearing or of any other action upon which he desires advice, it does not seem mandatory that the party executive committees must appoint such advisers.

Does this then create an administrative office powerless to act or a oneman policy-making body? Another question the League wishes to raise regards the lack of clarity between provisions regarding the Commissioner of Elections and those specifying the duties of the Secretary of State in the conduct of elections. While in most states the Secretary of State assumes legal responsibility for the election system, he usually has a multi-membered Election Board or Commission to assist him. Is it appropriate that a single official serve in a double capacity as administrator of, and sole arbiter over, election procedures. The League favors election of policy-making officials and appointment of administrative ones. In the proposed legislation there seems to be some confusion as to just which role the elected Secretary of State or ex officio Commissioner of Elections shall be.

Proposed Voter Registration Proposals

With regard to the proposed registration procedure the Georgia League must again raise the same questions it posed in 1958.

Does the form of the registration card (Section 34-609) which "shall be in substantially" the prescribed form - but which may contain additional information if required by the registrars - promote uniform statewide application? Doesn't it, instead, permit 159 different registrars undue and varying degrees of authority? Are the physical description and the father's name appropriate requirements for voting? (Authorities consider statement of mother's

maiden name along with a mandatory comparison of signatures at the polling place adequate safeguards against fraud.) Since all information must be furnished, if a person should be unable to give his father's name, would he then be ineligible to register and vote?

Is it necessary to close the registration books four months before the General Election (Section 34-611)? While this is an improvement over the earlier six months cut-off date, it still closes registration before the peak of interest brought about by national conventions and campaigning is reached. If Idaho with a continual review of voter lists can continue registration up to the Saturday before the Tuesday of the General Election, isn't four months unnecessarily long?

Are the contradictions regarding examination of the registration applicant desirable? Section 34-613a implies two trips are necessary for registration one to apply, the second, after notification, to be tested. On the other hand, Section 34-617c states "the registrars may proceed to the examination of the applicant instant and without notice". And does not Section 34-613b, which says qualified persons shall be registered at the time of application at neighborhood registration places penalize the citizen in those small counties without neighborhood registration. He may be required to make two trips!

Does not Section 34-615 narrow the right of appeal as it currently exists? Present law specifies all decisions of the registrars shall be subject to appeal; the proposed provision says that any person denied registration "on the ground that the lacks the qualifications set forth in . . . the State Constitution" may appeal. Doesn't this limit appeal to decisions based only on literacy or residence, rather than any reason given by the registrar for rejection of the applicant? (Under Section 34-614 the applicant would have to answer any direct question of the registrar; if he does not, his application is rejected. According to Section 34-615 he would then have no right of appeal from this decision.)

Section 34-617, on the test of qualifications by registration officials, would establish several procedures violating the principles of clarity and uniformity. To the applicant seeking to register on the basis of literacy, any paragraph of the United States or Georgia Constitutions shall be submitted. It may range from a single sentence to several pages. There is no standard set forth to judge intelligible reading or legible writing. Doesn't this permit great variation from person to person and county to county? If the applicant seeks to qualify on the basis of good character and his understanding of the duties and obligations of citizenship, he must correctly answer 70% of the questions on the standardized list. The new Code does not specify these questions but merely says that they shall be prepared and furnished from time to time by the Commissioner of Elections. There is no provision that the questions be made readily available or that a standard set of answers be supplied. Existing law specifies thirty very difficult questions which even literate citizens find unreasonable. Is this new provision any better?

It has been assumed that these questions shall be propounded to the applicant unable to register on the basis of literacy. Under exist-

ANALYSIS OF SALIENT FEATURES OF PROPOSED ELECTION CODE

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ing procedure (Code Section 34-1905 - Assistance to Illiterates and Disabled) the applicant shall state whether or not he will require assistance at the polls because of either physical disability or inability to read the English language. He may then have the assistance of any two election manager or any freeholder of his choice. In Section 34-1317 of the proposed Code reference to assistance to illiterates is omitted. Does this then mean that the illiterate citizen will be allowed to register on the basis of possessing "good moral character and understanding of the duties and responsibilities of citizenship . . ." (Georgia Constitution, Article II, Paragraph 4, Section I.) as determined by his answers to ten now unstated questions, but since there will be no provision for his authorized assistance at the polling place, he may be denied his constitutionally stated right to vote?