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30301

October 1, 1966

Honorable Ben W. Fortson, Jr.
Secretary of State
Room 214 State Capitol
Atlanta, Georgia 303334

Dear Mr. Secretary:

Since a resolution of the General Assembly of Georgia (Georgia Laws, 1965, pp. 765--767) has proposed an amendment to the Constitution of the State of Georgia, dealing with the subject matter of write-in voting, and will be voted upon by the electorate in the ensuing election on the 8th day of November next, the ratification of the same could possibly be interpreted to apply to any write-in votes that may be cast in such next general election.

It is the writer's intention to cast a write-in vote in such general election for the office of Governor of the State in behalf of Honorable George T. Smith, presently Speaker of the House of Representatives of the General Assembly and the now unopposed nominee of the Democratic Party for the Office of Lieutenant Governor in such election.

The writer is a person qualified to vote in the subject election, being registered in Precinct 8 C of Fulton County, and as such hereby gives notice of intention of candidacy in behalf of the said Honorable George T. Smith on a write-in basis in the said election.

At the same time the writer will vote against the ratification of such proposed amendment, which was rejected in substantially the same terms in the General Election of 1962, being of the conviction that the proscription intended by such proposed amendment would be too serious a limitation upon the ability of the electorate to correct a "debacle" that may have arisen from the antecedent electoral processes.

The writer is concurrently requesting of the Attorney General an unofficial opinion as to whether, in view of the repeal by Section 34-2001 (n) of the "Georgia Election Code" (Georgia Laws, 1964, Extra. Session, pp. 26, 199) of the previous statute prohibiting the use of stickers in the casting of write-in votes, any currently effective provision of law precludes the use of stickers, pasters, etc.

Speaker Smith has demonstrated himself to be the best vote getter of the current season and by the vote that has been accorded him in the Democratic run-off primary the electorate therein has by reason of the circumstances, of necessity, found him to be well qualified to serve as the Governor of the State, if called upon for such service.

The writer sincerely believes that voting by write-in for Speaker Smith for Governor affords the best solution for those Democrats who cannot, because of moral conviction, bring themselves to voting either for a Republican candidate or a candidate who in an apparent large measure was saddled upon the Democratic Party by participation in the latter's Primary by non-members of the Party.

The action being taken by the writer in the respects herein is motivated solely from and by his own convictions and the same is not in anywise prompted from any action on the part of Speaker Smith other than the imprint upon the writer of the former's excellent public service and showing of his potentialities.

Sincerely yours,

Henry M. Henderson

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