

Georgia insight

Sue Ella Deadwyler
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“She hath done what she could.”
Mark 14:8a
“...and having done all ... stand.”
Ephesians 6:13c

Are you ready to let 16-year-olds vote?

No person shall vote in any primary or election held in this state unless such person shall be: (1) Registered as an elector in the manner prescribed by law; (2) A citizen of this state and of the United States; (3) At least 18 years of age on or before the date of the primary or election in which such person seeks to vote; (4) A resident of this state and of the county or municipality in which he or she seeks to vote.

– O.C.G.A. 21-2-216(a)

H.R. 893 Vote at Age 16 in School District Elections, introduced January 16th by Democrat Representatives Sandra Scott (Dist. 76) and Kim Schofield (Dist. 60), provides for 16-year-olds to vote in elections for school board members and funding (sales and use taxes) for schools. Representative Scott’s district includes portions of Clayton and Henry Counties; Representative Schofield’s district is in portions of Clayton and Fulton County. When asked about her bill, Representative Scott explained that it is meant to encourage 16-year-olds to be more active in civics and become political activists.

ACTION – Oppose. Call Governmental Affairs Committee Representatives Rynders, Ch., 404 656-6801; Jones, V-Ch., 656-0213; Blackmon, Sec., 463-7853; Burnough, 656-0116; Collins, 656-1803; Gravley, 463-8143; Gullett, 656-0177; Lumsden, 656-5087; Nguyen, 656-0314; Oliver, 656-0265; Powell, Alan, 463-3793; Shannon, 656-7859; Taylor, 656-0109; Trammell, 656-5058; Turner, 656-0152; Williams, M., 656-0287; Williams, R., 656-0287; Williamson, 656-5024; Fleming, 656-5125.

Pre-registration: Fourteen states¹ and D.C. allow **16-year-olds** to pre-register to vote; four states² allow **17-year-olds** to pre-register. Alaska permits those under 18 to pre-register anytime within 90 days of their 18th birthday. Texas lets a person pre-register at 17 years and 10 months of age. Georgia, Iowa and Missouri allow pre-registration for anyone 17 years and six months of age.

Federal voting age: On July 1, 1971 Amendment 26th to *The Constitution of the United States* was ratified, stating, “*Section 1.* The right of citizens of the U.S. who are eighteen years of age or older, to vote shall not be denied or abridged by the U.S. or by any State on account of age. *Section 2.* The Congress shall have power to enforce this article by appropriate legislation.”

Several states have attempted to lower the voting age, but failed. Although Oregon tried to do so in 2019, the current website of Oregon’s Secretary of State explains, “If you are 16 years old, you will not receive a ballot until an election occurs on or after your 18th birthday.”

A city in Maryland lets 16-year-olds vote. The District of Columbia suburb of Takoma Park, Maryland, was the first U.S. city to drop to 16 the minimum age to vote. In the first election after the law passed, registered 16- and 17-year-olds had a 44 percent turn-out, compared to the 11 percent overall turn-out rate in 2013. That could be a boon for Democrats, if 16-year-olds follow the example of 28- and 29 year-olds, who overwhelmingly favor Democrat candidates.

If 16-year-olds are allowed to vote, who verifies their age?

Absent a driver’s license or other ID, would an affidavit from a parent suffice?

¹ California, Colorado, Delaware, District of Columbia, Florida, Hawaii, Louisiana, Maryland, Massachusetts, New York, North Carolina, Oregon, Rhode Island, Utah and Washington

² Maine, Nevada, New Jersey and West Virginia

Bill to Return Freedom of Speech to Higher Education

*The United States Supreme Court, in *Sweezy v. New Hampshire* warned that if public colleges and universities stifle student speech and prevent the open exchange of ideas on campus, 'our civilization will stagnate and die.'*

The General Assembly finds that the intent of this Act is to provide that all public institutions of higher education receiving state funds recognize freedom of speech as a fundamental right for all.

– Senator William Ligon and Cosponsors, S.B. 318

S.B. 318 Forming Open and Robust University Minds (FORUM) Act introduced by Senator William Ligon on January 29th is his latest legislation to preserve, protect, and assure freedom of speech in Georgia's postsecondary education. This bill prohibits "free speech zones" or other designated areas of campus that limit lawful expressive activity, including but not limited to lawful verbal, written audio-visual, or electronic expression to communicate ideas, including all forms of peaceful assembly, distribution of literature, carrying signs, circulation of petitions, demonstrations, protests, and speeches, including those by guest speakers. Such noncommercial expression in an unrestricted outdoor area on campus would be permitted as long as it is lawful and does not disrupt the public college or university. S.B. 318 does not protect provocative threats or expressive activity that may induce imminent lawless actions.

S.B. 318's protection of religious freedom: "No public institution of higher education may deny a religious, political, or ideological student organization any benefit or privilege available to any other student organization, or otherwise discriminate against such an organization, based on the actual or anticipated expressive activity of the organization, including any requirement that the leaders or members of such organization [affirm and comply with their mission or purpose]."

If passed, S.B. 318 would become law July 1, 2020. Colleges and universities would provide in handbooks, on websites and orientation programs the policies, regulations and expectations of expressive activity on campus. Any person or student "aggrieved by a violation of this article" could file a lawsuit against the public institution and its offending employee no later than one year after the incident. Guilty parties could be fined for damages, reasonable attorneys' fees, and court costs. Defendants could be awarded at least \$5,000, and unlimited "other remedies."

ACTION – Support. Contact Judiciary Committee Senators Stone Ch., 404 463-1314; Cowser, V-Ch., 463-1366; Tillery, Sec., 656-0089; Heath, 656-3943; Jones, H., 463-3942; Kennedy, 656-0045; Ligon, Jr., 463-1383; Parent, 656-5109; Rhett, 656-0054; Strickland 656-7454.

U.S. Courts Explain Scope of Free Speech

In addition to the freedom to speak, what else is included¹ in expressive freedom?

- The right Not to "speak" (specifically, a right not to salute the flag). *W. Virginia BOE v. Barnette* (1943)
- Students may wear black armbands to school to protest a war ("Students do not shed their constitutional rights at the schoolhouse gate."). *Tinker v. Des Moines* (1969)
- Certain offensive words/phrases may be used in political messaging. *Cohen v. California* (1971)
- Money may be given to political campaigns (under certain circumstances). *Buckley v. Valeo* (1976)
- Commercial products and professional services may be advertised (with some restrictions). *Virginia Board of Pharmacy v. Virginia Consumer Council* (1976); *Bates v. State Bar of Arizona* (1977)
- Symbolic speech (burning flag in protest) is allowed. *Texas v. Johnson* (1989); *U.S. v. Eichman* (1990)

¹ Question: What actions are NOT included in expressive freedom?

Answer: Inciting action that would harm others (e.g., shouting "fire" in a crowded theater), making or distributing obscene material, burning draft cards to protest war, permitting students to print articles in school newspapers over objections of school administrators, making an obscene speech at a school-sponsored event, and no student at a school-sponsored event can advocate illegal drug use.

More Legislation to Legitimize/Accommodate/Assist/Promote Marijuana CBD vs. THC

As the legal use of marijuana and other cannabis products grows, consumers are becoming more curious about their options. This includes cannabidiol (CBD) and tetrahydrocannabinol (THC), two natural compounds found in plants of the cannabis genus. CBD can be extracted from hemp or from marijuana. Hemp plants are cannabis plants that contain less than 0.3 percent THC, while marijuana plants are cannabis plants that contain higher concentrations of THC. CBD is sold in the form of gels, gummies, oils, supplements, extracts, and more. THC is the main psychoactive compound in marijuana that gives the high sensation.

– Healthline, “CBD vs. THC: What’s the Difference?”

Georgia Retailers Advertise CBD Products for Sale

CBD (cannabidiol) is a natural component of cannabis (marijuana). Since medical marijuana is legal in Georgia, various retailers have begun advertising and selling CBD products. In June 2018 the Food and Drug Administration approved Epidiolex, which is the first and only prescription medication containing CBD.

On November 25, 2019 the U.S. Food and Drug Administration sent warning letters to 15 companies for selling products containing CBD in violation of federal law. No Georgia entity received that letter, but Florida and North Carolina have businesses that did. Also, the FDA published a revised Consumer Update detailing CBD product safety concerns more broadly. Absent scientific data, the FDA cannot conclude that CBD is safe for human or animal food. CBD products cannot be dietary supplements because they do not meet the definition of a dietary supplement under the FD&C Act. The warning letter sent to Apex Hemp Oil LLC is about the safety of human food – meat, milk, and eggs – from animals that consume CBD.

Incidentally, CBD is marketed in a variety of product types: oil drops, capsules, syrups, food products such as chocolate bars and teas, and topical lotions and creams.

H.R. 876 Cannabis, Take It Off Controlled Substance List, introduced by Representative Dar’shun Kendrick January 29th, urges Congress to purge cannabis from the Schedule I drugs list, to enable marijuana business to legally use “full spectrum” banking services. Though H.R. 876 does not mention marijuana or hemp, both are from the same cannabis genus. Hemp is low-THC-content cannabis whose flowers and leaves can be dried and smoked. Marijuana is higher-THC cannabis that provides a *high* psychoactive sensation when smoked.

ACTION – Oppose. Call Special Rules Committee Representatives Belton, Ch., 404 656-3947; Holmes, V-Ch., 656-5132; Dunahoo, Sec., 656-0152; Beverly, 656-0220; Blackmon, 463-7853; Carter, 656-0220; Gordon, 656-0287; Kirby, 656-0177; LaRiccia, 651-7737; Metze, 656-6372; Paris, 656-0109; Prince, 656-0116; Rhodes, 656-5099; Scott, 656-0314; Smith, 656-0265; Tanner, 656-9210; Turner, 656-0152; Watson, 463-2246; Cooke, 656-0188; Greene, 656-5105; Clark, 656-0213; Hopson, 656-0387; McLaurin, 656-0202; Robichaux, 656-0202.

S.B. 298 Raise Smoking and Vaping Age, introduced by Senator Renee Unterman, January 16th, raises the minimum age to 21 for selling/bartering/transferring products to smoke or vape and outlines violation penalties. Also subject to prosecution would be labeling or packaging such products to attract minors or mimic trademarks or food products primarily marketed to minors – candies, cookies, juice boxes, soft drinks, or celebrity images. In May 2019 many Georgia businesses were selling CBD lattes, alcoholic drinks and sparkling waters despite regulations. Georgia Agriculture Department says, “If they are reported, the state could issue cease and desist orders, levy fines and revoke manufactured food licenses....”

ACTION – Support. Call Regulated Industries & Utilities Com. Senators Cowser, Ch., 463-1366; Brass, V-Ch., 463-1376; Kennedy, Sec., 656-0045; Albers, 463-8055; Ginn, 656-4700; Gooch, 656-9221; Harbison, 656-0074; Henson, 656-0085; Hill, 656-5038; Lucas, 656-0150; Martin, 463-6598; Miller, 656-6578; Mullis, 656-0057; Tippins, 657-0406.

Minimum Wage

H.B. 804 Prohibit Wage Discrimination of Disabled Persons, introduced January 28th by Representative Gilliard, requires exact wages, regardless of mitigating circumstances.

Current law (a) allows employers to decide pay, hours, etc., while considering employees' capability to do the job they were hired to do. Also, current law (b) prohibits segregating or re-classifying disabled persons *unless* the disability is a real and necessary reason for doing so.

Note: This amendment is so strict that it leaves no wiggle room for amiable employer/employee negotiation and agreement on wages, hours, classification, etc.

ACTION – Oppose. Call Industry and Labor Committee Representatives Werkheiser, Ch., 463-7857; Kirby, V-Ch., 656-0177; Fleming, Sec., 656-5125; Bonner, 656-0254; Carpenter, 656-1803; Carter, 656-0220; England, 463-2245; Gilligan, 656-0325; Hill, 656-0325; Holly, 656-0287; Jones, 656-0213; Kennard, 656-0202; Marin 656-0314; McClain, 656-0220; Park, 656-0314; Pruett, 656-5143.

H.B. 805 Raise Minimum Wage, introduced January 28th by Representative Gilliard, raises Georgia's minimum wage from \$5.15 to \$7.25 with no allowance for negotiation. This is a free enterprise issue that should be settled between employers and employees.

ACTION – Oppose. Call Industry and Labor Committee members listed under H.B. 804 above.

Con Con, a Continued Threat

S.R. 237 Article V Constitutional Convention (Con Con) passed the Senate 31-20 in March 2019 and is alive for action in the House this session. It asks Congress to convene an unlimited, self-governing constitutional convention that could re-write the entire Constitution. Such action is opposed by multiple constitutional experts. Several are listed below.

Opinions from Constitutional Experts

Source: publiushulda@gmail.com

- (a) As the first U.S. Supreme Court Chief Justice, John Jay wrote in April 1788 that another convention would run an *“extravagant risqué [risk].”*
- (b) In Federalist No. 49, James Madison said that *a convention is neither proper nor effective to restrain government* when it encroaches.
- (c) In a Nov. 2, 1788 letter, Madison said he *“trembled”* at the prospect of a 2nd convention.
- (d) In Federalist No. 85, Hamilton said he *“dreads”* the consequences of another convention because the enemies of the Constitution want to get rid of it.
- (e) Justice Arthur Goldberg said in his 1986 Miami Herald editorial that *“it cannot be denied that”* the Philadelphia convention of 1787 *“broke every restraint intended to limit its power and agenda,”* and *“any attempt at limiting the agenda [at an Article V convention] would almost certainly be unenforceable.”*
- (f) In his June 1988 letter to Phyllis Schlafly, Chief Justice Warren Burger said, *“...there is no effective way to limit or muzzle the actions of a Constitutional Convention... After a Convention is convened, it will be too late to stop the Convention if we don't like its agenda... A new Convention could plunge our Nation into constitutional confusion....”*
- (g) Justice Scalia said April 17, 2014: *“Whoa! Who knows what would come out of that?”*

ACTION – Oppose. Call House Rules Committee Representatives Richard Smith, Ch., 404 656-5141; Hatchett, V-Ch., 656-5025; Burns, 656-5052; Kelley, 656-5024; Ballinger, 656-7153; Benton, 656-5126; Blackmon, 463-7853; Carson, 656-0287; Cooper, 656-5069; Dempsey, 463-2248; Efratation, 656-5105; Fleming, 656-5125; Greene, 656-5105; Harrell, 656-5103; Hawkins, 656-7855; Jan Jones, 656-5072; Knight 463-2248; Lumsden, 656-5087; Martin, 656-5364; Morris, 656-5115; Parrish, 463-2246; Alan Powell, 463-3793; Rogers, 656-0254; Setzler, 656-7857; Smith, 656-7149; Stephens, 656-5115; Tankersley, 656-7855; Tanner, 656-9210; Taylor, 656-0109; Williamson, 656-5024.

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