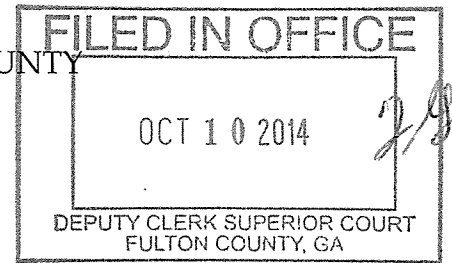


IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



THIRD SECTOR DEVELOPMENT, INC.; THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE; and THE
GEORGIA STATE CONFERENCE OF THE NATIONAL
ASSOCIATION FOR THE ADVANCEMENT OF
COLORED PEOPLE,

Plaintiffs,

v.

BRIAN P. KEMP, In His Capacity As Secretary of the
State of Georgia; FULTON COUNTY BOARD OF
REGISTRATION AND ELECTIONS; MARY CAROLE
COONEY, RUKIYA EADDY, STAN MATARAZZO,
DAVID J. BURGE and LUTHER W. BECK, In Their
Capacities As Members of the Fulton County Board of
Registration and Elections; DEKALB COUNTY BOARD
OF REGISTRATIONS AND ELECTIONS; MICHAEL P.
COVENY, CATHERINE GILLIARD, LEONA PERRY,
SAMUEL E. TILLMAN and BAOKY N. VU, In Their
Capacities as Members of the DeKalb County Board of
Registrations and Elections; CHATHAM COUNTY
BOARD OF ELECTIONS; JOSEPH STEFFEN, JR.,
DEBBIE RAUERS, MONIFA JOHNSON, ERNESTINE J.
JONES, and STAN KACZOROWSKI, In Their Capacities
As Members of the Chatham County Board of Elections;
MUSCOGEE COUNTY BOARD OF ELECTIONS AND
REGISTRATIONS; MARGARET JENKINS, UHLAND
ROBERTS, DIANE SCRIMPSHIRE, LINDA PARKER
and ELEANOR WHITE, In Their Capacities as Members
of the Muscogee County Board of Elections and
Registration; CLAYTON COUNTY BOARD OF
ELECTIONS AND REGISTRATION; and HARRY A.
OSBORNE, RUTH ASH, DOROTHY FOSTER HALL,
PATRICIA PULLAR, and GEORGE SLIGH, In Their
Capacities as Members of the Clayton County Board of
Elections and Registration;

Defendants.

Civil Action No.

2014CV252546

PETITION FOR WRIT OF MANDAMUS

1. This is an action for mandamus for the Court to require the Secretary of State of Georgia and the Board of Registrars of five counties to carry out their clear, unequivocal, and nondiscretionary statutory duties and obligations to determine the eligibility to vote of applicants for voter registrations and to add eligible voters to the state and county voting rolls. Without an order from this Court requiring the defendants to carry out their statutory duties, eligible voters will be deprived of their right to vote guaranteed by the Constitution of the State of Georgia.

2. The Secretary of State and the defendant Boards of Registrars have failed to act timely to determine the eligibility of thousands of registration applications that were submitted to them. Their failure to timely make eligibility determinations and their failure to timely notify applicants they have deemed to be ineligible has unjustly denied those applicants the ability to demonstrate their eligibility, and will, if a writ of mandamus is not issued, deprive eligible citizens of their constitutional right to vote in the election that will take place on November 4, 2014.

The Parties

3. Plaintiff Third Sector Development, Inc. ("Third Sector"), is a Georgia not for profit corporation. It is a 501(c)(3) organization founded in 1998 and led by Georgia State Representative Stacey Abrams. The New Georgia Project ("NGP") is a non-partisan program of Third Sector that was launched in 2013. NGP's mission is to civically engage Georgians in underrepresented communities.

4. Plaintiff The National Association for the Advancement of Colored People (“NAACP”) is a New York not for profit 501(c)(3) organization founded in 1909. The NAACP is a membership based organization with 10,099 members in the State of Georgia. Its mission to ensure the political, educational, social and economic equality of rights of all persons has always included advocating on behalf of disenfranchised voters and voter registration is at the forefront of its civic engagement activities.

5. Plaintiff Georgia State Conference of the National Association for the Advancement of Colored People (“Georgia NAACP”) is a Georgia not for profit corporation. The purpose of Georgia NAACP is to implement the mission of the NAACP within Georgia. Georgia NAACP has worked to protect voting rights through litigation, advocacy, legislation, and communications, including work to promote voter registration, voter education, get out the vote efforts, election protection, Census participation and redistricting. Georgia NAACP conducted voter registration drives for the 2014 election cycle and submitted thousands of voter registration applications to Georgia elections officials in advance of the October 6, 2014, voter registration deadline. Many of these applications were submitted by members of the NAACP and were from African American citizens of Georgia.

6. Defendant Brian Kemp is the Secretary of State of the State of Georgia. The Secretary of State is the Chief Elections Administrator for the State of Georgia. The Secretary of State is the chief state election official. The Elections Division of the Secretary of State’s Office organizes and oversees all election activity, including voter registration, municipal, state, county and federal elections. The Secretary of State has

the duty to maintain the official list of registered voters for the State of Georgia and the list of inactive voters required under O.C.G.A. Chapter 21-2. Secretary Kemp is sued in his official capacity as Secretary of State. Secretary Kemp is subject to the personal jurisdiction of this Court.

7. Defendant Fulton County Board of Elections and Registration is the Board of Registrars for Fulton County, Georgia. Defendants Mary Carole Cooney, Rukiya Eaddy, Stan Matarazzo, David J. Burge and Luther W. Beck are members of the Fulton County Board of Elections and Registration. They are sued in their official capacities as members of the Board. The Fulton County Board of Elections and Registration and its members are subject to the personal jurisdiction of this Court.

8. Defendant DeKalb County Board of Elections and Registration is the Board of Registrars for DeKalb County, Georgia. Defendants Michael P. Coveny, Catherine Gilliard, Leona Perry, Samuel E. Tillman and Baoky N. Vu are members of the DeKalb County Board of Elections and Registration. They are sued in their official capacities as members of the Board. The DeKalb County Board of Elections and Registration and its members are subject to the personal jurisdiction of this Court.

9. Defendant Chatham County Board of Elections is the Board of Registrars for Chatham County, Georgia. Defendants Joseph Steffen, Jr., Debbie Rauers, Monifa Johnson, Ernestine J. Jones and Stan Kaczorowski are members of the Chatham County Board of Elections. They are sued in their official capacities as members of the Board. The Chatham County Board of Elections and its members are subject to the personal jurisdiction of this Court.

10. Defendant Board of Elections and Registration serving Muscogee County is the Board of Registrars for Muscogee County, Georgia. Defendants Margaret Jenkins, Uhland Roberts, Diane Scrimshire, Linda Parker and Eleanor White are members of the Board of Elections and Registration. They are sued in their official capacities as members of the Board. The Board of Elections and Registration serving Muscogee County and its members are subject to the personal jurisdiction of this Court.

11. Defendant Clayton County Board of Elections and Registration is the Board of Registrars for Clayton County, Georgia. Defendants Harry A. Osborne, Ruth Ash, Dorothy Foster Hall, Patricia Pullar and George Sligh are members of the Clayton County Board of Elections. They are sued in their official capacities as members of the Board. The Clayton County Board of Elections and its members are subject to the personal jurisdiction of this Court.

12. The defendant Boards of Registrars and their members are collectively referred to in this Petition as the "Boards."

Jurisdiction and Venue

13. This Court has subject matter jurisdiction of this action pursuant to Article VI, Section IV of the Constitution of the State of Georgia.

14. Venue is proper in this Court pursuant to Article VI, Section II of the Constitution of the State of Georgia.

Background

15. According to an analysis based on the 2012 Census, more than 800,000 African-Americans, Latinos, and Asian Americans eligible to vote in Georgia were not

registered to vote. The New Georgia Project is focused on reaching those underrepresented communities, expanding the number of registered voters, and increasing access to the polls and other activities to improve civic engagement.

16. Between March and September 15, 2014, NGP conducted a campaign to register people who are eligible to vote in Georgia but who were not registered to vote. NGP's campaign was conducted pursuant to the Rules for Voter Registration by Private Entities ("Rules"), Georgia Comp. R. & Regs. § 183-1-6-.02.

17. Thus far, NGP's voter registration drive has collected and submitted 81,606 voter registration applications.

18. NGP utilized a professional firm trained to use a formalized voter registration process for the organization's activities. The manual used by this firm is attached as Exhibit A. The firm closely monitors the registration activities of its canvassers and the registration applications it collects and submits for processing.

19. NGP kept the Secretary of State fully apprised of NGP's voter registration activities, including its training and its quality control procedures, through meetings and other communications. In particular, Lauren Groh-Wargo and other NGP representatives met on June 3, 2014, with Chris Harvey, the Secretary's Chief Investigator, and Frances Watson, another investigator on the Secretary's staff. On August 22, 2014, Ms. Groh-Wargo and the Executive Director of the Georgia Coalition for the People's Agenda met with Linda Ford, the Director of Elections for the State of Georgia. The purpose of the meeting was to familiarize Ms. Ford with the NGP voter registration effort and to develop a working relationship with her. They covered many

of the same topics that they had discussed with Mr. Harvey on June 6 and provided a copy of the training manual to Ms. Ford. Ms. Ford indicated that she had not received any complaints about NGP. On that same day Ms. Groh-Watson met briefly again with Mr. Harvey. The Secretary's staff was given a copy of the training manual used in NGP's drive. At no time did any member of the Secretary of State's office indicate that the procedures were in any way inadequate or improper. Mr. Harvey suggested that NGP do background checks on its canvassers and NGP made arrangements for the canvassers to receive background checks. *See* Affidavit of Lauren Groh-Wargo, filed contemporaneously with this Petition.

20. Through its campaign, New Georgia Project received 81,606 applications for registration statewide. Pursuant to the Rules for Voter Registration by Private Entities NGP was required to, and did, timely transmit all completed applications that it received to the applicable boards of county election registrars. Georgia Comp. R. & Regs. § 183-1-6-.02(8)(a).

21. Of the applications submitted to county registrars, approximately 36,982 were submitted to Fulton County, 11,308 to DeKalb County, 6,742 to Chatham County, 11,222 to Muscogee County, and 3,157 to Clayton County.

Legal Standards and the Defendants' Failure to Meet Them

22. The right to vote in Georgia is enshrined in Article II, Section 1, Paragraph 2 of the Georgia Constitution:

Right to register and vote. Every person who is a citizen of the United States and a resident of Georgia as defined by law, who is at least 18 years of age and not disenfranchised

by this article, and who meets minimum residency requirements as provided by law shall be entitled to vote at any election by the people. The General Assembly shall provide by law for the registration of electors.

23. Pursuant to O.C.G.A. § 21-2-211(a), the Secretary of State “shall establish and maintain a list of all eligible voters and qualified registered electors in this state which shall be the official list of electors for use in all elections in this state.” Upon information and belief, tens of thousands of applicants for whom NGP submitted applications do not appear on the Secretary’s list of eligible voters. NGP commissioned a study to match the applicants whose applications NGP submitted to the Secretary’s list of eligible voters and list of pending applications. As of October 6, 2014, the number of applicants that could not be matched to the Secretary’s lists totaled 56,001. *See* Affidavit of Thomas Bonier, filed contemporaneously with this Petition. It is likely that the vast majority of these applicants do not appear on the Secretary’s eligible voter list. It is also likely that a reason for unmatched applicants is that the information input into the voter registration system by county registrars does not match data in the State’s Division of Driver Services database or the Social Security database. That could be due to reasons such as slight mismatches in fields (*e.g.*, initial instead of first name), missing data fields, lack of driver’s license, or lack of social security number. NGP cannot determine an exact number because of the limited data to which it has access.

24. Georgia NAACP also conducted voter registration drives for the 2014 election cycle and submitted thousands of voter registration applications to Georgia elections officials in advance of the October 6, 2014, voter registration deadline. Many of these

applications were submitted by members of the NAACP and were from African American citizens of Georgia. Georgia NAACP is informed and believes and thereon alleges that it is likely that significant numbers of voter registration applicants who submitted registration forms during Georgia NAACP's registration drives are not on the State's voter registration list.

25. County boards of registrars have the duty and responsibility to determine whether applicants for voter registration are eligible to vote. The county boards of registrars provide the identities of applicants that they determine to be eligible voters to the Secretary of State to be included on the official list of electors.

26. The defendant Boards have received applications from New Georgia Project for an approximate total of 56,001 applicants whose names NGP cannot match to the Secretary of State's list of eligible voters or list of pending applications, as follows:

26,916 received by Fulton County

7,481 received by DeKalb County

4,466 received by Chatham County

6,899 received by Muscogee County

2,105 received by Clayton County

27. If, in evaluating applications for registration, a board of registrars determines that an applicant has failed to provide all of the required information on the application with the exception of current and valid identification, "the board of registrars shall notify the registrant in writing of the missing information," as required by O.C.G.A. § 21-2-220(d) (emphasis supplied).

28. If the initial application is received prior to the close of voter registration prior to an election, if the applicant supplies the necessary information on or prior to the date of the election, and if the applicant is found eligible to vote, the applicant shall be added to the list of electors and shall be permitted to vote in the election, pursuant to O.C.G.A. § 21-2-220(d).

29. All of the applications submitted by NGP and Georgia NAACP were received by the applicable Boards before the close of voter registration, and the vast majority were received well in advance of the close of registration on October 6, 2014, for the 2014 general election.

30. The duty to notify applicants of the need to supply information and provide an opportunity to provide necessary information before the date of the election is clear, unequivocal, and nondiscretionary.

31. The defendant Boards have failed to comply with their clear, unequivocal, and nondiscretionary duty to notify applicants who have not been placed on the Secretary's list of eligible voters that they have failed to provide all of the required information on their applications for voter registration.

32. At a September 17, 2014 State Election Board meeting, the Secretary of State's office announced that 25 application forms that were submitted by NGP were not valid and another 26 were suspect. The Secretary of State has begun an investigation relating to the submission of those forms. NGP has cooperated and is cooperating in that investigation. At an October 7, 2014 State Election Board meeting, the Secretary of State's office stated that it had received 134 applications from counties that the counties

had identified as possibly fraudulent. The Secretary of State's office made a determination that 50 of those applications were fraudulent, 49 were suspicious, but no final determination had been made, and 35 were legitimately submitted applications.

33. The investigation of potentially invalid or suspect forms does not relieve the Secretary or the Boards of the unequivocal and nondiscretionary duties to evaluate each application on its own merits and to notify applicants if their applications are deemed to have missing information in sufficient time for the applicants to supply the missing information and vote in the November 4 election.

34. If the defendant Boards fail to comply with their duty to give applicants for voter registration notice of missing information on their applications and an opportunity to supply that information, eligible voters will not be placed on the Secretary of State's list of eligible voters. As a result, eligible voters will be deprived of their right to vote in the November 4 election granted by the Constitution of the State of Georgia.

35. Because NGP had serious concerns that eligible voters were not being added to the list of eligible voters that is maintained by the Secretary of State and that the Secretary of State and county Boards of Registrars were not complying with their legal duties, for the reasons described above, NGP sought to have a meeting with representatives of the Secretary of State's office. On October 3, 2014, Julie M. Houk, Senior Special Counsel for the Lawyers' Committee for Civil Rights Under Law ("Lawyers Committee"), sent a letter to Secretary of State Kemp and Linda Ford, Director of Elections. In the letter, Ms. Houk detailed NGP's concerns and requested a meeting to discuss those concerns. Ms. Houk specifically informed Secretary Kemp and

Ms. Ford that the main purpose of the proposed meeting was to obtain assurances that the Secretary of State and the Boards would comply with their statutory obligations that are the subject of this Petition. A copy of Ms. Houk's letter is attached as Exhibit B to this Petition.

36. The Secretary rejected the meeting request. On behalf of the Secretary, C. Ryan Germany, General Counsel of the Office of Secretary of State, sent a letter to Ms. Houk on October 6, 2014. Mr. Germany stated that he had "concern that a meeting would not be productive." He also stated his belief that Ms. Houk had threatened litigation. To the contrary, NGP sought a meeting so that NGP could obtain assurances that the Secretary and Boards would comply with their statutory obligations so that litigation would not be necessary. A copy of Mr. Germany's letter is attached as Exhibit C to this petition.

37. Upon receiving Mr. Germany's letter, Ms. Houk responded by letter the same day, October 6, 2014. In her letter, Ms. Houk made it clear that her previous letter was written "in a genuine good faith effort to *avoid* litigation, rather than as a 'threat' of litigation." She went on to say: "It would clearly be in the best interests of the applicants and the State of Georgia" if the goal of ensuring that every eligible Georgian be on the registration rolls "could be reached without the need for litigation." The letter also noted that the Georgia NAACP was joining in the request for a meeting in an effort to resolve these issues without the need for litigation. Ms. Houk once again requested that the Secretary agree to a meeting and asked for a response by October 8, 2014. A copy of Ms. Houk's October 6, 2014, letter is attached as Exhibit D to this Petition.

38. Mr. Germany responded with a letter sent by e-mail late in the day on October 9, 2014. Mr. Germany did not address any of the specific concerns that Ms. Houk had raised in her letters. He merely summarized his view of the general obligations and procedures of the Secretary of State and the county registrars. Mr. Germany made it clear that the Secretary of State's office had not attempted to investigate to determine whether the concerns of NGP and Georgia NAACP were well founded. Instead, he indicated only that the Secretary of State's office was "not aware" of any county registrar who "believes" that his or her office will be unable to process all timely submitted applications, it had "not received any indication" from county election officials that any applicant who timely submitted an application and provided information necessary to determine eligibility will be left off the voter rolls, and that the office was "not aware" of the data entry errors, system matching errors, or other administrative problems that NGP had brought to the Secretary's attention. Although NGP had previously provided specific information, Mr. Germany asked for specifics. Once again Mr. Germany rejected NGP's request for a meeting to address NGP's concerns and show that the Secretary of State's office and county Boards of Registrars would comply with their statutory obligations. Mr. Germany maintained that such a meeting "is not possible until after this election cycle." By that time it will be too late. If the Secretary's office and county Boards of Registrars have not complied with their obligations the election will have occurred and eligible voters will have been left off the rolls. A copy of Mr. Germany's October 9 letter is attached as Exhibit E to this Petition.

39. Ms. Houk replied to Mr. Germany's letter by letter dated October 10, 2014. Ms. Houk reiterated NGP's hope that a meeting could have resulted in an informal resolution to ensure that all eligible persons who submitted valid and timely voter registration applications were entered onto the rolls and able to vote a regular ballot during early voting and on November 4, 2014. She also expressed disappointment that Mr. Germany had not responded to the specific concerns that were raised in her October 6 letter and had not provided any insight into what efforts, if any, the Secretary of State's office had undertaken to evaluate the capacity and ability of county elections officials to process outstanding voter registration applications in time for early voting or even by November 4. As NGP had previously offered, but the Secretary had not accepted, Ms. Houk provided data that would allow the Secretary's office to confirm that over 40,000 voter registration applicants are still not on the rolls or on the Secretary's pending list. A copy of Ms. Houk's October 10 letter is attached as Exhibit F to this Petition.

40. In short, the Secretary has refused multiple requests by NGP and Georgia NAACP that he demonstrate that his office and the Boards will comply with their clear, unambiguous, and nondiscretionary duties. By his actions, the Secretary has invited this legal action.

41. The issuance of a Writ of Mandamus is therefore necessary to require the defendant Boards and the Secretary of State to comply with their unequivocal duties and obligations to make timely determinations of the eligibility to vote of applicants for

voter registration and to place eligible voters on the Secretary of State's list of eligible voters.

Petition for Writ of Mandamus

42. Plaintiffs bring this action pursuant to O.C.G.A. § 9-6-20, et seq., by which Third Sector, NAACP, and Georgia NAACP seek a Writ of Mandamus from this Court to compel the defendants to perform their official duties.

43. As organizations dedicated to help register eligible Georgia voters, Third Sector, NAACP, and Georgia NAACP are interested in having the voter registration laws executed and the duties of the defendants imposed by those laws enforced. The issue presented in this action is one of the public right and the object is to procure the enforcement of the public duty to ensure that the constitutional right to vote of all eligible voters is protected.

44. The defendants have the following clear, unequivocal, and nondiscretionary duties:

(a) The defendant Boards and their members have the clear, unequivocal, and nondiscretionary duty pursuant to O.C.G.A. § 21-2-220(d) to notify applicants for voter registration in writing of necessary information that is missing from their applications.

(b) If the initial application is received prior to the close of voter registration prior to an election, if the applicant supplies the necessary information on or prior to the date of the election, and if the applicant is found eligible to vote, the defendants have the clear, unequivocal, and nondiscretionary duty to add the applicant to the list of electors and permit them to vote in the election, pursuant to O.C.G.A. § 21-2-220(d).

(c) The defendant Boards and their members have the clear, unequivocal, and nondiscretionary duty to provide notice to applicants of missing information in sufficient time for applicants who have submitted their applications prior to the close of registration to submit missing information prior to the date of the election.

(d) The Secretary of State has the unequivocal and nondiscretionary duty pursuant to O.C.G.A. § 21-2-211 (a) to place the names of all eligible and qualified registered electors on the official list of electors for use in all elections in Georgia conducted under Title 2 of O.C.G.A. Title 21.

45. The defendants have breached each of the duties described in the previous paragraph.

46. Third Sector, NAACP, and Georgia NAACP have the clear legal right to the relief sought but have no complete remedy other than mandamus.

47. Third Sector, NAACP, and Georgia NAACP are entitled to seek a Writ of Mandamus because there is no adequate legal remedy for the defendants' breach of their official duties that would deprive eligible voters of their constitutional right to vote.

48. Accordingly, Third Sector, NAACP, and Georgia NAACP are entitled to a Writ of Mandamus ordering the defendants to:

(a) Promptly process all pending applications for voter registration submitted by New Georgia Project and Georgia NAACP;

(b) Provide notice to applicants who have submitted their applications prior to the close of registration of the information that is missing from their applications in

sufficient time for the applicants to submit missing information prior to the date of the election.

(c) If applicants supply the necessary information on or prior to the date of the election, and if the applicants are found eligible to vote, add the applicants to the list of electors and permit them to vote in the election taking place on November 4, 2014.

(d) Add applicants who are eligible and qualified to be registered electors in Georgia to the Secretary of State's official list of electors used in all elections in Georgia.

WHEREFORE, plaintiffs Third Sector, NAACP, and Georgia NAACP pray that:

(a) The Court issue a Mandamus Nisi to the defendants requiring them to show cause not less than 10 nor more than 30 days from the date of issuance why a Mandamus should not be issued against them requiring them to fulfill their legal duties as set forth in paragraph 44 above;

(b) The Court issue an Absolute Writ of Mandamus requiring defendants to:

(i) Promptly process all pending applications for voter registration submitted by New Georgia Project and Georgia NAACP;

(ii) Provide notice to applicants who have submitted their applications prior to the close of registration of the information that is missing from their applications in sufficient time for the applicants to submit missing information prior to the date of the election.

(iii) If applicants supply the necessary information on or prior to the date of the election, and if the applicants are found eligible to vote, add the applicants to the list of electors and permit them to vote in the election taking place on November 4, 2014.


(iv) Add applicants who are eligible and qualified to be registered electors in Georgia to the Secretary of State's official list of electors used in all elections in Georgia.

(c) The Court award costs to Third Sector, NAACP, and Georgia NAACP;

(d) The Court grant such other and further relief that the Court deems just and proper.

Dated: October 10, 2014

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

By:  _____

V. Robert Denham, Jr.
Georgia State Bar No. 217712
vrdenham@rkmc.com
Jennifer A. Adler
Georgia State Bar No. 585635
jaadler@rkmc.com

One Atlantic Center
1201 West Peachtree Street
Suite 2200
Atlanta, GA 30309-3453
404-760-4300

and

Thomas L. Hamlin (*pro hac vice* pending)
tlhamlin@rkmc.com

800 LaSalle Avenue
2800 LaSalle Plaza
Minneapolis, MN 55402-2015
612-349-8500

**ATTORNEYS FOR PLAINTIFF THIRD
SECTOR DEVELOPMENT, INC.**

and

LAWYERS' COMMITTEE FOR CIVIL RIGHTS
UNDER LAW

Julie M. Houk (*pro hac vice* pending)
jhouk@lawyerscommittee.org
Dorian L. Spence (*pro hac vice* pending)
dspence@lawyerscommittee.org

1401 New York Avenue NW, Suite 400
Washington, DC 20005
202- 662-8600

**ATTORNEYS FOR PLAINTIFFS
THIRD SECTOR DEVELOPMENT, INC.,
THE NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE and
THE GEORGIA STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE**

and

JERRY WILSON, ATTORNEY AT LAW

Jerry Wilson
Georgia State Bar No. 768610
lawoffice1998@gmail.com

P.O. Box 971
Redan, GA 30074
404-431-6262

**ATTORNEY FOR PLAINTIFF THIRD SECTOR
DEVELOPMENT, INC.**

and

THE JOHNSON FIRM P.C.

By: Francys Johnson (By V. Robert
Francys Johnson, Jr. *Deakam, Jr,*
Georgia State Bar No. 667352 *with express*
info@francysjohnson.com *permission*

51 East Main Street
Statesboro, GA 30458
912-225-1600

**ATTORNEY FOR PLAINTIFFS THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE and
THE GEORGIA STATE CONFERENCE OF
THE NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE**

and

**SANDLER REIFF LAMB ROSENSTEIN &
BIRKENSTOCK P.C.**

Dara Lindenbaum (*pro hac vice* pending)
lindenbaum@sandlerreiff.com

1025 Vermont Avenue NW, Suite 300
Washington, D.C. 20005
202-479-1111

**ATTORNEY FOR PLAINTIFF THIRD SECTOR
DEVELOPMENT, INC.**

and

**THE NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE**

Marshall W. Taylor (*pro hac vice* pending)

mtaylor@naacpnet.org

4805 Mt. Hope Drive
Baltimore, MD 21205
410-580-5767

**ATTORNEY FOR PLAINTIFFS THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE and
THE GEORGIA STATE CONFERENCE OF
THE NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE**

STATE OF GEORGIA
COUNTY OF FULTON

VERIFICATION

I, Stacey Y. Abrams, as the CEO of Third Sector Development, Inc., hereby declare under penalty of perjury that I have read the foregoing Petition for Writ of Mandamus, and the factual statements contained therein are true based on my personal knowledge and on the information available to me as CEO of Third Sector Development, Inc., except those based upon information and belief, which statements I believe to be true, and except for factual statements relating to the NAACP parties, which are verified separately.

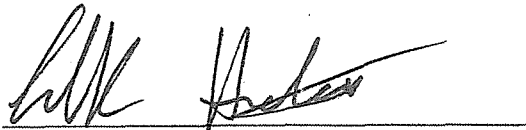
Executed this 10 day of October, 2014 in Fulton County, Georgia.

THIRD SECTOR DEVELOPMENT, INC.




BY: STACEY Y. ABRAMS
ITS: CEO

Sworn to and subscribed before me,
this 10 day of October, 2014.



Notary Public
My Commission Expires: May 20, 2016

STATE OF GEORGIA
COUNTY OF FULTON

VERIFICATION


I, Francys Johnson, hereby declare under penalty of perjury that I have read the foregoing Petition for Writ of Mandamus, and the factual statements contained therein are true based on my personal knowledge and on the information available to me as President of the Georgia State Conference of the National Association for the Advancement of Colored People, except those based upon information and belief, which statements I believe to be true, and except for factual statements relating to the Third Sector Development, Inc. (including the New Georgia Project) party, which are verified separately.

Executed this 10th day of October, 2014 in Fulton County, Georgia.

THE GEORGIA STATE CONFERENCE OF
THE NATIONAL ASSOCIATION OF COLORED PEOPLE


BY: FRANCYS JOHNSON
ITS: PRESIDENT

Sworn to and subscribed before me,
this 10th day of October, 2014.


Notary Public
My Commission Expires: November 14, 2014

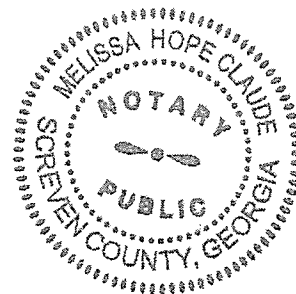


Exhibit A



Media Briefing September 17, 2014

Table of Contents

New Georgia Project Process

Voter Registration Verification Process	2
Receipt Form for Registration Submissions	9
Georgia Regulations Applicable to Private Entities Registering Voters.....	10

Georgia Application Review Process

Secretary of State's Application Review Process	14
---	----

Frequently Asked Questions

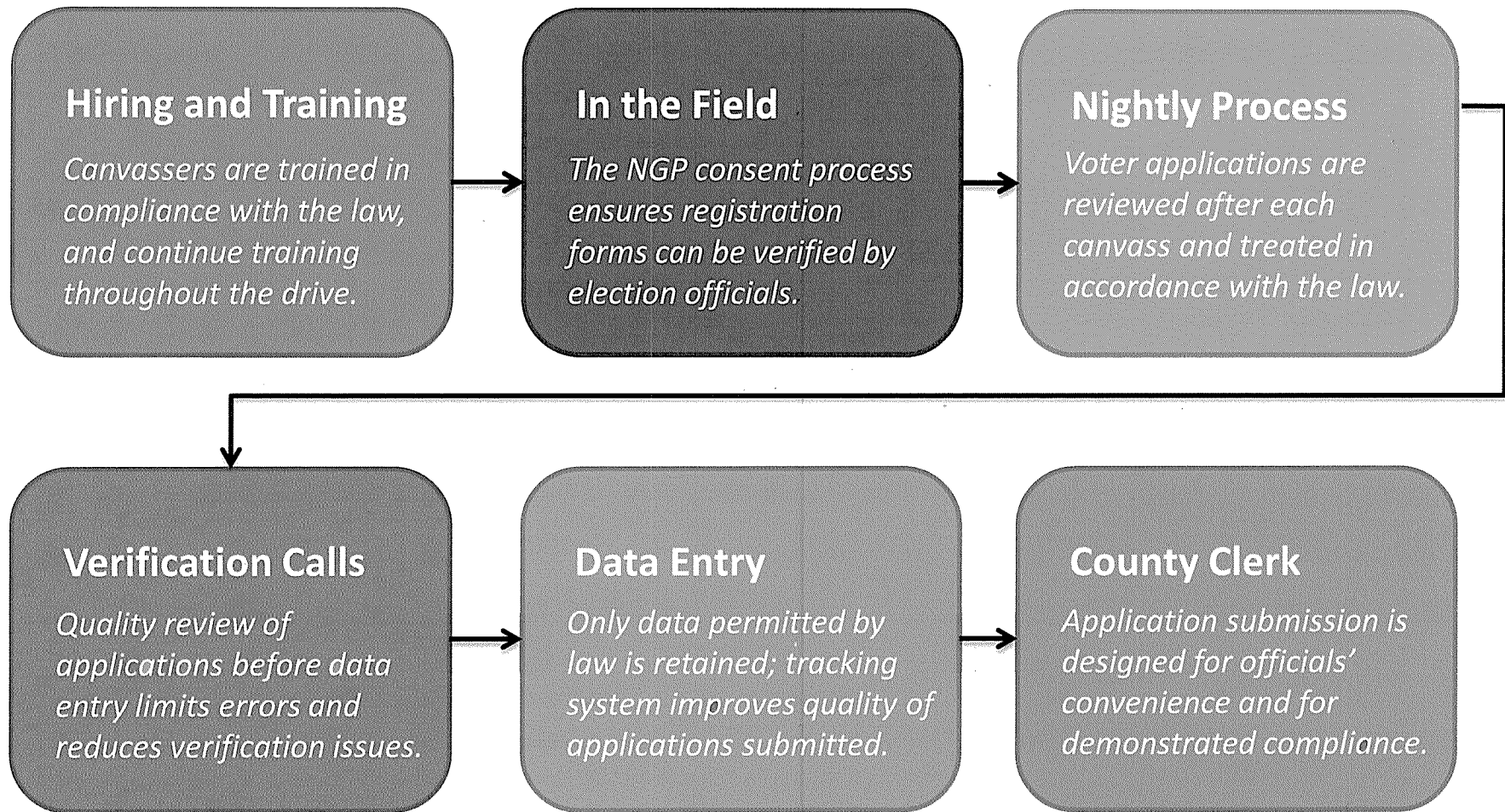
Frequently Asked Questions	16
----------------------------------	----

Additional Resources

Questions for Follow Up Interviews	20
--	----

Media Contact:
Kristal Swim
kristal@allisonpr.com
404.832.7163

Voter Registration Application Verification Process



TIMELINE: The New Georgia Project started collecting applications March 17, 2014, and immediately began delivering applications to counties 1-2 times weekly (and within the 10-day receipt period). Application deliveries to counties continued on an ongoing basis through this week.

Hiring and Training

- Canvasser applicants are recruited through networking with partners at nearby colleges and universities.
- Canvassers go through a screening process that includes a background check.
See Ga. Comp. R. & Regs. 183-1-6-.03(2).
- If passing the background check and interview process, canvassers are hired.
- Canvassers go through an initial hour-long training, including role-plays. *Ga. Comp. R. & Regs. 183-1-6-.02(5).*
- Based on the canvassers' performance in the training and role-play, canvassers may be deployed to work.
- After the initial intake training, prior to their shift, canvassers receive a daily briefing that includes additional skills trainings and role-plays.
Ga. Comp. R. & Regs. 183-1-6-.02(5).

Canvassers are trained in compliance with Georgia law, and continue daily training and briefings throughout the registration drive.

In the Field

- Canvasser reviews Voter Registration Applications (VRAs) at the applicant's door to ensure all fields have been completed.
- Canvasser collects written consent to copy and follow up on that applicant's form with the applicant's signature on a cover sheet. This cover sheet includes the canvasser's name, date and shift at the bottom of the form.
See Ga. Comp. R. & Regs. 183-1-6-.02(9)(b).
- Canvasser leaves forms with any applicants who do not give written consent, so that the applicants can turn the forms in themselves.
See Ga. Comp. R. & Regs. 183-1-6-.02(8)(b).
- Supervisors review their canvassers' VRAs to ensure they correspond to the cover sheet.
See Ga. Comp. R. & Regs. 183-1-6-.02(8)(c).
- Each cover sheet includes the canvasser's name and date of canvass for identification in data entry, retraining and quality control enforcement.
See Ga. Comp. R. & Regs. 183-1-6-.02(8)(c).

Canvassers follow a rigorous consent process to ensure that applicants provide complete forms that can be verified by election officials.

Nightly Process

- Copies are made of every VRA within 24 hours following the canvass return (with written consent of the applicant).
See Ga. Comp. R. & Regs. 183-1-6-.02(9)(d).
- Original VRAs and cover sheets are binder-clipped and dated.
- Copies of VRAs and cover sheets are banded into packets and filed in the “To Be Called” box.
- ***Copies of forms are destroyed at 90 days, as required by Georgia law.***
Ga. Comp. R. & Regs. 183-1-6-.02(8)(c).

Voter registration applications are reviewed promptly after each canvass and handled in accordance with applicable law.

Verification Calls

Verification calls are made regarding the previous day's packets. VRA copies with missing or illegible information are highlighted for easy identification when matched back to original VRAs.

Packets with less than 75% of VRAs verified go to the "To Be Called" file.

Packets in the "To Be Called" file will be called a second time. If no problems are found, they go to the "To Be Entered" file.

Packets with unverifiable VRAs go to the "Attention" file.

Packets in the "Attention" file will be reviewed daily for canvasser quality enforcement.

Packets with at least 75% of VRAs verified go to the "To Be Entered" file.

Canvassers who return with unverifiable forms are subject to termination.

Ga. Comp. R. & Regs.
183-1-6-.02(8)(c).

Data Entry

- Packets taken from the “To Be Entered” file will be entered into a spreadsheet and emailed daily to the Data Director.
- Only the fields that are legally permitted to be entered are put into the NGP system: full name; address; month and year of birth; phone number. Ga. Comp. R. & Regs. 183-1-6-.02(9)(d).
- Data is reviewed by the Data Entry Team and sorted according to canvasser to track quality and to identify issues. Ga. Comp. R. & Regs. 183-1-6-.02(5), (8)(c).
- Issues identified by the Data Entry Team are reported to the Canvass Director.
- Data-entered packets are filed by date in the “Ready To Match” file.

NGP retains only data as permitted by law, and maintains a tracking system to improve quality of applications submitted.

County Clerk

- Completed packets filed by date and by county are matched to originals and organized into separate packets (fully complete and partially complete).
- VRAs in both the complete and partially complete files are alphabetized, tallied, and sorted by county.
- All VRAs are submitted to the County Clerk 1-2 times weekly (within 10 days) in two stacks to facilitate processing: fully complete and partially complete.
Ga. Comp. R. & Regs. 183-1-6-.02(8)(a).
- Upon delivery, the county representative signs the NGP receipt to acknowledge accepting these applications.
- All forms are submitted to the County Clerk, as required by state law, regardless of the validity of the form.
Ga. Comp. R. & Regs. 183-1-6-.02(8)(a).
- Depending on proximity, some forms are mailed via certified mail to respective County Clerks. A return envelope, postage and blank receipt are included.
Ga. Comp. R. & Regs. 183-1-6-.02(8)(b).


NGP's process for submission of voter applications to county clerks is designed for the convenience of officials and to document compliance with the law.

Receipt Form for Registration Submissions

This is an example of the receipt form attached to each submission of voter registration applications submitted by the New Georgia Project.


The New Georgia Project started collecting voter registrations on March 17, 2014. Within 10 days of the start of the drive, voter registration applications were turned in to each applicable county elections office. Since then, voter registration forms have been submitted 1-2 times weekly (always within 10 days of receipt by the New Georgia Project), continuing through to the conclusion of the voter registration drive this week.

RECEIVED
Fulton County
MAY 22 2014
Director of Registrations
And Elections



THE NEW GEORGIA PROJECT

This receipt confirms that on 5.12.2014 a representative from The New Georgia Project delivered 1002 voter registration forms to a representative at the Fulton County Department of Registration and Elections.


Please list any issues or concerns regarding these or previously delivered voter registration forms below.



Representative, The New Georgia Project



Print Name
Representative, Fulton County
Department of Registration and Elections



Sign Name
Representative, Fulton County
Department of Registration and Elections

Georgia Regulations Applicable to Private Entities Registering Voters

The following excerpt from the Georgia Code of Regulations describes the legal requirements for private entities, such as the New Georgia Project, that conduct voter registration drives. The New Georgia Project acts in full compliance with applicable law.

Cite to: Georgia Code of Regulations section 183-1-6-.02, "Rules for Voter Registration by Private Entities." Drafted by the State Election Board; last amended, Nov. 18, 2009.

Ga Comp. R. & Regs. 183-1-6-.02.

Rules for Voter Registration by Private Entities.

(1) **Intent and Purpose.** These rules are promulgated pursuant to the authority granted to the State Election Board by Georgia Laws 1984, p. 1430, (O.C.G.A. Section 21-2-215(f)) and by Georgia Laws 1968, p. 862, (O.C.G.A. Section 21-2-31). It is the intent and purpose of the State Election Board to establish reasonable, necessary, and uniform rules and regulations to carry out the responsibilities of the State of Georgia with respect to the registration of voters in Georgia.

For the benefit and protection of those citizens who choose to entrust their completed voter registration applications to private entities and for the benefit and protection of the public and the fair administration of the electoral process, the State Election Board has promulgated these rules for voter registration by private entities. The State Election Board, within the parameters of the law, has taken care to make voter registration in Georgia as convenient and easy as practicable while retaining the necessary controls to prevent abuse of the system and fraud in the elective process. To this end, the State Election Board has promulgated these rules and regulations.

(2) **Definitions.** As used in this rule, unless otherwise noted, the term:

(a) "Close of registration" means the last day for the registration of voters in a primary or general election, as provided by law.

(b) "Private entity" means an individual who is not acting in an official capacity as a registrar or deputy registrar, or a non-governmental organization or other non-governmental entity that utilizes individuals other than registrars or deputy registrars to conduct voter registration programs.

(c) "Voter registration programs" means the distribution or collection of voter registration applications.

(3) **Acceptance of Mail Voter Registration Applications.**

(a) A voter registration application postmarked or received by the Secretary of State or a registrar or deputy registrar within the time frames provided by law for the registration of electors shall be processed without regard to whether such application was received by mail or otherwise, was submitted singularly or bundled with other voter registration applications, or was submitted by a private entity. No board of registrars shall reject or refuse to process a voter registration application solely on the basis of how or by whom it was submitted.

(b) Any mail voter registration application received from a private entity (other than from an individual delivering his or her own application to a state or local election official in person) shall be processed in the same manner as an application received by mail, regardless of the manner in which such application was actually delivered.

(c) Nothing in this rule shall be construed to prohibit or in any manner restrict the right of any board of registrars or other authority from investigating and addressing suspected instances of voter registration fraud or to challenge, examine, verify, or determine the validity of voter registration applications or the qualifications and eligibility of persons applying to register to vote.

(4) Voter Registration Activities of Private Entities. Nothing in this rule shall be construed to prevent private entities from conducting organized voter registration programs and assisting eligible citizens with voter registration as permitted by state or federal law, including the distribution, collection, and transmittal of mail voter registration applications to the appropriate board of registrars.

(5) Instruction and Training of Private Entities.

(a) Instruction and training for private entity voter registration activities pursuant to this rule shall be offered by the board of registrars. Training requests by private entities shall be made in writing to the board of registrars. The board of registrars shall respond in writing to such requests with a training confirmation, including the date, time, and location such training will take place.

(b) At a minimum, training shall be provided to each private entity who requests such training on:

1. How to complete the voter registration application designed, published, and distributed by the Secretary of State in accordance with O.C.G.A. Section 21-2-223;
2. The proper security of completed voter registration applications;
3. The time frames within which completed voter registration applications are required to be transmitted to the appropriate board of registrars;
4. The identification requirements to be included with completed voter registration applications;
5. The identification requirements for voting at polling places within the state and the requirements for persons who registered to vote for the first time by mail; and
6. The required and prohibited activities of private entities as set forth in paragraphs (6) and (7) of this rule.

(c) The Secretary of State may develop and provide to the boards of registrars manuals for this instruction. The Secretary of State may also make such manuals available to the public, including via electronic means on the Secretary of State's website. Until such time as the Secretary of State develops such manuals, boards of registrars shall utilize such materials as will meet the training requirements of this rule.

(6) Required Activities. While engaging in organized voter registration activity within this state, a private entity shall:

(a) Advise each applicant that such applicant has the option to return his or her voter registration application personally to the appropriate board of registrars or to the Secretary of State or to permit the private entity to return it on the applicant's behalf;

(b) Inform all applicants that they are not officially registered to vote until their eligibility has been determined by the appropriate board of registrars and that, if the applicant has not received notification of the disposition of the application within three to four weeks of submitting the application, the applicant should contact the appropriate board of registrars to determine if such applicant's eligibility has been determined and the applicant's name entered on the official list of electors;

(c) Inform all applicants that, if they are registering to vote for the first time in the jurisdiction by mail or through a private entity, they must present current and valid identification either when registering to vote by mail or through a private entity or when voting for the first time after registering to vote by mail or through a private entity;

(d) Inform all Georgia applicants of the availability of an online registration status check and polling place locator service on the Secretary of State's website and encourage all applicants to access it in advance of a primary or election day to verify their registration status and correct polling place; and

(e) Inform all applicants of their right, under certain circumstances, to cast a provisional ballot in the event that their names do not appear on the official list of electors at the polls.

For purposes of compliance with the notice provisions provided in this paragraph, it shall be sufficient for the private entity either to post such notices in a conspicuous location at any fixed registration site or to provide such notices in written form to the applicant in a brochure, flyer, or other similar manner at the time of application. The Secretary of State may design and make available to private entities an appropriate model form that includes all required notices pursuant to this paragraph.

(7) Prohibited Activities. While engaging in voter registration programs within Georgia, a private entity shall not:

- (a) Represent to any person that the private entity is a representative of the Secretary of State or a board of registrars authorized by law to receive voter registration applications in person;
- (b) Make any statement to an applicant or take any action that the private entity knows or reasonably should know would discourage a qualified applicant from registering to vote;
- (c) Refuse to accept and transmit a properly completed and contemporaneously dated voter registration application from any qualified individual;
- (d) Be inebriated or otherwise impaired by drugs, alcohol, or other substances;
- (e) Conduct voter registration activities at locations where the private entity knows that illegal or criminal activities are being conducted;
- (f) Accept a completed registration application from the applicant unless such application has been sealed by the applicant, without a signed acknowledgement from the applicant that the applicant willingly and knowingly provided the unsealed application to the private entity;
- (g) Copy a completed registration application without the express, written permission of the applicant; or
- (h) Conduct voter registration activities in places where alcoholic beverages are sold and consumed on the same premises.

(8) Transmittal of Completed Voter Registration Applications.

- (a) A private entity shall promptly transmit all completed voter registration applications to the Secretary of State or the appropriate board of registrars within ten days after receiving the application or by the close of registration, whichever period is earlier. If a private entity receives a completed voter registration application fourteen days or less before the close of registration, the private entity should transmit the application to the Secretary of State or the appropriate board of registrars within seventy-two hours of the date of the execution of the application or by midnight on the close of registration, whichever period is earlier.
- (b) Transmittal of completed voter registration applications may be accomplished by in-person delivery, mail, commercial courier, statutory overnight delivery, or any other form of delivery that is reasonably calculated to secure and ensure the confidential delivery and receipt of such applications by the Secretary of State or the appropriate board of registrars within three business days after transmittal and within the time frames required by these rules and regulations and state and federal law.
- (c) With each transmittal of completed voter registration applications, a private entity should include a transmittal summary sheet which, at a minimum, provides the name of the submitting individual, the name of the private entity sponsoring the voter registration programs (if different than the submitting individual), the physical residence or business address of the submitting individual, the daytime and evening telephone numbers of the submitting individual, and the total number of applications being submitted. The Secretary of State may design and make available to private entities a model transmittal summary sheet containing the information requested in this subparagraph. The failure to include the transmittal summary sheet shall not by itself be grounds for rejecting the submitted applications. The private entity may enclose a postage-prepaid, self-addressed envelope, along with a copy of the completed transmittal summary sheet, if the private entity desires a date stamped receipt of the transmittal summary sheet from the board of registrars, in which case the board of registrars shall promptly acknowledge such receipt by returning a date stamped copy of the transmittal summary sheet to the private entity.

(9) Confidentiality of Completed Voter Registration Applications.

- (a) A private entity shall keep all completed original voter registration applications in the possession of the private entity in a secure and confidential manner at all times until such applications are submitted to the Secretary of State or the appropriate board of registrars. Except as otherwise provided in this rule, a private entity shall not disclose any such applications or information contained therein, except as specifically provided in these rules and regulations to any member of the public. A private entity may collaborate with another affiliated private entity in the securing of completed original voter registration applications that are received during the course of a jointly organized voter registration program.

(b) With the express, written consent of the applicant, a private entity may make archival copies of an applicant's original voter registration application and retain such archival copies for use in aiding the applicant with verifying the timely and proper receipt and processing of his/her application by the applicable board of registrars. A private entity may engage the services of a commercial copying or document management service to make such archival copies provided that the company agrees to maintain the confidentiality and security of the original applications and any copies of the applications in the same manner as is required by private entities pursuant this rule.

(c) A private entity shall keep any such archival copies in a secure and confidential manner at all times and shall not disclose any such archival copies to any member of the public; provided, however, that a private entity may disclose such archival copies to another affiliated private entity as necessary for use in aiding the applicant with verifying the timely and proper receipt and processing of his/her application by the applicable board of registrars. Archival copies of completed voter registration applications must be discarded by the private entity not later than 90 days following the transmittal of the completed voter registration application to the Secretary of State or board of registrars. Whenever such archival copies are discarded by the private entity, they must be discarded in the manner contemplated by O.C.G.A. § 10-15-2 for the destruction by businesses of records containing personal information.

(d) A private entity may create and keep a separate record of any information contained on the applicant's voter registration application that could otherwise be made available for public inspection pursuant to O.C.G.A. § 21-2-225(b) if collected and maintained by the Secretary of State on the official list of electors. No such information may be used by the private entity or any other person for commercial purposes. Whenever such information is discarded by the private entity, it must be discarded in the manner contemplated by O.C.G.A. § 10-15-2 for the destruction by businesses of records containing personal information.

Secretary of State's Application Review Process

- The Secretary of State, as Georgia's chief election official, is charged with maintaining the statewide voter registration database. Maintenance of that database includes maintaining the data verification process between the voter registration list and the Department of Drivers Services ("DDS").
- Local county registrars are charged with registering voters and adding voters' names to the county voter registration list.
- Only after the county Board of Registrars has determined eligibility is an applicant's name then added to the list of electors and placed in the correct precinct and voting district.¹
- Part of the process in determining the eligibility of an applicant is the verification process established between the Secretary of State and DDS in accordance with the Help America Vote Act ("HAVA").² Until such verification process has been completed, the Board of Registrars has not complied with its statutory obligations under Georgia law. See O.C.G.A. §§ 21-2-223(a), 21-2-226(a). Therefore, a Board of Registrars will not issue a precinct card to a voter until it has determined the applicant's eligibility.³
- Every new voter registration application should be entered into the Statewide Voter Registration System (the "SVRS") in an expedited manner.⁴
- Nightly, the Secretary of State gathers the information entered into the SVRS from all new voter registration applications submitted to the state's Board of Registrars, with the exception of applications received from DDS, and transmits the information to DDS for verification. Each night, the SVRS is updated with the results from DDS of the verification process.
- In order to be verified, the information contained in the SVRS database must exactly match the information in the DDS database. If the information on the application is verified in its entirety, the SVRS will generate a precinct card to be mailed to the elector and the applicant will show in the SVRS as an active registered elector.
- The day following overnight transmittal, the Secretary of State creates exceptions reports. These reports display, by county, the results of the verification process and identify those applicants whose information was not successfully verified in its entirety.
- If an applicant supplies only the last four digits of the Social Security number, DDS will access federal information through the Social Security Administration ("SSA"). SSA verifies the following information from the voter registration application against the information contained in the SSA database:
 - First name;
 - Last name;
 - Date of birth; and
 - Last four digits of Social Security number

¹ See O.C.G.A. §§ 21-2-223(a), 21-2-226(a).

² See HAVA, 42 U.S.C. § 15483(a)(5).

³ See O.C.G.A. § 21-2-226(e).

⁴ See 42 U.S.C. § 15483(a)(l)(A)(vi).

- If the information on the application is verified by SSA, the SVRS will generate a precinct card to be mailed to the elector and the applicant will show in the SVRS as an active registered elector.
- If the applicant's first name, last name, date of birth, driver's license number / identification card number or last four digits of the applicant's Social Security number on the application cannot be verified by DDS, then a report is posted showing the missing information. The Board of Registrars is expected to check the report on a daily basis.
- If the applicant's United States citizenship cannot be verified by DDS this information will also appear in a report.
- If the information on an application cannot be verified in its entirety by DDS or SSA, then the application should be considered incomplete. The application is incomplete as to the particular information that could not be verified. If the application is incomplete, the Board of Registrars shall notify the applicant in writing of the missing information.⁵
- The SVRS automatically generates such notices to applicants whose information cannot be verified through DDS or SSA. Prior to sending any notice to an applicant, the Board of Registrars should check the application to determine whether there are processing or data entry errors, such as transposing of numbers, misspelling of the applicant's name, use of a nickname or other typographical or "common sense" errors that the registrar is able to easily identify and correct.
- In the event the applicant does not respond to the request for the missing information within 30 days, the application must be rejected.⁶
- Once the Board of Registrars has confirmed the citizenship status and determined the eligibility of an applicant appearing on a report, the Board of Registrars will change the elector's citizenship status in the SVRS. Upon confirmation, the individual will no longer appear on the "non-citizen" report. The individual will show in the SVRS as an active registered elector, and the SVRS will generate a precinct card, with an effective date according to the original date of the application submission, to be mailed to the elector.⁷

⁵ See O.C.G.A. § 21-2-220(d).

⁶ See O.C.G.A. § 21-2-220(d).

⁷ See O.C.G.A. §§ 21-2-220, 21-2-224.

Frequently Asked Questions

Q What is a “duplicate” voter registration form?

- A** Duplicate voter registration forms for an individual may be turned in under a variety of reasonable circumstances. For example:
- An applicant may believe that since a voter card has not arrived in the mail, the original application was not processed by the state;
 - An applicant may submit more than one form due to misunderstanding of the rules for application;
 - An applicant may simply have forgotten about a prior submission.

Q How does the State Election Board match voter registration applications to known individuals?

- A** Please review the sections in this Briefing Guide regarding the Secretary of State’s Application Review Process, and under “Additional Resources,” the selected media coverage of the process.

Q What is considered “forgery” in Georgia?

- A** Under the Official Code of Georgia, O.C.G.A. § 16-9-1, a person commits second degree **forgery** when he or she intends to defraud another by making, altering, or possessing any writing:⁸

- 1) in a fictitious name; or
- 2) in a way that the writing purports to have been made:
 - a) by another person
 - b) at another time
 - c) with different provisions; or
- 3) by authority of someone who did not give the authority.

First degree forgery is the same as second degree, except the writing must be presented to someone else.

O.C.G.A. § 16-9-2: Punishment for Forgery:

- (a) A person who commits the offense of forgery in the **first degree** shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 15 years.
- (b) A person who commits the offense of forgery in the **second degree** shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years.

⁸ O.C.G.A. § 16-9-1

Q What is the difference between voter fraud and voter registration fraud? Is voter fraud really a common problem?

A “Voter fraud” occurs when individuals actually cast ballots, despite knowing that they are ineligible to vote, in an attempt to defraud the election system.⁹ Voter fraud is extremely rare.

“Voter registration fraud” is the act of fraudulently registering someone to vote who is not eligible to vote, filling out or submitting a voter registration card for a fictitious person, or forging a voter registration card without the person’s consent.¹⁰ Voter registration fraud typically does not result in a fraudulent vote being cast.

Statutes governing **voter fraud** can be found in Title 21 of the Georgia Code, Chapter 2 Article 15 (GA ST T. 21, Ch. 2, Art. 15). The following are the provisions and penalties applicable to **voter fraud**:

- **O.C.G.A. § 21-2-561. Voting by absentee electors; penalties:** It is a felony to knowingly register an ineligible voter or register a voter under any other name. This crime is a felony punishable by no more than 10 years and/or a fine of up to \$100,000.
- **O.C.G.A. § 21-2-562. Insertion and alteration of entries in documents; removal; refusal to deliver; penalties:** It is a crime to insert, or cause to be inserted, fictitious names on voter registration cards or materially alter or destroy an entry. This crime is a felony punishable by no more than 10 years and/or a fine of up to \$100,000. This statute also makes it a misdemeanor to willfully neglect to turn in the voter registration card to the custody of an authorized officer.
- **O.C.G.A. § 21-2-567. Intimidation of elector; penalties:** Anyone who uses violence or force in a manner to intimidate a person to place or refrain from placing a person’s name upon the registration list may be guilty of a felony if convicted and punished by no more than 10 years and/or a fine of up to \$100,000.
- **O.C.G.A. § 21-2-568. Giving unlawful assistance in voting; penalties:** Anyone who interferes with a person registering to vote or attempts to influence a vote may be guilty of a felony if convicted and punished by no more than 10 years and/or a fine of up to \$100,000.
- **O.C.G.A. § 21-2-570. Giving or receiving money or gifts for purpose of registering as voter, voting, or voting for particular candidate is a felony.**
- **O.C.G.A. § 21-2-599. Punishment for misdemeanors:** Misdemeanors under this Chapter may be punishable by one or more of the following: a fine of not less than \$100 nor more than \$1,000; imprisonment in a county jail not to exceed 6 months; or confinement in a county correctional facility not to exceed 12 months.

⁹ JUSTIN LEVITT, BRENNAN CENTER FOR JUSTICE, THE TRUTH ABOUT VOTER FRAUD 4 (2007) available at <http://www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf>.

¹⁰ See *id.* at 20-21.

- **O.C.G.A. § 21-2-600. Punishment for felonies:** Any person convicted of a felony under this chapter shall be punished by a fine not to exceed \$10,000.00 or imprisonment of not less than one year nor more than ten years, or both, in the discretion of the trial court.
- **O.C.G.A. § 21-2-601.** It is a misdemeanor for any person to provide a list of electors for commercial purposes.
- **O.C.G.A. § 21-2-602. Compensation for soliciting persons to register to vote based upon number of persons registered:** It is illegal to receive, offer, or provide compensation for soliciting people to vote based on the number of persons registered. Any such person may be guilty of a misdemeanor.
- **O.C.G.A. § 21-2-603. Conspiracy to commit election fraud:** A person commits the offense of conspiracy to commit election fraud when he or she conspires or agrees with another to commit a violation of this chapter. The crime shall be complete when the agreement to commit the fraud is made and an overt act in furtherance of the fraud has been committed, regardless of whether the fraud is fully carried out. A person convicted of conspiracy to commit a felony shall be punished by imprisonment for not less than one year nor more than one-half the maximum period for allowed for committing the fraud, or by one-half the maximum fine for committing the fraud, or both. A person convicted of conspiracy to commit a misdemeanor fraud will be punished as for a misdemeanor.
- **O.C.G.A. § 21-2-604. Criminal solicitation to commit election fraud:**
 - 1) Criminal solicitation to commit election fraud in the first degree: solicit or attempt to cause another person to engage in felony conduct with the intent that the person engage in election fraud—punishable by imprisonment of up to 3 years.
 - 2) Criminal solicitation to commit election fraud in the second degree: solicit or attempt to cause another person to engage in misdemeanor conduct with the intent that the person engage in election fraud—punished for a misdemeanor.

Q What makes a Georgia voter registration application incomplete?

- A** Every new application for voter registration must include a Georgia driver's license number, a Georgia identification card number, or the last four digits of the applicant's Social Security number.¹¹ See Help America Vote Act of 2002 ("HAVA"), 42 U.S.C. § 15483(a)(5)(A)(i). These numbers are then verified by the Georgia Secretary of State against the Department of Driver Services ("DDS") or Social Security Administration ("SSA") databases.

Georgia law, O.C.G.A. § 21-2-220(d), provides that if any piece of required information is missing, with the exception of a current and valid identification, the registrant will be notified and can supply the missing information prior to or on the date of election. If the applicant is otherwise found eligible to vote, the applicant's name will be added to the list of persons eligible to vote. If the applicant does not supply the missing information within 30 days, the application will be rejected.

¹¹ If an the applicant does not have a Georgia driver's license, Georgia identification card, or Social Security number, then the individual will be assigned a unique voter registration number. See HAVA, 42 U.S.C. § 15483(a)(5)(A)(ii).

Thus, while “incomplete” can mean not having all of the information on an application filled in (with the exception of a current and valid identification), the Board of Registrars is still required to place the applicant on the eligible voting list and give the applicant a chance to complete the application.

Questions for Follow Up Interviews

Recommended questions for the Secretary of State and local elections officials.

Questions about the Department of Driver Services (DDS) system:

- When was the current matching system with DDS created and put in place?
- How has the DDS system changed from the previous system?
- How long does the DDS system take to match an applicant?
- What are the strengths and weaknesses of the DDS system?
- What fields are matched to the DDS system?
- What process are the counties and the Secretary of State supposed to follow to locate applicants whom the DDS system doesn't find?
- What happens once an unmatched applicant is moved to the "pending list"?

Questions about the Secretary of State's investigation:

- Under what provision of the Georgia election law have any invalid forms been investigated?
- What is the legal charge at issue in the investigation?
- What are the specifics of the complaints?
- How many complaints against the New Georgia Project ("NGP") have been formally lodged?
- How many complaints against other organizations/individuals have been formally lodged this year and for the past 2 years?
- How many complaints against NGP have been investigated?
- How many complaints against other organizations/individuals have been formally lodged?
- How many complaints against NGP have been cleared?
- How many complaints against other organizations have been cleared this year and for the past 2 years?
- What is the portion of complaints per county to actual forms submitted in the county?

Questions about registrations in the current election cycle:

- How many new registrants of color have applied in the county at issue?
- How many of the new registrants of color have been processed?
- How many other registrants have applied in the county at issue?
- How many of these remaining registrants have been processed?
- How many NGP registration applications have been received this year?
- How many NGP registration applications have been processed this year?
- Why have the other forms not been processed?
- What steps are being taken to process all outstanding forms by October 13, the start of early voting?

Exhibit B



October 3, 2014

BY EMAIL AND FAX

Co-Chairs

Donald J. Rosenberg
John M. Nonna

Secretary

Eleanor H. Smith

Treasurer

Andrew W. Kentz

General Counsel

Nicholas T. Christakos

President & Executive Director

Barbara R. Arnwine

Honorable Brian Kemp
Secretary of State
Elections Division
2 Martin Luther King Jr. Drive
Atlanta, GA 30334
Bkemp@sos.ga.gov
soscontact@sos.ga.gov
Fax: (404) 651-9531

CC: Ms. Linda Ford
Director of Elections
Lford@sos.ga.gov
Fax: (404) 651-9531

Re: Request for a Meeting
Subject: New Georgia Project/Status of Voter Registration Applications

Dear Secretary Kemp and Ms. Ford,

The Lawyers' Committee for Civil Rights Under Law (hereinafter, "the Committee") is a non-profit, non-partisan organization that was formed in 1963 at the request of President John F. Kennedy to involve private attorneys throughout the country in efforts to assure that the civil rights of all Americans are protected. The protection of the voting rights of racial and language minorities is an important part of the Committee's work.

The Lawyers' Committee, along with the law firms of Robins, Kaplan, Miller and Ciresi; Sandler, Reiff, Lamb, Rosentein and Birkenstock, and the Law Office of Jerry Wilson have been asked by Third Sector Development, Inc. (a Georgia non-profit corporation), to investigate why tens of thousands of applicants who submitted voter registration applicants via registration drives conducted by the New Georgia Project (a program of Third Sector Development, Inc.) have not yet been entered onto the State's voter registration rolls.



Co-Chairs

Donald J. Rosenberg
John M. Nonna

Secretary

Eleanor H. Smith

Treasurer

Andrew W. Kentz

General Counsel

Nicholas T. Christakos

President & Executive Director

Barbara R. Arnwine

The New Georgia Project submitted over 85,000 applications to county elections officials in Georgia this year. Based upon the most recent information we have been able to obtain, it appears that tens of thousands of those applicants have not yet been entered onto the State's voter registration rolls. Numerous applications also appear to have been placed onto "pending lists" for various reasons. We are extremely concerned that complete voter registration applications that were submitted by eligible voters have not been timely or properly processed, or entered onto the voter registration rolls, due to data entry errors, system matching errors or other administrative problems.

We are particularly concerned because many applications submitted through the New Georgia Project were from prospective first-time voters, whose first exposure to the voting process is presently frustration and uncertainty about whether their applications have been or will be accepted, but who may lose the opportunity to cast an effective vote if their applications are not properly processed.

We were also stunned by an Atlanta Journal Constitution article today (see attached), that reported approximately 7,000 voter registration applications submitted via DDS were only recently transmitted to Fulton County for processing, despite the fact that some of the applications were from as early as April 2014. The reason, if any, for this delay was not provided in the news report.

As you may recall, on September 9, 2014, our client made an Open Records Request to your office in an effort to obtain information explaining why so many applicants had not been entered onto the rolls. While your office has provided voter rolls and pending list information to our client, they were told it would take some 15 weeks for the Secretary of State's office to respond to that request in substance – a time frame that ensures no information would be provided before the upcoming general election.

As you know, early voting begins in many counties on October 13, 2014 and the general election is on November 4, 2014. We are extremely concerned about the very real danger that numerous voter registration applicants who are eligible to vote and who submitted timely and complete applications via the New Georgia Project registration drives and from other sources will be disenfranchised and prevented from voting in the upcoming election.



Co-Chairs

Donald J. Rosenberg
John M. Nonna

Secretary

Eleanor H. Smith

Treasurer

Andrew W. Kentz

General Counsel

Nicholas T. Christakos

President & Executive Director

Barbara R. Arnwine

Therefore, we are writing to request that you and/or persons knowledgeable about these problems agree to meet with us at your office by no later than noon on Tuesday, October 7, 2014. We ask that you be prepared to explain in detail why so many applicants have not been registered to vote and/or are on the "pending list."

In particular, we need assurance that your office and the county registrars will comply with their obligations to:

- Promptly process all pending applications for voter registration submitted by New Georgia Project;
- Provide notice to applicants who have submitted their applications prior to the close of registration of the information that is missing from their applications in sufficient time for the applicants to submit missing information prior to the date of the election.
- If applicants supply the necessary information on or prior to the date of the election, and if the applicants are found eligible to vote, add the applicants to the list of electors and permit them to vote in the election taking place on November 4, 2014.
- Add applicants who are eligible and qualified to be registered electors in Georgia to the Secretary of State's official list of electors used in all elections in Georgia.

We will supply a more detailed agenda before the meeting so that the representatives with whom we meet will be fully prepared to discuss these matters in detail.

We hope that through this discussion we can arrive at an understanding of the issues and agree upon an appropriate plan of action to ensure that every eligible applicant who submitted a proper registration form is put onto the rolls in time to cast a regular ballot in the general election.

To that end, please confirm in writing **by no later than noon on Monday, October 6, 2014**, whether you will agree to our request to meet on Monday or Tuesday. Because the time until the election is so short, if a meeting does not take place on or before Tuesday, and our client does not receive the



LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
U N D E R L A W

1401 New York Avenue, NW
Suite 400
Washington, DC 20005-2124

Tel: 202.662.8600
Fax: 202.783.0857
www.lawyerscommittee.org

assurances that it needs, it will have no choice other than to seek a legal remedy to ensure that eligible citizens are not disenfranchised.

Co-Chairs

Donald J. Rosenberg
John M. Nonna

Secretary

Eleanor H. Smith

Treasurer

Andrew W. Kentz

General Counsel

Nicholas T. Christakos

President & Executive Director

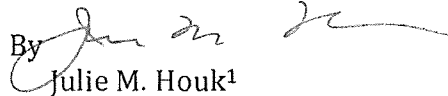
Barbara R. Arnwine

Finally, since we understand that the processing of the voter registration applications is an ongoing process, we respectfully demand that State and local election officials ensure that all evidence that may be relevant to these issues, and/or which may lead to the discovery of relevant evidence, be preserved and retained so that it is available for production in the event that litigation becomes necessary.

Thank you for your attention and anticipated cooperation.

Very truly yours,

Lawyers' Committee for Civil Rights Under Law

By 

Julie M. Houk¹
Senior Special Counsel
Voting Rights Project

¹ Admitted to practice law in California, New Hampshire, Massachusetts, Illinois (registered voluntarily inactive in Illinois); application to practice in the District of Columbia is pending.

METRO

Ga. voter applications rolling in

Rush comes ahead of voter registration deadline Monday.

By Kristina Torres
ktorres@ajc.com

Georgia voter applications by the thousands continue to pour into local election offices — some from as far back as April — with officials in some cases instituting mandatory overtime to deal with the workload.

The rush comes ahead of Monday, the state's deadline for voter registration for the Nov. 4 election. And it is being watched closely by a Democratic-backed group that said Thursday that it still could not locate more than 42,760 applicants on Georgia's voter rolls despite in some cases filing their paperwork months ago.

That number represents nearly half of the more than 85,000 applications submitted by the

New Georgia Project since March. The group is the focus of an investigation by Secretary of State Brian Kemp involving allegations of voter registration fraud, although investigators say there is no evidence the group's leaders are involved. So far, they have found 33 forged applications.

Fulton County, which has the biggest number of pending voter applications in the state, received more than 7,000 applications last week

submitted through the state's Department of Driver Services from as far back as late April but after the state's deadline to register to vote in the May 20 primary.

It is common for such applications to be held in a queue through the Secretary of State Office's processing system, and then be electronically forwarded to the proper county. The process often sends those applications in batches, including the one that hit Fulton.

Fulton Elections Director Richard Barron has instituted a "mandatory overtime plan" until the DDS applications are processed, although overtime will be used to process paper applications, too. The county is also still trying to reach more than 4,000 Fulton residents to ask for more information related to their applications.

Processing of so-called "pending" voters can be held up for a number of reasons, including the need to verify Social Security

numbers, citizenship status and home address; or to reconcile a clash with information kept by the DDS.

Pending voters in Georgia may cast a provisional ballot Nov. 4, although they will still have to provide that information.

"We want to make clear all applications are being processed," said Jared Thomas, Kemp's spokesman. "We have not heard from any county that they are in doubt to process applications by deadline."

MARTA ridership enjoying rebound

...tion," Rieker writes. "Therefore, I am resigning as Mayor effective to-

hood. The new map proposed that Avondale an-

we chose expediency over thoughtfulness, and that

Woman to be charged under new murder law

Need to verify

Exhibit C



The Office of Secretary of State

Brian P. Kemp
SECRETARY OF STATE

C. Ryan Germany
GENERAL COUNSEL

October 6, 2014

Via Electronic Mail

Julie M. Houk
Lawyers' Committee for Civil Rights Under Law
1401 New York Avenue NW
Suite 400
Washington, D.C. 20005
jhouk@lawyerscommittee.org

RE: Request for a Meeting

Dear Ms. Houk:

Secretary Kemp forwarded your October 3, 2014 email to me. I understand that you represent Third Sector Development, Inc. I have been working with Patricia Gorham at Sutherland Asbill & Brennan LLP, who also represents Third Sector Development. I have copied Ms. Gorham on this letter, and I think it would be most productive for all involved if she was kept in the loop on your request. If you would like to meet, please have Ms. Gorham contact me and we can set that up.

However, the fact that your letter threatens litigation and contains several inaccuracies regarding Georgia's process, gives me concern that a meeting would not be productive. If you are seeking a more correct understanding of how the voter registration process in Georgia works, I would be happy to provide that.

As you are likely aware, all voter registration applications in Georgia are processed at the county level, including any registrations submitted by the New Georgia Project or any other third-party group. The investigation of the New Georgia Project does not in any way interfere with the processing of applications submitted by them or any other group. In fact, many of the confirmed forgeries that our office has identified have come to the counties' attention through voters whose applications were processed, who were sent communication from their county, and who contacted the county because they had not actually submitted an application. The voter then confirmed with our office that the signature on the submitted application was not his or her signature.

Letter to J. Houk
October 6, 2014
Page 2

All voter registration applications submitted to this office or to Georgia counties are handled the same way, including any applications submitted by the New Georgia Project. Georgia utilizes a verification procedure pursuant to the Help America Vote Act of 2002 ("HAVA"), 42 U.S.C. § 15483. The verification procedure was precleared by the United States Department of Justice in 2010. For the vast majority of voters, this verification process takes less than a day. For incomplete or illegible applications, the process can take longer, but the county still processes those applications and attempts to contact the applicant to clarify any issues needed to add the voter to the rolls. Any applicant that is placed in pending status due to an inability to verify their identifying information or citizenship status can still vote in the upcoming election, either by bringing the proper identifying information to the polls or casting a provisional ballot and then clearing up any issues with the county elections office.

Georgia counties are continuing to process all applications they receive, and all voters who are eligible, who have completed and turned in an application, and who are verified through the precleared procedure will be able to cast a ballot for this election.

This office will continue to send all received voter registration applications to the appropriate counties, and Georgia's county election officials will continue to process all voter registration applications received in accordance with law. This office will continue to investigate any potential violations of Georgia election law, as is this office's charge. We will continue to uphold both duties simultaneously.

Please do not hesitate to contact me if you have any further inquiries.

Sincerely,



C. Ryan Germany

cc: Patricia A. Gorham (*via electronic mail*)

Exhibit D



October 6, 2014

Via Email Only: rgermany@sos.ga.gov

Co-Chairs

Donald J. Rosenberg
John M. Nonna

Secretary

Eleanor H. Smith

Treasurer

Andrew W. Kentz

General Counsel

Nicholas T. Christakos

President & Executive Director

Barbara R. Arnwine

C. Ryan Germany, Esq.
General Counsel
The Office of the Secretary of State
214 State Capitol
Atlanta, Georgia 30334

Dear Mr. Germany:

We are in receipt of your letter dated October 6, 2014.

As a preliminary matter, our letter of October 3, 2014, was written to Secretary Kemp and Ms. Ford in a genuine good faith effort to *avoid* litigation, rather than as a “threat” of litigation, as you have characterized it in your correspondence.

In fact, our overriding goal is to ensure that every eligible Georgian who submitted a timely and facially complete registration form to county election officials is on the State’s voter registration rolls when early voting begins and will not be forced to cast a provisional ballot.

It would clearly be in the best interests of the applicants and the State of Georgia if that goal could be reached without the need for litigation. However, if that is not possible, we must consider legal remedies that will ensure that every eligible Georgian is on the rolls and able to cast a regular ballot on Election Day.

While you indicate in your letter that applicants would have an option to cast a provisional ballot, we do not consider that to be an adequate remedy for eligible Georgians who submitted timely and facially complete applications and have the right to cast a regular ballot.

That is particularly true in light of the serious problems that occurred in Fulton County during the 2012 general election with respect to provisional ballots. These problems were described in detail during a December 17, 2013 State Election Board meeting and it appears that a large number of persons who were forced to cast provisional ballots were disenfranchised.

Thus, the Lawyers’ Committee, which is now also being joined by both the NAACP and the Georgia State Conference of the NAACP, is reiterating the



Co-Chairs

Donald J. Rosenberg
John M. Noma

Secretary

Eleanor H. Smith

Treasurer

Andrew W. Kenz

General Counsel

Nicholas T. Christakos

President & Executive Director

Barbara R. Arnwine

request for an urgent meeting with the Secretary, Ms. Ford and/or their designee(s) to discuss our substantive concerns and to explore whether a prompt resolution can be reached without the need for litigation. We have enclosed a proposed agenda for the meeting for your consideration.

In addition, based on information received from the press, which may or may not be accurate, it is our understanding that the Secretary of State may now be contending that he needs a list of the persons who submitted applications during the New Georgia Project registration drives that are not on the state's registration rolls in order to make an independent assessment of the situation.¹

As a preliminary matter, we do not understand why the Secretary of State is not in a superior position to obtain the registration applications and data from the local county elections officials in order to match that data against the State's registration rolls and pending lists.

Since it is our understanding that the New Georgia Project provided cover sheets when it submitted applications to the local elections officials, it would seem that the Secretary and local officials already have the necessary data in their possession to make an independent assessment about the number of individuals who submitted applications and are not on the rolls.

Nevertheless, if the Secretary of State legitimately believes that it cannot obtain this data from local elections officials and will agree in writing that any such lists that may be informally exchanged with your office will be treated as confidential to protect the privacy rights of the applicants, we will endeavor to determine whether such a list can be produced in the next 48 hours.

We would also like to clarify a misperception that you apparently have about the nature of our involvement in this matter. We are not representing Third Sector Development, Inc. in connection with the subpoena served on it by the Secretary of State nor are we representing anyone in connection with the pending investigation by the Secretary of State of alleged voter registration fraud.

As you correctly note, Patricia Gorham of the Sutherland firm is handling the issues relating to the subpoena served on Third Sector Development by your

¹ Aaron Gould Sheinin, Lewis joins call for state to process voter applications, The Atlanta Journal-Constitution, (October 6, 2014 4:26 p.m.), http://www.myajc.com/news/news/state-regional-govt-politics/lewis-joins-call-for-state-to-process-voter-applic/nhcyQ/?ecmp=ajc_social_twitter_2014_politics_sfp#6b3ebf14.3848765.735512.



Co-Chairs
Donald J. Rosenberg
John M. Nonna
Secretary
Eleanor H. Smith
Treasurer
Andrew W. Kentz
General Counsel
Nicholas T. Christakos
President & Executive Director
Barbara R. Arnwine

office. Thus, if the Secretary, Ms. Ford and/or their designees agree to meet with the Lawyers' Committee and our partners, neither Ms. Gorham, nor the Sutherland firm, will be participating in any of those discussions.


Finally, you claimed in your correspondence that there were "inaccuracies" in our letter. In the interests of transparency and good faith, we would appreciate it if you would explain what you meant by this statement and specifically why you believe that any information contained in our October 3, 2014 letter was inaccurate in any way.

Given the urgency of this matter, if the Secretary, Ms. Ford and/or their designee(s) will not agree in writing to a meeting to be held at a mutually agreeable time within the next 48 hours, we will be forced to conclude that our continued informal efforts at resolving these issues will be futile.

Thank you for your attention and anticipated cooperation.

Very truly yours,

Lawyers' Committee for Civil Rights Under Law

By 
Julie M. Houk²
Senior Special Counsel
Voting Rights Project

Enclosure (Proposed Agenda)

Cc: Marshall W. Taylor, Esq.
NAACP, Office of the General Counsel

Rev. Dr. Francys Johnson
President, Georgia State Conference of the NAACP

² Admitted to practice law in California, New Hampshire, Massachusetts, Illinois (registered voluntarily inactive in Illinois); application to practice in the District of Columbia is pending.

Proposed Agenda – Subject to Change

- A. Why are over 40,000 applicants from New Georgia Project registration drives still not on the rolls or the pending list?
- B. What quality control efforts are being made to ensure that applications are processed by the counties in a timely and accurate manner? What is the Secretary of State doing and what are the counties doing to ensure that applicants whose applications are determined to have missing information are given a sufficient opportunity to supply the information in time to vote in the election?
- C. How are applications processed when the applicant uses the last four digits of their Social Security Number? Our records reflect that the majority of the applicants who do not appear on the voter file used their Social Security Number. Has the Secretary of State identified - or have the counties reported - any problems with this system? We have spoken to a number of applicants who did receive a deficiency letter notifying them that their Social Security Number did not match in the database, however, the applicant submitted an accurate number. How will resubmitting the same number change their pending status?
- D. What will happen if an applicant receives the deficiency letter within 30 days of the election? Will the applicant be put on a supplemental poll list? When the applicant goes to vote on Election Day, will a poll worker be required to consult a supplemental list to find the applicant? How will the poll worker know what information the applicant must provide? Is the procedure different during early voting?
- E. What happens if an applicant submits correct information in response to a deficiency letter, but the County doesn't enter this data until 41 day or more after the applicant was placed on the pending list? Will the applicant's information have already been deleted from the system?
- F. Why do deficiency letters that were created by the State and formatted by the counties direct voters to fill out new voter registration applications in addition to responding directly to the deficiency addressed in the letter? Will these applicants be able to vote in the November 2014 election if the information is submitted after October 6, 2014?
- G. What is the Secretary of State's office doing to audit whether people have been improperly placed on the pending lists due to errors in the data entry at the County level or problems with the State's matching software.
- H. Why were 7,000 applications that were collected by the Department of Driver's Services as early as April 2014 given to Fulton County for processing only recently? What was the cause for the delay? Given the problems Fulton County had with the timely handling of registration applications in 2012, why would the Secretary of State withhold these applications until the eve of the deadline for voter registration? Did this withholding take place in other counties as well?

Exhibit E



The Office of Secretary of State

Brian P. Kemp
SECRETARY OF STATE

C. Ryan Germany
GENERAL COUNSEL

October 9, 2014

Via Electronic Mail

Julie M. Houk
Lawyers' Committee for Civil Rights
1401 New York Avenue NW
Suite 400
Washington, D.C. 20005
jhouk@lawyerscommittee.org

RE: Georgia Voter Registration Procedures

Dear Ms. Houk:

I am in receipt of your letter dated October 6, 2014. I appreciate you clarifying the purpose of the Lawyers' Committee's "investigation" and am glad that you share this office's goal of ensuring that every eligible Georgian who is entitled to vote is able to vote in the upcoming election. Eligibility in Georgia is determined by county registrars and is determined in accordance with state and federal law. See O.C.G.A. §§ 21-2-220 thru 21-2-236, *et al.*, see also 52 U.S.C. § 21083, *et al.* The process that the counties use to determine eligibility was precleared by the United States Department of Justice.

The Secretary of State's office is in communication with the county election officials daily. Any applications that are received by the Secretary of State's office are immediately sent to the counties for processing and determination of eligibility. We are not aware of any county registrar who believes that his or her respective office will be unable to process all timely submitted applications in accordance with state and federal law—including any applications received from your client or any other third-party group. To date, we have also not received any indication from county election officials that any voter registration applicant who timely submitted an application and provided information necessary to determine eligibility will be left off the voter rolls. If you have any specific information to the contrary, please provide that information to me. We will promptly investigate any such issue.

You mentioned "data entry errors, system matching errors, or other administrative problems" in your October 3 letter. Again, our office is in daily communication with the county election officials, and I am

Letter to J. Houk
October 9, 2014
Page 2

not aware of any such issues. If you have any specific information to the contrary, please provide that information to me and we will promptly investigate any issues.

Applicants in pending status have already had their applications processed, and county election officials have determined, in accordance with state and federal law, that additional information is needed to determine eligibility. Generally, these issues regard a discrepancy between information provided by the applicant on his or her voter registration application and information previously provided by the applicant to the Department of Driver Services or the Social Security Administration. This information can include name, birth date, Georgia driver's license or identification card number, last four digits of social security number, and/or U.S. citizenship status.

Applicants are contacted by the county via letter with the specific information needed to clear up any discrepancies in their identifying information. Once a voter is determined to be eligible by the appropriate county election official, the registration date is the date of receipt of the initial application. Any eligible voter whose initial application was timely received will be eligible to vote in the upcoming election, even if additional steps are necessary to determine eligibility.

Once an applicant has been contacted by his or her county election official, the applicant should respond as soon as possible. Please encourage any applicants to contact their county election office as soon as possible to clear up any discrepancy in their identifying and/or citizenship information.

Voters who receive non-match letters regarding identification within 30 days of the election will be allowed to cast a regular ballot on Election Day if they are able to provide the documentation necessary to resolve the issue at their polling place. However, those voters should still contact their county election office as soon as possible rather than waiting for Election Day to clear up any discrepancies. If any voter does not possess the necessary documentation to allow for verification of their information, they will still be allowed to cast a provisional ballot. No voter should be turned away.

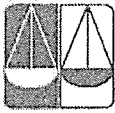
Thank you for your interest in Georgia's elections. Unfortunately, due to the Secretary of State's responsibilities in administering the election, a meeting regarding your generalized concerns is not possible until after this election cycle. However, if you have any specific information regarding non-compliance with state or federal law in determining the eligibility of any applicant, please provide that information to me. If you have any specific information regarding any voter who has received non-match letters that he or she believes to be in error or has experienced any other issues, please provide that information to me. We will be happy to promptly look into any such issues.

Sincerely,



C. Ryan Germany

Exhibit F



October 10, 2014

Via Email Only: rgermany@sos.ga.gov

Co-Chairs

Donald J. Rosenberg
John M. Nonna

Secretary

Eleanor H. Smith

Treasurer

Andrew W. Kentz

General Counsel

Nicholas T. Christakos

President & Executive Director

Barbara R. Arnwine

C. Ryan Germany, Esq.
General Counsel
The Office of the Secretary of State
214 State Capitol
Atlanta, Georgia 30334

Dear Mr. Germany:

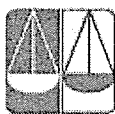
We are in receipt of your letter dated October 9, 2014.

We were very disappointed to learn from your letter that our request for a meeting with Secretary Kemp, Ms. Ford or one of their designees has been rejected. We sincerely hoped that a meeting could have resulted in an informal resolution to ensure that all eligible persons who submitted valid and timely voter registration applications were entered onto the rolls and able to vote a regular ballot during early voting and on November 4, 2014.

We were also disappointed by your failure to respond to the specific concerns raised in our October 6, 2014, letter and in the proposed meeting agenda which accompanied it. Instead, it appears that your letter attempts to cast blame on local county elections officials for the large number of applicants who are still not entered onto the Secretary's registration rolls. While this might be politically expedient, it shows a callous indifference by the Secretary of State's office to the individual Georgians who face being disenfranchised in the upcoming election.

You assert in your letter that the Secretary of State is in "daily" contact with county election officials, but contend that Secretary Kemp is "not aware" of any county registrar who believes that his or her office will be unable to process all timely submitted applications in accord with state and federal law. However, your letter does not provide any insight into what, if any, efforts your office has undertaken to independently evaluate the capacity and ability of local county elections officials to process outstanding voter registration applications in time for early voting or even by November 4, 2014.

We are particularly concerned because it appears that your office claimed it was similarly unaware of problems with the timely processing of voter registration applications in Fulton County in the days before the 2012 general election. The



processing delays resulted in numerous voters not being added to the rolls in time for the election and many of those persons were forced to cast provisional ballots that were not counted in the election returns. *See*, Transcript of December 17, 2013 State Election Board meeting.

Co-Chairs

Donald J. Rosenberg
John M. Nonna

Secretary

Eleanor H. Smith

Treasurer

Andrew W. Kentz

General Counsel

Nicholas T. Christakos

President & Executive Director

Barbara R. Arnwine

In order to enhance the awareness of Secretary Kemp with respect to the scope and gravity of the problem at hand, I am forwarding you a spreadsheet via email which will enable your office to confirm that over 40,000 voter registration applicants are still not on the rolls or accounted for on the Secretary's "pending list." We made the offer to provide your office with this data in our October 6, 2014, letter, but your office made no effort to obtain the data from us and your October 9, 2014, letter contained no reference to our offer in this regard. Since the data file is large, please let me know if you do not receive it via email and we will make arrangements to forward it to you in a different format.

We are providing this data to the Secretary of State's office in good faith with the hope that Secretary Kemp will do everything in his power to ensure that every eligible Georgian, regardless of party or race, who submitted a timely and valid application will be entered onto the registration rolls and will be allowed to vote a regular ballot during early voting and on November 4, 2014. We request that your office respect the privacy and security of individual registration applicants and that your office maintain this data as confidential.

Please be advised that nothing in this letter is intended to constitute any waiver or other agreement with respect the right of any person or entity to enforce their legal rights and/or to pursue any and all appropriate legal remedies in this matter.

Thank you for your attention and anticipated cooperation.

Very truly yours,

Lawyers' Committee for Civil Rights Under Law

By

Julie M. Houk¹
Senior Special Counsel
Voting Rights Project

¹ Admitted to practice law in California, New Hampshire, Massachusetts, Illinois (registered voluntarily inactive in Illinois); application to practice in the District of Columbia is pending.



LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
U N D E R L A W

1401 New York Avenue, NW
Suite 400
Washington, DC 20005-2124

Tel: 202.662.8600
Fax: 202.783.0857
www.lawyerscommittee.org

Cc: Marshall W. Taylor, Esq.
NAACP, Office of the General Counsel

Rev. Dr. Francys Johnson
President, Georgia State Conference of the NAACP

Co-Chairs

Donald J. Rosenberg

John M. Nonna

Secretary

Eleanor H. Smith

Treasurer

Andrew W. Kentz

General Counsel

Nicholas T. Christakos

President & Executive Director

Barbara R. Arnwine