IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JOSE MORALES, on behalf of himself
And those similarly situated,

Plaintiff,

v.

KAREN HANDEL, in her official
capacity as Georgia Secretary of State,

Defendant.

CIVIL ACTION
NO. 1:08-CV-3172 JTC
(Three-Judge Court)

DECLARATION OF JANET MUNDA

I, Janet Munda, do hereby, depose and say that the following facts are true and correct to the best of my knowledge, information and belief:

1.

I am of legal age, and am mentally competent.

2.

I am a resident of Forsyth County, Georgia. From January 1999 until May 2004, I was employed by the Forsyth County Board of Elections. In June 2004, I was hired by the Cherokee County Board of Elections as the Director to oversee the day-to-day operations of Elections and Voter Registration. I currently direct and supervise a staff of 9 individuals who
work both in the area of voter registration and elections operations. I hold a certification in Early Childhood Development, and have received 10-year service certificates from the Georgia Election Officials Association and the Voter Registrar Association of Georgia. I have successfully completed the Georgia Elections Certification Program. I am continuing my education as a Certified Election and Registration Associate (CERA) provided through The Election Center, with courses taught by Auburn University professors.

3.

Cherokee County had a population of 204,363 persons as of the 2000 Census. However, the County population has grown significantly since then. In January 2008, the County had 120,546 registered voters. Since that time, there have been a large number of new voter registrations and, as of October 17, 2008, the County has 129,923 registered voters.

4.

As the elections supervisor for Cherokee County, I have responsibilities in both the areas of voter registration and election management. In the area of registration, my office generally provides applications for voter registration and receives such applications for verification and entry into the Statewide Voter registration database. Applications may be completed and delivered in person to the elections
office or the applicant may choose to mail his/her application. All applications received at the Office of the Secretary of State from the Department of Driver Services, libraries, health department, other state offices, or by individuals, are then forwarded to my office via the U.S. Postal Service or United Parcel Service. My registration associates enter the applicant’s registration data onto the Georgia statewide voter registration database via computer terminals located in our office.

5.

Once this information is entered into the statewide voter registration database, the applicants’ information is compared in an overnight process, with information on file with either the Department of Driver Services or/and the Social Security Administration. My office may then access the results of that information comparison on the following business day and determine whether the registration information that was provided by the applicant has been verified through this process. The report, which is called the SSVRZ791 report, confirms whether the computer match has verified a voter’s social security number (if provided and on file with Driver Services), last name, first name, date of birth, the last four numbers of their social security number, driver’s license number and whether the applicant is a citizen of the United States.
6.

If the report shows us that there is not a match in one or more of these categories, it is the responsibility of my office to investigate any non-matches or ultimately to challenge the person’s application to register to vote. When researching non-matches, my office verifies that the information on the voter registration application was entered correctly. If any errors were made on data entry they are corrected. If all data entry is correct, a letter is then generated notifying the applicant that further information is required to help correct the problem. Usually, the applicant submits information needed to remove his/her ‘Non-Citizenship’ status from the SSVRZ791 Report. A precinct card is then generated and mailed to the voter. In the event that our office does not receive a response from the applicant, or proof of citizenship is not otherwise provided, a hearing would then be scheduled before the County Board of Registrars to receive evidence as to whether the applicant should be on the registration list. The hearing would be held as required by Georgia law, including providing the applicant notice of the hearing and an opportunity to present evidence to address any registration questions.
7.

I have reviewed and I am familiar with the voter registration file of Mr. Jose Julian Morales, who is a registered voter in Cherokee County. Mr. Morales registered to vote on September 9, 2008, and provided with his application his driver’s license number, his social security number (which is optional) and signed his registration application. However, after his registration information was entered into the statewide voter registration database and the verification check described above was completed, report number SSVRZ791 indicated that Mr. Morales was not a U.S. citizen. Because of that, our office mailed him a letter on September 19, 2008 explaining the problem and requested that he demonstrate proof of his U.S. citizenship by providing a legible copy of his citizenship papers or birth certificate. A true and correct copy of that letter is attached here as Exhibit 1-B to my declaration.

8.

On September 26, 2008, Mr. Morales personally came into our office. He brought with him his passport and his naturalization certificate. The naturalization certificate showed that Mr. Morales had become a naturalized U.S. citizen on November 7, 2007. Our office made copies of those documents and noted on the September 19, 2008 letter that the question had
been resolved. Mr. Morales was confirmed as a U.S. citizen and is currently on the Cherokee County voter registration list and is eligible to vote in the upcoming November 4, 2008 general election. Our office notified the Secretary State Helpdesk via email that Mr. Morales had submitted a copy of his Certificate of Naturalization and Passport on September 27, 2008.

9.

However, because our office was diligent about making sure that any registration questions were resolved before the registration cut-off for the November election, we also had established a process where follow-up letters would be mailed out to applicants that did not respond to our first letter. For those letters, we had decided it would be best to send two copies of the follow-up letter, one via certified mail and one via regular first class mail. A true and correct copy of that follow up letter is attached to this declaration as Exhibit 1-C. In Mr. Morales’ case, the certified and regular mailings were sent on September 26, 2008, the very same day that Mr. Morales came to the office to provide the information requested in our first letter dated September 19, 2008. Because of that, Mr. Morales received the two additional letters informing him of the hearing scheduled for October 15, 2008.
10.

On October 10, 2008, a letter was sent to all Cherokee County residents that had been notified of the scheduled October 15, 2008 hearing (including Mr. Morales) advising such residents that the hearing had been cancelled due to questions raised in the verification process. Even though he had previously provided copies of his certificate of naturalization and passport, a cancellation letter was also mailed to Mr. Morales (via certified and regular mail) because he had received the original hearing notice dated September 26, 2008. The October 10, 2008 letter notified Mr. Morales (in bold print) that he would be permitted to vote. A true and correct copy of the October 10, 2008 letter is attached as Exhibit 1-D to this declaration.

11.

Mr. Morales is currently on the Cherokee County active voter registration list as Registered Voter Number 7714698. He is identified as a U.S. citizen and his name will appear on the November 4, 2008, general election voter’s list. He may early vote now or he may vote at his polling place on Election Day.
I declare under penalty of perjury under the laws of the United States of America, and pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

This the 20 day of October 2008.

[Signature]

JANET MUNDA