Jose Morales v. Karen Handel
USDC/NDGA/Atlanta
1:08-CV-3172 JTC

EXHIBIT 2-B

OFFICIAL ELECTION INFORMATION
SEPTEMBER 24, 2008

TO COUNTY ELECTION OFFICIALS

FROM WESLEY TAILOR
ELECTIONS DIVISION DIRECTOR

RE: VOTER REGISTRATION AND EARLY VOTING
OFFICIAL ELECTION INFORMATION
September 24, 2008

TO: County Election Officials

FROM: Wesley Tailor, Elections Division Director

RE: Voter Registration and Early Voting

The information below is provided to follow up and clarify the communication of September 12, 2008, regarding voter registration and early voting. Please note that no changes in Georgia law, practice, or procedure are contained in or suggested by this communication or the previous one. Rather, these communications are provided solely as reminders or summaries of the existing requirements of Georgia voter registration law and to reiterate what the Secretary of State (SoS) believes is the minimum standards of practice that the law already requires.

Voter Registration and Early Voting

The board of registrars has the responsibility to determine the eligibility of each applicant and, if found eligible, to add the applicant’s name to the list of electors.

Georgia has no statutory framework within which same-day registration and voting can take place. A person who applies to register to vote for the first time in the State of Georgia is not “registered” to vote at the time he or she submits a voter registration application to the registrar. The individual is “registered” once eligibility has been established. Part of the process in determining the eligibility of a person applying to register to vote is the verification process established in early 2007 in accordance with Section 303 of the Help America Vote Act (HAVA). Until such verification process has been completed, the registrar may not have complied with his or her statutory obligations under O.C.G.A. §§ 21-2-223(a), 21-2-226(a). Someone who is already registered in the State of Georgia, either in the same county or a different county, but is simply submitting a change of address is not registering for the first time in Georgia and is not considered a “new registrant.”

In March 2007, the SOS and Georgia Department of Driver Services (DDS) entered into an agreement to match information in the statewide voter registration system database with information in the DDS database to enable elections officials to verify the accuracy of the information provided on applications for voter registration. Part of that agreement includes access to federal information through the Social Security Administration (SSA) to verify applicable information for the purpose of maintaining voter registration records. Through the agreement, DDS also provides a citizenship status check against the DDS database.

Each night, the statewide voter registration system is updated with the results of the verification process. The following day, on reports SSVRZ791R1 and SSVRZ791R2, the statewide voter registration system displays -- by county -- the results of this process, showing those applicants whose information was not successfully verified in its entirety. In addition to the SSVRZ791R1
and SSVRZ791R2 reports, if DDS records show that the person is not a United States citizen, the voter maintenance screen (2) and absentee ballot maintenance screen (16) show a flashing red warning indication of the individual’s non-citizen status. If any information in the reports shows as “N” or “NON CITIZEN” is displayed on the voter maintenance screen or absentee ballot maintenance screen in flashing red letters, then the registrar should immediately begin the process to determine of the eligibility of the person applying to register to vote in accordance with O.C.G.A. §§ 21-2-226, 21-2-228.

Please remember that, if the verification process shows the individual not to be a United States citizen and that person then attempts to vote, the voter maintenance screen or absentee ballot maintenance screen will show a flashing red warning indication of the individual’s non-citizen status. Under no circumstances should a poll officer allow an individual to cast a regular ballot on a DRE without confirming through the registrar that such individual is a United States citizen. If the registrar does not confirm citizenship status, the poll worker should allow the voter to cast a “Challenged” paper ballot, and the poll officer, registrar, and elections officials should then proceed in accordance with O.C.G.A. §§ 21-2-230 and 21-2-386(e).

Keep in mind that, while there is no provision in Georgia law allowing same-day registration and voting, a voter who does not yet appear on the list of registered electors but believes he or she properly and timely registered to vote should be allowed to vote a provisional ballot in accordance with state and federal law after completing a voter’s certificate and provisional voter registration application. In cases where a voter may have mailed his or her voter registration application or made other arrangements for the delivery of the registration application and the registrar has not yet entered that voter’s information into the statewide voter registration database, remember that this would not prevent the voter from believing that he or she had properly and timely registered to vote. In this case, the voter should be allowed to cast a provisional ballot.

**Documentation to Verify United States Citizenship**

Upon proper notice to the applicant, registrars may require an applicant to produce certain documents for the purpose of determining the qualification or disqualification of the voter registration application. O.C.G.A. § 21-2-228. In determining the eligibility of a person applying to register to vote whose citizenship status shows as a non-citizen after the verification process through DDS, the board of registrars should establish the forms of documentation that will be acceptable as proof of U.S. citizenship. For reference, the list below shows documents specified by two federal agencies, United State Citizenship and Immigration Services and United States Department of Health and Human Services, as acceptable forms of proof of U.S. citizenship:

**A) U.S. CITIZENSHIP AND IMMIGRATION SERVICES**

- Birth certificate, issued by a U.S. State (if the person was born in the U.S.), or by the U.S. Department of State (if the person was born overseas and the parents registered the child’s birth and U.S. citizenship at birth with the U.S. Embassy or Consulate).
- U.S. Passport, issued by the U.S. Department of State.
- Certificate of Citizenship, issued to a person born outside the U.S. who was still a U.S. citizen at birth, or to a person who later automatically became a U.S. citizen.
- Naturalization Certificate, issued to a person who became a U.S. citizen after birth through the naturalization process.
B) U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

- A Report of Birth Abroad of a U.S. Citizen
- A Certification of birth issued by the Department of State
- A U.S. Citizen ID card
- An American Indian Card issued by the Department of Homeland Security with the classification code “KIC” (Issued by DHS to identify U.S. citizen members of the Texas Band of Kickapoo living near the U.S./Mexican border).
- Final adoption decree showing the child’s name and U.S. birthplace
- Evidence of civil service employment by the U.S. government before June 1976
- An official U.S. military record of service showing a U.S. place of birth
- A Northern Mariana Identification Card (Issued by the INS to a collectively naturalized citizen of the U.S. who was born in the Northern Mariana Islands before November 4, 1986).
- Extract of U.S. hospital record of birth established at the time of the person’s birth indicating a U.S. place of birth.
- Life or health or other insurance record showing a U.S. place of birth and was created at least 5 years before the initial application date.
- Federal or State census record showing U.S. citizenship or a U.S. place of birth (Generally for persons born 1900 through 1950).
- Institutional admission papers from a nursing home, skilled nursing care facility or other institution which indicates a U.S. place of birth.
- Medical (clinical, doctor, or hospital) record and was created at least 5 years before the application date and indicates a U.S. place of birth.
- Other document that was created at least 5 years before the application. Document must be one of the following and show a U.S. place of birth: Seneca Indian tribal census record; Bureau of Indian Affairs tribal census records of the Navaho Indians; U.S. State Vital Statistics official notification of birth registration; an amended or delayed U.S. public birth record that is amended more than 5 years after the person’s birth; or statement signed by the physician or midwife who was in attendance at the time of birth.
- If other forms of documentation cannot be obtained, documentation may be provided by a written affidavit, signed under penalty of perjury, from two citizens, one of whom cannot be related to the person in question, who have specific knowledge of event(s) establishing the person in question’s citizenship status. The person in question or another knowledgeable individual must also submit an affidavit stating why the documents are not available. Affidavits are only expected to be used in rare circumstances.

It is important to remember that having a Social Security card or being a member of the U.S. military does not necessarily indicate that an individual is a United States citizen.

Change of Status Upon Confirmation of Citizenship

Once the registrar has confirmed the citizenship status of an applicant and determined the qualification of the voter registration application for an applicant showing “N” in the citizenship column of reports SSVRZ791R1 and SSVRZ791R2 or a “NON CITIZEN” on the voter maintenance screen or absentee ballot maintenance screen in flashing red letters, the registrar
should contact the Elections Division to change the elector’s citizenship status in the statewide voter registration database.

The registrar should send the email request to electionshelpdesk@sos.ga.gov or HELPDESK.SOS@gmail.doas.state.ga.us confirming that the registrar has received proof of U.S. citizenship. Be sure to include the voter registration number, full name, and description of forms of proof used to authenticate citizenship in the email. Please do not call. We need to have the information in writing for our records.

The Elections Division will then update the citizenship status in the statewide voter registration system, and the following day the “NON CITIZEN” warning will cease.

If you have any questions, please do not hesitate to contact your Elections Division liaison or me directly.

Thanks for your assistance.