



# COALITION FOR THE PEOPLES' AGENDA

...to improve the quality of governance

December 4, 2009

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## BY HAND

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**Re: Public Comment on Proposed State Election Board Rule 183-1-6.06, "Verification of United States Citizenship of Applicants for Voter Registration"**

Dear Mr. Taylor:

The Georgia Coalition for the Peoples' Agenda ("Peoples' Agenda") is submitting this comment letter as a public comment on the Proposed SEB Rule 183-1-6.06 to ***urge the State Election Board to reject this rule because it creates an unconstitutional burden on the right to vote of thousands of Georgia citizens and violates the National Voter Registration Act (NVRA).***

The Peoples' Agenda is convened by the Rev. Dr. Joseph E. Lowery and is a coalition of more than two dozen historic and newer civil rights, environmental rights, economic justice, peace and social justice organizations, including the NAACP, SCLC, GABEO, WAND, etc. We have a long tradition of voter registration, voter education, voter mobilization and holding elected officials accountable.

At the onset, we would like to register our deep objection to the underlying legislation S.B. 86 that precipitated the creation of SEB Rule 183-1-6.06. Georgia's existing voter registration procedures already provides for adequate protection against the stated fear of non-citizen voting. In particular, the affidavit on the long-approved voter registration form requires voter registration applicants to swear that they are citizens under penalty of a felony conviction. This requirement is consistent with the NVRA's mail-in voter registration form and thus should not be supplemented with additional proof of citizenship documentation requirements. The Secretary of State's Office has failed to provide any evidence of a need to impose a tremendous additional burden on voter registration applicants, despite their access to millions

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of voter registration records from which to identify a problem. Thus, neither the State nor the SEB can legally justify the new voter registration requirement.

The U.S. Attorney General has already objected to the State of Georgia's illegal implementation of a so-called voter verification program for registration data that was interposed on May 29, 2009 in *Morales v. Handel*, No. 1:08CV3172 (N.D. Ga.). SEB Rule 183-1-6.06 is basically the same requirement – reliance on the inaccurate Georgia Department of Driver Services (DDS) database and/or other forms of proof that require money/time/effort to obtain – with no substantive change to the blatantly unconstitutional aspects of the previous voter verification program.

In particular, the proof of citizenship requirement will have the same disproportionate affect on minority (African-American, Hispanic-American, and Asian-American) and new citizen voters. And, it will effectively become a poll tax for those who are flagged by the inaccurate DDS system and who do not have the alternative required documentation readily available (i.e., they will need to spend the time and money to obtain a copy of a birth certificate, passport, etc.).

We also want to express our deep disappointment that the State of Georgia seems to be retreating from the hard-fought progress to ensure voting rights for all of its citizens. In particular, the proof of citizenship requirement harkens back to the time when elected officials arbitrarily imposed additional requirements for voter registration that seem targeted to suppress the vote of those with a history of disenfranchisement and with the least likely to have the time, resources, etc. to jump through more hoops to exercise their right to vote.

The proof of citizenship requirement (and its predecessor, the illegal citizenship verification program) is discriminatory against minority voters and new citizen voters and will result in targeted voter suppression among those communities. As we learned the painful lesson in the infamous purging of the so-called "felon" voters in Florida in the 2000 election, such so-called verification programs generate numerous false positives, thus imposing extra, burdensome requirements on some voters for no reason other than predictable administrative error. In the case of Georgia, the so-called voter verification process not only proved to be inaccurate, but also disproportionately flagged minority (African-American, Hispanic-American, and Asian-American) voters. We can expect the same result from using the same inaccurate DDS database for the proof of citizenship requirement.

In summary, we request that the State Election Board reject the Proposed SEB Rule 183-1-6.06 because it implements an unconstitutional burden on the right to vote of thousands of Georgia citizens and violates the National Voter Registration Act (NVRA).

Sincerely,



Dr. Joseph E. Lowery  
Convenor



Helen Butler  
Executive Director



Susan D. Somach  
Chair, Voting  
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