GEORGIA'S PASSAGE OF RESTRICTIVE VOTER REGISTRATION RULE WILL HAMPER NON-PARTISAN VOTER REGISTRATION BY PRIVATE INDIVIDUALS AND GROUPS

Your support is needed to help defeat rule and encourage a more sensible solution

The State Election Board in Georgia has recently enacted a very restrictive regulation, Rule 183-1-6-.03(3)(o), governing the distribution and collection of voter registration forms by private individuals and groups. The new rule — which requires all voter registration applications collected by private volunteers to be sealed before being handed to the volunteers; prohibits photocopying of applications; and requires all volunteers to submit applications within 72 hours of receipt — is in the process of being submitted to the U.S. Department of Justice for preclearance, pursuant to the Voting Rights Act.

If allowed to become law, this new regulation will make it extremely difficult for nonpartisan voter registration groups to carry out their important verification and quality control functions, particularly during busy registration drives. Many common errors or omissions on voter registration applications (e.g., missing dates of birth, personal identification numbers, or signatures; failure to check required boxes; etc.) are typically not identified by private voter registration workers until after the conclusion of the registration drive, when volunteers can focus more carefully on each application. If these errors are not caught prior to submitting the applications to local election officials, applicants may risk having their applications rejected and/or not being processed in time for an upcoming election. This could have a particularly devastating impact in low income communities and communities of color, where many private voter registration efforts are focused. For these reasons, Georgia’s newly enacted rule has been opposed by several civil and voting rights organizations, including Advancement Project, Project VOTE, the Service Employees International Union, Georgia for Democracy, and our own group, The Charles H. Wesley Education Foundation.

We need your help to defeat this rule. Specifically, we are asking you to do three things right now: (1) contact Georgia Secretary of State Cathy Cox, chairperson of the State Election Board, and tell her that you oppose this new rule and that you urge the Board to repeal it immediately; (2) contact the U.S. Department of
Justice and urge the Attorney General to deny preclearance to this new rule; and (3) urge Secretary Cox and the State Election Board to enact the proposed regulations governing private voter registration activity that were drafted by the Wesley Foundation (which are described and attached below).

**Background**

With Congress’ passage of the National Voter Registration Act of 1993 (“NVRA”), a new era in voter registration was born. For the first time on a national level, private entities were specifically authorized and encouraged to assist eligible citizens — particularly those in under-served communities — with voter registration, using an easily accessible standardized mail-in registration form. Unfortunately, the promise of the NVRA has not been fully realized in Georgia. **For more than 10 years, Georgia has put roadblocks in the way of private voter registration organizers.** Until last year, Georgia’s election officials completely prohibited private, non-deputized individuals and groups from assisting eligible citizens with voter registration. In fact, election officials routinely and automatically rejected any voter registration application that was submitted on a registrant’s behalf by a private voter registration organizer. As a result of a lawsuit filed by the Wesley Foundation in 2004, a federal judge issued an injunction invalidating Georgia’s restrictive practices and ordering the State immediately to begin accepting voter registration forms from private groups, as required by the NVRA. That ruling was later upheld unanimously, in May 2005, by the U.S. Court of Appeals for the Eleventh Circuit. Regrettably, however, Secretary of State Cathy Cox continues to fight this issue in the courts, even after four federal judges have ruled that Georgia’s policies violate federal law.

The recently passed regulation governing the collection of applications by private entities was passed in direct response to and protest of the federal court rulings in the Wesley Foundation’s lawsuit against the Secretary of State. Simply put, it is Georgia’s latest attempt to evade the requirements of the NVRA. Viewed in a larger context, however, it is just one of several steps that Georgia has taken recently to deny or restrict access to the ballot box by eligible citizens, particularly those in poor and minority communities. The measures in this recent regulation will erect unnecessary barriers to the voter registration process in Georgia, just as the much-publicized Photo ID bill (H.B. 244) that was recently passed by the Georgia Legislature will prevent many eligible and registered voters from casting their votes on Election Day.

Although Secretary Cox has strongly opposed the Photo ID bill, she has been one of the main supporters of Georgia’s restrictive voter registration regulations. **These contradictory positions on the part of the Secretary of State are unacceptable!** Denying effective voter registration opportunities to poor and minority citizens in Georgia prior
to Election Day is just as bad as turning eligible and registered citizens away from the polls on Election Day. After all, if an eligible citizen is not properly registered to vote in advance of election day, he or she cannot vote on election day, period — regardless of the voter ID rule that is in place.

**A Sensible Proposal for Regulations**

Everyone understands the need and desire for election officials to reduce and minimize opportunities for submission of incomplete, inaccurate, illegible, untimely, or fraudulent voter registration applications. However, Georgia can accomplish these goals without unreasonably trampling on the right of private entities to conduct effective voter registration campaigns and without unduly restricting the ability of poor and minority citizens to have convenient opportunities to register to vote. The proposed voter registration regulations drafted by the Wesley Foundation represent a fair, reasonable, and legally permissible way of addressing the legitimate concerns of Georgia’s election officials as well as those of private civic and voting rights groups.

The Wesley Foundation’s comprehensive proposal makes several improvements to Georgia’s voter registration process. For example, the proposed regulations:

- Authorize all county registrars and deputy registrars, and other designated officials, to collect applications from residents of all Georgia counties, on behalf of the State Election Board, which would be designated as a “voter registration agency” under the NVRA (This flexibility, which is allowed by federal law, is a dramatic improvement over the current state law scheme, which allows only for county-by-county voter registration.);
- Clarify that all voter registration applications that are timely received by election officials or postmarked by the deadline must be accepted and processed, regardless of the method of delivery and/or whether they are sent in by state-authorized election officials or private individuals and groups;
- Mandate that the State Election Board develop and distribute training materials and provide instruction to private groups who are interested in conducting voter registration drives;
- Provide reasonable and nondiscriminatory regulations governing the conduct of private voter registration organizers;
- Provide reasonable deadlines for the submission of voter registration applications received by private organizers (e.g., 10
days in the ordinary course, with shortened deadlines within the 14-day period before the close of the registration deadline);

- Protect and preserve the general confidentiality of voter registration applications, while allowing private organizers to retain archival copies for a limited period of time, to assist with verification and follow-up; and
  - Establish an administrative complaint and hearing procedure to address alleged violations of the NVRA.

PLEASE CONTACT SECRETARY OF STATE CATHY COX NOW TO URGE YOUR SUPPORT FOR (1) THE REPEAL OF THE STATE ELECTION BOARD’S RECENTLY-PASSED REGULATION GOVERNING PRIVATE VOTER REGISTRATION ORGANIZERS AND (2) THE PASSAGE OF THE WESLEY FOUNDATION’S PROPOSED VOTER REGISTRATION REGULATIONS UNDER THE NVRA. SHE CAN BE REACHED BY MAIL AT: HON. CATHY COX, SECRETARY OF STATE, ELECTIONS DIVISION, SUITE 1104 WEST TOWER, 2 MARTIN LUTHER KING, JR. DRIVE, SE, ATLANTA, GA 30334; BY TELEPHONE AT (404) 656-2871; BY FAX AT (404) 651-9531; OR BY EMAIL TO ELECTIONS DIVISION DIRECTOR KATHY A. ROGERS AT: KROGERS@SOS.STATE.GA.US.

PLEASE ALSO CONTACT THE U.S. DEPARTMENT OF JUSTICE AND URGE THE ATTORNEY GENERAL TO DENY PRECLEARANCE TO THE GEORGIA STATE ELECTION BOARD’S RECENT AMENDMENTS TO RULE 183-1-6-.03(3)(O). COMMENTS SHOULD BE ADDRESSED TO: MR. JOHN K. TANNER; CHIEF, VOTING SECTION; CIVIL RIGHTS DIVISION; U.S. DEPARTMENT OF JUSTICE; ROOM 7254 – NWB; 950 PENNSYLVANIA AVENUE, NW; WASHINGTON, DC 20530. TOLL FREE TELEPHONE: (800) 253-3931.

ABOUT THE CHARLES H. WESLEY EDUCATION FOUNDATION, INC.

The Charles H. Wesley Education Foundation, Inc., is a public, non-profit 501(c)(3) charitable corporation affiliated with the Nu Mu Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. The Foundation’s namesake was a noted historian, educator, minister, and the longtime national General President of Alpha Phi Alpha, serving from 1932-1940. The Wesley Foundation supports virtually all of Nu Mu Lambda’s charitable and community service efforts. In particular, the Foundation focuses on: the advancement of educational opportunities for African-American youth; the fostering of responsible behaviors and awareness among African-American youth, in an effort to avoid teen pregnancy and sexually transmitted diseases; and the promotion of increased voter registration, education, and civic participation in disadvantaged communities. To that end, the Foundation is committed to offering scholarships, tutoring, mentoring, and youth development programs; promoting the elimination of illiteracy; sponsoring workshops, seminars, and community forums; organizing voter registration drives and other civic awareness programs; and promoting other related charitable activities.