

# Secretary of State **NEWS**

*Karen Handel, Georgia Secretary of State*



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## **Obama Justice Department Decision Will Allow Non-Citizens to Register to Vote in Georgia**

### ***Decision Bars Georgia From Continuing Voter Verification Process***

**Georgia Secretary of State Karen Handel issued the following statement following the U.S. Department of Justice's denial of preclearance of Georgia's voter verification process**

Atlanta - "The decision by the U.S. Department of Justice (DOJ) to deny preclearance of Georgia's already implemented citizenship verification process shows a shocking disregard for the integrity of our elections. With this decision, DOJ has now barred Georgia from continuing the citizenship verification program that DOJ lawyers helped to craft. DOJ's decision also nullifies the orders of two federal courts directing Georgia to implement the procedure for the 2008 general election. The decision comes seven months after Georgia requested an expedited review of the preclearance submission.

"DOJ has thrown open the door for activist organizations such as ACORN to register non-citizens to vote in Georgia's elections, and the state has no ability to verify an applicant's citizenship status or whether the individual even exists. DOJ completely disregarded Georgia's obvious and direct interest in preventing non-citizens from voting, instead siding with the ACLU and MALDEF. Clearly, politics took priority over common sense and good public policy.

"This process is critical to protecting the integrity of our elections. We have evidence that non-citizens have voted in past Georgia elections and that more than 2,100 individuals have attempted to register, yet still have questions regarding their citizenship. Further, the Inspector General's office is investigating more than 30 cases of non-citizens casting ballots in Georgia elections, including the case of a Henry County non-citizen who registered to vote and cast ballots in 2004 and 2006.

"It is important to underscore that not a single person has come forward to say he or she could not vote because of the verification process. Further, while DOJ argues that the

process is somehow discriminatory, the historic voter turnout among Hispanic and African-American voters in the 2008 general elections clearly says otherwise.

“This decision provides a specific example of the inherently illogical and unfair nature of Section 5 of the Voting Rights Act. It is a sad day for the rights of our state and for the integrity of our elections. I remain committed to continuing the fight for citizenship verification. In the coming days, I will consider every option available to the state, including the possibility of legal action.”

### **Background:**

As required by law and ordered by federal courts in October 2008, the eligibility of new applicants to register and vote is checked against the Georgia Department of Driver Services (DDS) and Social Security Administration databases to ensure that individuals registering to vote report similar information. If information in these databases does not match information reported on the voter registration form, the applicant is asked to clarify the information. Additionally, if the applicant previously reported to DDS that he or she is not a U.S. citizen, that person is asked by a registrar to provide proof of citizenship.

Prior to the November 2008 General Election, Secretary Handel sent letters to 4,771 voter registration applicants whose records at DDS indicated they were not U.S. citizens, asking them to provide documentation of their citizenship. As of March 2009, 2,148 of these applicants still have chosen not to resolve the question about their U.S. citizenship.

In the November 2008 General Election, county election officials reported that 599 individuals cast a challenged ballot because the voter had previously indicated to DDS that he or she was not a United States citizen and had not resolved their status with county officials at the time of the election. Of those, 369 ballots were accepted because the voter provided documentation of their citizenship after the election; and 230 were rejected because the individual chose not to confirm his or her citizenship status.

On October 10, 2008, activist organizations including the Mexican-American Legal Defense and Education Fund (MALDEF) and the American Civil Liberties Union (ACLU) filed a lawsuit to attempt to prevent Georgia from verifying the eligibility of applicants to register and vote in the November General Election, including whether those individuals were citizens of the United States.

On October 16, 2008, U.S. District Court Judge Jack Camp denied the motion by MALDEF and ACLU; directed the State to continue the verification process; and acknowledged the State’s requirements to verify information under the Help America Vote Act. In his order, Judge Camp stated:

**HAVA requires that Defendant Handel match information in the statewide voter registration database with information from the Georgia DDS and the SSA databases “to the extent necessary to enable each such official to verify**

**the accuracy of the information provided on the applications for voter registration.”**

Judge Camp also stated:

**Since the possibility of fraudulent and inaccurate voting could significantly injure and diminish the public’s respect and confidence in the electoral process, the State’s ability to maintain reliable voter lists is paramount to a temporary and minor inconvenience to a few individuals.**

On October 27, 2008, a U.S. District Court three-judge panel again directed the State to continue its voter registration verification process and challenge ballot procedures through the November General Election.

The 2008 elections were the largest in Georgia’s history, featuring record turnout among minority voters with the citizenship verification program in place. The figures below represent voter turnout statistics among Hispanic/Latino, African-American and White voters from the 2004 and 2008 General Elections.

<b>Voter Demographic</b>	<b>2004 Total Number of Votes Cast</b>	<b>2008 Total Number of Votes Cast</b>	<b>Percentage Increase in Votes Cast</b>
Hispanic/Latino	18,000	43,000	140%
African-American	834,000	1.2 million	42%
White	2.3 million	2.5 million	8%

Karen Handel was sworn in as Secretary of State in January 2007. The Secretary of State's office offers important services to our citizens and our business community. Among the office’s wide-ranging responsibilities, the Secretary of State is charged with conducting efficient and secure elections, the registration of corporations, and the regulation of securities and professional license holders. The office also oversees the Georgia Archives and the Capitol Museum.

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