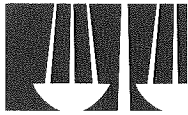


Exhibit 1



STRICKLAND
BROCKINGTON
LEWIS LLP

Midtown Proscenium Suite 2200
1170 Peachtree Street NE
Atlanta, Georgia 30309-7200
678.347.2200 tel | 678.347.2210 fax
www.sblaw.net

Anne W. Lewis
678.347.2204 direct
awl@sblaw.net

August 17, 2010

**SUBMISSION UNDER SECTION 5
OF THE VOTING RIGHTS ACT**

EXPEDITED REVIEW REQUESTED

**FILED BY FAX TRANSMISSION
TO 202-616-9514**

T. Christian Herren, Jr., Esq.
Brian F. Heffernan, Esq.
Voting Section
Civil Rights Division
U.S. Department of Justice
1800 G Street, N.W., Room 7260
Washington, D.C. 20006

*Re: State of Georgia Section 5 Submission
HAVA Verification Process*

Dear Chris and Brian:

Pursuant to our discussions, we are submitting the State of Georgia's Help America Vote Act (HAVA) Verification Process to the Attorney General of the United States for expedited administrative preclearance under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c. The HAVA Verification Process is attached as Exhibit 1 and incorporated herein by reference; it is identical to Exhibit 6 attached to the first Amended Complaint in *State of Georgia v. Holder*, Civil Action No. 1:10-cv-01062 (D.D.C. 2010). By this letter, the State of Georgia intends to and does submit all aspects of the HAVA Verification Process for review and preclearance by the Attorney General pursuant to Section 5. In the Department's Answer to the State's First Amended Complaint and Notice of Defendant the Attorney General of the United States filed *Georgia v. Holder*, Civil Action No. 1:10-cv-01062 yesterday, the Department stated that it will not oppose preclearance.

Per our previous discussions, **expedited review** is requested for this submission pursuant to 28 C.F.R. § 51.34 due to the pending litigation on this topic and the need to resolve this issue in advance of the November 2010 elections. In Georgia, early voting for the November election begins in mid-September.

The submitting jurisdiction is the State of Georgia, through the Office of the Governor. The proposed process applies to the entire state. Please direct all correspondence related to this submission to:

Anne W. Lewis
Special Attorney General for the State of Georgia
Strickland Brockington Lewis LLP
Midtown Proscenium, Suite 2200
1170 Peachtree Street NE
Atlanta, GA 30309-7200
678-347-2200

Below are answers to each of the topics required by 28 C.F.R. §§ 51.27 and 51.28(h).

- a. **A copy of any ordinance, enactment, order, or regulation embodying a change affecting voting.**

The State of Georgia is submitting for preclearance a process developed pursuant to the Help America Vote Act of 2002. The process is set forth in the attached Exhibit 1, incorporated by reference herein.

- b. **A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended, or otherwise changed.**

Prior to 2006, Georgia was exempt from the data matching and verification procedures required under HAVA because the State required voters to provide their full nine-digit social security number when registering to vote. In 2006, however, a federal court enjoined the State from enforcing that requirement. The State, no longer exempt from HAVA's data matching and verification requirements, had to develop procedures to meet those requirements. Currently, there is no precleared HAVA Verification Process in place.

- c. **A clear statement of the change explaining the difference between the submitted change and the prior law or practice, or explanatory materials adequate to disclose to the Attorney General the difference between the prior and proposed situation with respect to voting.**

The purpose of the HAVA Verification Process is compliance with HAVA to verify the information provided by an individual upon registering to vote, in order to determine voter identity and eligibility to vote. The prior practice in the state of Georgia did not include a verification process because the State was exempt from the HAVA requirement, as discussed in response to (b) above.

- d. **Identification of the person or body responsible for making the change and the mode of decision (e.g. act of state legislature, ordinance of city council, administrative decision by the registrar).**

The Secretary of State, as the State's chief election official, is charged with maintaining the statewide voter registration database. Maintenance of that database includes maintaining the data verification process between the registration list and the Department of Drivers Services ("DDS"). However, the Secretary is not a voter registrar and therefore neither registers voters nor adds a voter's name to the registration list. Those functions are performed by local county registrars.

In addition, the Secretary does not challenge the registration of local voters. That function is also performed by local voter registrars. This process is also addressed in Exhibit 1 attached.

- e. **A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change.**

The Secretary seeks to implement this process pursuant to Help America Vote Act of 2002. The process is also consistent with the requirements of existing Georgia law.

- f. **A statement that the change has not yet been enforced or administrated, or an explanation of why such a statement cannot be made.**

The HAVA Verification Process outlined in the attached Exhibit 1 is not currently being implemented by the State. As the Department is aware, the State previously implemented a verification process under HAVA. The State did not believe that the process – which was required by federal law – had to preclear. However, in *Morales v. Handel*, Civil Action No. 1:08-CV3172 (N.D. Ga. 2008), the district court concluded that the process being used at that time was subject to preclearance, enjoined its use and allowed the State to implement a remedial process pending preclearance.

- g. **Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change.**

The change will affect the entire state of Georgia.

- h. **A statement of the reasons for the change.**

The purpose of the data verification process is to comply with HAVA and federal and state law to verify data provided by voter registrants by comparing the information provided with information provided to the DDS. Under the provisions of HAVA, this verification process is designed to assure the identity and eligibility of voters and to prevent fraudulent or erroneous registrations.

- i. **A statement of the anticipated effect of the change on members of racial or language minority groups. In addition, per 51.28(h), include the names, addresses, daytime telephone numbers, and organizational affiliation (if any) of racial and language minority group members residing in the jurisdiction who can be expected to be familiar with the proposed change or who have been active in the political process.**

Because the HAVA verification process and citizenship requirements addressed through this process are race neutral, it is not anticipated that this verification process will adversely affect minority voters in Georgia.

- j. **A statement identifying any past or pending litigation concerning the change or related voting practice.**

The case of *Morales v. Handel*, Civil Action No. 1:08-CV3172 in the U.S. District Court for the Northern District of Georgia, Atlanta Division, relates to this change. The case of *State of Georgia v. Holder*, Civil Action No. 1:10-cv-01062 in the U.S. District Court for the District of Columbia also relates to this change. The Department is involved both cases.

- k. **For redistricting and annexations: the items listed under §51.28(a)(1) and (b)(1); for annexations only: the items listed under §51.28(c)(3).**

Not Applicable.

- l. **Other information that the Attorney General determines is required for an evaluation of the purpose or effect of the change. Such information may include items listed in §51.28 and is most likely to be needed with respect to redistrictings, annexations, and other complex changes. In the interest of time such information should be furnished with the initial submission relating to voting changes of this type. When such information is required, but not provided, the Attorney General shall notify the submitting authority in the manner provided in §51.37.**

The HAVA Verification Process is attached to this submission as Exhibit 1 and is incorporated by reference herein. A number of documentary exhibits have been previously provided to the Department with the Submissions in File No. 2008-15. We understand from you that no further information is required.

T. Christian Herren, Jr., Esq.
Brian F. Heffernan, Esq.
August 17, 2010
Page 5 of 5

Thank you for your time and attention to this matter and we look forward to your response by Thursday, August 19.

Sincerely,

STRICKLAND BROCKINGTON LEWIS LLP

A handwritten signature in cursive script, appearing to read "Anne W. Lewis".

Anne W. Lewis

Enclosure

Process for Entering New Voter Registration Application Information Into the Statewide Voter Registration System

Every new application for voter registration must include a Georgia driver's license number, Georgia identification card number, or the last four digits of the applicant's Social Security number.¹ *See* Help America Vote Act of 2002 ("HAVA"), 42 U.S.C. § 15483(a)(5)(A)(i). These numbers are then verified by the Secretary of State against the Department of Driver Services (DDS) or Social Security Administration (SSA) databases.

Only after the board of registrars has determined eligibility is an applicant's name then added to the list of electors and placed in the correct precinct and voting district. *See* O.C.G.A. §§ 21-2-223(a), 21-2-226(a). Part of the process in determining the eligibility of an applicant is the verification process established between the Secretary of State and DDS in accordance with the Help America Vote Act. *See* HAVA, 42 U.S.C. § 15483(a)(5). Until such verification process has been completed, the board of registrars has not complied with its statutory obligations under O.C.G.A. §§ 21-2-223(a), 21-2-226(a). Therefore, a board of registrars will not issue a precinct card to a voter until it has determined the applicant's eligibility. *See* O.C.G.A. § 21-2-226(e).

Entering Data From the Voter Registration Application Into the Statewide Voter Registration System

Every new voter registration application should be entered into the Statewide Voter Registration System (the "SVRS") in an expedited manner. *See* 42 U.S.C. § 15483(a)(1)(A)(vi).

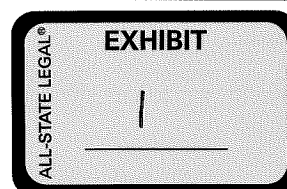
Nightly, the Secretary of State batches the information entered into the SVRS from all new voter registration applications submitted to the board of registrars, with the exception of applications received from DDS, and transmits such information to DDS for verification. Each night, the SVRS is then updated with the results from DDS of the verification process.

The Verification Process - Applicant Supplies Georgia Driver's License Number or Georgia Identification Card Number

If an applicant supplies a Georgia driver's license number or a Georgia identification card number, DDS verifies the following information from the voter registration application against the information contained in the DDS database:

- First name
- Last name
- Date of birth

¹ If an the applicant does not have a Georgia driver's license, Georgia identification card, or Social Security number, then the individual will be assigned a unique voter registration number. *See* HAVA, 42 U.S.C. § 15483(a)(5)(A)(ii).



- Driver's license number/identification card number
- Last four digits of Social Security number
- United States citizenship

In order to be verified, the information contained in the SVRS database must exactly match the information in the DDS database. If the information on the application is verified in its entirety, the SVRS will generate a precinct card to be mailed to the elector and the applicant will show in the SVRS as an active registered elector.

The following day, the Secretary of State creates exceptions reports, SSVRZ791R1 and SSVRZ791R2, in Document Direct. These reports display, by county, the results of the verification process and identify those applicants whose information was not successfully verified in its entirety.

The Verification Process - Applicant Supplies Last Four Digits of Social Security Number Only

If an applicant supplies only the last four digits of the Social Security number, DDS will access federal information through SSA. SSA verifies the following information from the voter registration application against the information contained in the SSA database:

- First name
- Last name
- Date of birth
- Last four digits of Social Security number

If the information on the application is verified by SSA, the SVRS will generate a precinct card to be mailed to the elector and the applicant will show in the SVRS as an active registered elector.

If SSA is unable to verify the information on the application, then SSA will return one of the following response codes:

S	INVALID INPUT
T	MULTIPLE MATCHES - ALL DECEASED
V	MULTIPLE MATCHES ALL ALIVE
W	MULTIPLE MATCHES AT LEAST ONE ALIVE OR DECEASED
Y	SINGLE MATCH DECEASED
Z	NO MATCH FOUND

The SSA response code is noted in the “RESPONSE CODE” field on the SSVRZ791R1 report. Response Codes “S”, “T”, “Y”, “Z” are considered not verified. Response Codes “V” and “W” are considered verified and will not appear on the SSVRZ791R1 report. Boards of registrars should check the SSVRZ791R1 report on a daily basis.

Reports Issued in Document Direct

If the applicant’s first name, last name, date of birth, driver’s license number/identification card number or last four digits of the applicant’s Social Security number on the application cannot be verified by DDS, then report SSVRZ791R1 will be posted in Document Direct. On report SSVRZ791R1, the specific information which could not be verified will show as “N” and the information which could be verified will show as “Y.”² A sample SSVRZ791R1 report is attached hereto as Attachment 1. Boards of registrars should check the SSVRZ791R1 report on a daily basis.

If the applicant’s United States citizenship cannot be verified by DDS, because DDS records indicate the applicant has declared to DDS that he or she is not a United States citizen, then report SSVRZ791R2 will be posted in Document Direct. A sample SSVRZ791R2 report is attached hereto as Attachment 2. The SSVRZ791R2 report contains a “Citizen” column, indicating that the applicant has self-reported to DDS that he or she is not a citizen of the United States. The SSVRZ791R2 report also contains the same data fields as the SSVRZ791R1 report; the specific information which could not be verified as to first name, last name, date of birth, driver’s license number/identification card number or last four digits of the applicant’s Social Security number will show as “N” and the information which could be verified will show as “Y.” Boards of registrars should check the SSVRZ791R2 report on a daily basis.

In addition to the SSVRZ791R1 and SSVRZ791R2 reports, if DDS records show that a person is not a United States citizen, the voter maintenance screen (2) and absentee ballot maintenance screen (16) in SVRS show a flashing red “NON CITIZEN” warning indicating that the individual self-reported to DDS that he or she is not a United States citizen.

² Note: If the “DL MATCH” column contains a “Y,” but all other columns (first name, last name, date of birth, last four digits of Social Security number) show as “N,” then it is likely that the driver’s license number/state identification card number is valid but assigned to an individual other than the applicant. Registrars should follow the “Registrar Responsibility” section and review the application to ensure no transposed numbers were entered. If the DL number is correct from the application, the error was made by the applicant and the applicant should be so notified.

Registrar Responsibility Where Information From Voter Registration Application Is Not Verified

If the information on an application cannot be verified in its entirety by DDS or SSA, then the application should be considered incomplete. The application is incomplete as to the particular information that could not be verified. If the application is incomplete, the board of registrars shall notify the applicant in writing of the missing information. *See* O.C.G.A. § 21-2-220(d). The SVRS automatically generates such notices to applicants whose information cannot be verified through DDS or SSA. However, prior to sending any notice to an applicant, the board of registrars should check the application to determine whether there are processing or data entry errors, such as transposing of numbers, misspelling of applicant's name, use of a nickname or other typographical or "common sense" errors that the registrar is able to easily identify and correct.

If the board of registrars locates such a processing or data entry error, the entry should be corrected and marked so that it can be run through the verification process again on the next evening.

A sample notice with respect to non-matching information from DDS is attached hereto as Exhibit A. While Exhibit A shows all information that may be requested from an applicant, the automatically-generated notice will reference only the specific information that could not be verified by DDS for that particular applicant. A sample notice with respect to non-matching information from SSA is attached hereto as Exhibit B. A sample notice with respect to non-matching citizenship information from DDS is attached hereto as Exhibit C. While Exhibit C shows all information that may be requested from an applicant, the automatically-generated notice will reference only the specific information that could not be verified by DDS for that particular applicant. On the same day the board of registrars mails the notice of missing information to the applicant, the board of registrars must indicate in the SVRS that the notice has been mailed.

In the event the applicant does not respond to the request for the missing information within 30 days, the application must be rejected. *See* O.C.G.A. § 21-2-220(d). A sample rejection notice is attached hereto as Exhibit D.

If the applicant responds within 30 days with a different first name, last name, date of birth, Georgia driver's license number/Georgia identification card number, or last four digits of the Social Security number, the board of registrars should enter the updated information into the SVRS. The applicant's record will be automatically resubmitted to DDS for verification. If the new number or information is verified, then the elector will be removed from the SSVR791ZR1 report and will show in the SVRS as an active registered elector. At that time, the SVRS will generate a precinct card, with an effective date according to the original date of the application submission, to be mailed to the elector. *See* O.C.G.A. §§ 21-2-220, 21-2-224.

Once the board of registrars has confirmed the citizenship status and determined the eligibility of an applicant appearing on report SSVRZ791R2, the board of registrars will change the elector's citizenship status in the SVRS.³ Upon confirmation, the "NON CITIZEN" warning will cease and the individual will no longer appear on the SSVRZ791R2 report. The individual will show in the SVRS as an active registered elector, and the SVRS will generate a precinct card, with an effective date according to the original date of the application submission, to be mailed to the elector. *See* O.C.G.A. §§ 21-2-220, 21-2-224.

If an applicant applies to register to vote before the voter registration deadline, but the information from the application was not verified in its entirety and the application has not yet been rejected pursuant to O.C.G.A. § 21-2-220(d), then that individual's registration information within the SVRS will appear with the verify status. If the applicant supplies the necessary information prior to casting a ballot, so long as the applicant is found otherwise eligible to vote, then the applicant shall be added to the list of electors and shall be permitted to vote in the election and any subsequent elections. *See* O.C.G.A. § 21-2-220(d). Once a voter appearing on report SSVR791ZR1 casts a ballot in an election, the verify status will be systematically removed, the applicant will show in the SVRS as an active elector, and the elector will be removed from the SSVR791ZR1 report.

Operation of Existing Challenged Balloting Requirements With Respect to Applicants Designated as Possible Non-Citizens

If an applicant who has been identified through the verification process as possibly not a U.S. citizen attempts to vote, and does not present any documentation of citizenship at the time he or she attempts to vote, then that person shall be permitted to vote a paper "challenged" ballot. *See* O.C.G.A. § 21-2-230. The poll officer must provide such voter with a "Challenge Notice Information Sheet." A sample Challenge Notice Information Sheet is attached hereto as Exhibit E. After the voter has marked the ballot, without disclosing the markings on the face thereof, the poll officer must write the word "Challenged," the cause of challenge ("CITIZENSHIP"), and the elector's name across the back of the ballot or on the envelope within which the ballot is sealed. The poll officer shall then deposit the ballot into a locked ballot box and keep the ballots secure in accordance with O.C.G.A. § 21-2-386.

The board of registrars must then address the challenge with the voter prior to the election, on Election Day, or after the election, but in any event before certification of the consolidated returns of the election. Prior to certification of the consolidated returns of the election by the election superintendent, if necessary, each board of registrars shall hold a hearing to address any and all challenged ballots due to an individual's failure to provide documentary proof of citizenship. In order to promote uniformity of practice across the State, the Secretary of State

³ The registrars should update an elector's citizenship status manually if the registration was received in person by a registrar at a naturalization ceremony.

suggests that the board of registrars should hold an evidentiary hearing to resolve any such challenge on the Friday following Election Day. The hearings should continue until the board of registrars has resolved all of the challenges and is then able to certify the results of the election. The election superintendent shall not certify the consolidated returns until such hearing is complete and the board of registrars has rendered its decision on the challenge. If the applicant provides documentary proof of citizenship to the board of registrars at or before the hearing, the board of registrars must deny the challenge and accept the ballot of the challenged individual. The superintendent shall then proceed to certify the consolidated returns.

If the board of registrars accepts the paper ballot of a challenged individual, the ballot must be scanned through the optical scan tabulating machine and the results recorded on the provisional ballot memory card. Please note that if an optical scan ballot will not properly scan through the optical scanning tabular, the board of registrars should refer to O.C.G.A. § 21-2-483(f) for instruction on how to duplicate the ballot for processing.

If the individual does not provide documentary proof of citizenship to the board of registrars at or before the hearing and the board of registrars upholds the challenge, the ballot of the challenged individual shall be rejected and not counted, and, if necessary, the returns shall be adjusted to remove any votes cast by such individual. For any rejected challenged ballots, the registrars shall proceed promptly to notify each such person by first-class mail at the address shown on the challenged ballot voter's certificate or absentee ballot application that his or her ballot was not counted because of the inability of the registrars to verify that the person was eligible to register and vote. *See, e.g.,* State Election Board Rule 183-1-12-.06(13)(a). In addition, the board of registrars shall establish a free access system, such as a toll-free telephone number or an internet website, by which voters who cast challenged ballots may ascertain whether their ballots were counted or, if the ballots were not counted, the reasons why such ballots were not counted. The board of registrars shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by such system. Access to information about an individual challenged ballot shall be restricted to the voter who cast such ballot. *See, e.g.,* State Election Board Rule 183-1-12-.06(13)(d).

The challenged elector may appeal the decision of the board of registrars to the superior court by filing a petition with the clerk of the superior court within ten (10) days after the date of the decision of the registrars.

Early Voting

During in-person absentee ("early") voting, the voter maintenance screen (2) and absentee ballot maintenance screen (16) will show a flashing red "NON CITIZEN" warning indication, when DDS reports that an individual is a non-citizen. Under no circumstances should a poll officer allow such an individual to cast a ballot on a DRE, without the poll officer's first confirming

through the board of registrars that such individual is, in fact, a United States citizen. This confirmation can take place by the poll officer reviewing by phone the documentation provided by the voter at the time of early voting. If the board of registrars does not or cannot confirm citizenship status, the poll officer should allow the voter to cast a paper challenged ballot and must provide the individual with a Challenge Notice Information Sheet.

Election Day and ExpressPoll

For any individual whose first name, last name, date of birth, driver's license number, or last four digits of the Social Security number could not be verified by Election Day, the ExpressPoll electronic poll books will show a "V" in the status column on the electors list screen. So long as the individual provides proper identification, the individual will be checked in and will cast a ballot in the same manner as a voter with a status of "A" or "I."

For any individual appearing in the SVRS as a non-citizen on Election Day, the ExpressPoll electronic poll books will show a black "X" with a lavender background in the status column on the electors list screen and will instruct the poll worker to have the voter contact the board of registrars. A poll officer shall not allow such an individual to cast a ballot on a DRE, without the poll officer's first confirming through the board of registrars that such individual is, in fact, a United States citizen. This confirmation can take place by the poll officer reviewing by phone the documentation provided by the voter at the precinct. If the board of registrars does not or cannot confirm citizenship status, the poll officer should allow the voter to cast a paper challenged ballot and must provide the individual with a Challenge Notice Information Sheet.

EXHIBIT A: INFORMATION DID NOT MATCH DDS

The <County Name> County Board of Registrars recently received your voter registration application.

In our attempt to process your application, we were advised that information you provided on the application does not match information on file with the Georgia Department of Driver Services and/or the Social Security Administration.

Pursuant to state and federal law, data files are sent to the Department of Driver Services on a daily basis for verification of information provided on voter registration applications. This information is kept confidential and matched with motor vehicle records and against records on file with the Social Security Administration.

Following is the information you provided that did not match the records at DDS:

LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER: <INFORMATION FROM SVRS>

FIRST NAME: <INFORMATION FROM SVRS>

LAST NAME: <INFORMATION FROM SVRS>

DATE OF BIRTH: <INFORMATION FROM SVRS>

GEORGIA DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER:
<INFORMATION FROM SVRS>

You may correct the information by clearly printing the requested information directly on this letter and returning it to this office. The required information must be received in this office not later than _____, 20__. You may return the information by personal delivery, mail, email as an attachment, or facsimile. Failure to provide the required information will result in the rejection of your application.

You may also choose to complete a new voter registration application.

If you have received this notice within 30 days of an election or primary, you may still be able to vote by providing proper identification at the time you request a ballot.

Your Polling Place for State and County Elections

PRECINCT NAME:

POLLING PLACE:

TO BE FILLED IN BY APPLICANT:

GEORGIA DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER: _____

LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER: _____

FIRST NAME: _____

LAST NAME: _____

DATE OF BIRTH: _____

Date

Signature of Applicant

Signature of person helping illiterate or
disabled voter

* NOTE: You must supply a Georgia driver's license number or an identification card number issued by the Georgia Department of Driver Services, if you have one. If you do not have a Georgia driver's license or identification card, you must supply the last four digits of your Social Security number. If you do not have a Social Security number, please write "None" in the boxes.

Personal information such as the month and day of your date of birth, driver's license number, and Social Security number is kept confidential and protected under state law. By providing correct information, you protect yourself from the possibility of a mismatch with other voter information within the statewide voter registration system. Your cooperation assures the accuracy of the registration process for all voters in Georgia.

If you need further assistance or information, please contact our office at

____ COUNTY

____ ADDRESS

____ PHONE NUMBER

____ FACSIMILE NUMBER

____ EMAIL ADDRESS

Thank you for your interest in voting and elections in Georgia.

Sincerely,

EXHIBIT B: INFORMATION DID NOT MATCH SSA

The <County Name> County Board of Registrars recently received your voter registration application.

In our attempt to process your application, we were advised that information you provided on the application does not match information on file with the Georgia Department of Driver Services and/or the Social Security Administration.

Pursuant to state and federal law, data files are sent to the Department of Driver Services on a daily basis for verification of information provided on voter registration applications. This information is kept confidential and matched with motor vehicle records and against records on file with the Social Security Administration.

Your information did not match the records at SSA.

You may correct the information by clearly printing the requested information directly on this letter and returning it to this office. The required information or document must be received in this office not later than _____, 20__. You may return the information by personal delivery, mail, email as an attachment, or facsimile. Failure to provide the required information will result in a delay or rejection of your application.

You may also choose to complete a new voter registration application.

If you have received this notice within 30 days of an election or primary, you may still be able to vote by providing proper identification at the time you request a ballot.

Your Polling Place for State and County Elections

PRECINCT NAME:

POLLING PLACE:

TO BE FILLED IN BY APPLICANT:

GEORGIA DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER*: _____

LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER*: _____

FIRST NAME: _____

LAST NAME: _____

DATE OF BIRTH: _____

Date

Signature of Applicant

Signature of person helping illiterate or disabled voter

* NOTE: You must supply a Georgia driver's license number or an identification card number issued by the Georgia Department of Driver Services, if you have one. If you do not have a Georgia driver's license or identification card, you must supply the last four digits of your Social Security number. If you do not have a Social Security number, please write "None" in the boxes.

Personal information such as the month and day of your date of birth, driver's license number, and Social Security number is kept confidential and protected under state law. By providing correct information, you protect yourself from the possibility of a mismatch with other voter information within the statewide voter registration system. Your cooperation assures the accuracy of the registration process for all voters in Georgia.

If you need further assistance or information, please contact our office at

___ COUNTY
ADDRESS
PHONE NUMBER
FACSIMILE NUMBER
EMAIL ADDRESS

Thank you for your interest in voting and elections in Georgia.

Sincerely,

EXHIBIT C: INFORMATION DID NOT MATCH DDS (CITIZENSHIP)

The <County Name> County Board of Registrars recently received your voter registration application.

When you registered to vote, you filled out an application that gave our office information about who you are. Federal law requires that this information be compared with information on file with your driver's license file at the Department of Driver Services. When that happened, though, there was some information that did not match up. We are writing to let you know how you can clear up any questions about your voter registration application that were raised by this process.

One of the pieces of information that did not match up for you was whether you are a United States citizen. When you registered to vote, you said that you were, but the Department of Driver Services record does not match that information. Under state and federal law, you must be a U.S. citizen, so this is a very important question to answer.

In order to clear up this question, you should contact this office immediately and provide us with documents that show your citizenship. A list of the types of documents that you could show is included with this letter.

Additionally, the following information you provided on your voter registration application did not match the records at DDS:

LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER: <INFORMATION FROM SVRS>

FIRST NAME: <INFORMATION FROM SVRS>

LAST NAME: <INFORMATION FROM SVRS>

DATE OF BIRTH: <INFORMATION FROM SVRS>

GEORGIA DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER:
<INFORMATION FROM SVRS>

You may correct the information by clearly printing the requested information directly on this letter and returning it to this office.

The required information must be received in this office not later than _____, 20__. You may return the information by personal delivery, mail, email as an attachment, or facsimile. You may also choose to complete a new voter registration application.

Failure to provide the required information will result in the rejection of your application.

If you have received this notice within 30 days of an election or primary, you may still be able to vote by providing proof of United States citizenship documents and proper identification at the time you request a ballot.

Your Polling Place for State and County Elections

PRECINCT NAME:

POLLING PLACE:

TO BE FILLED IN BY APPLICANT:

GEORGIA DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER: _____

LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER: _____

FIRST NAME: _____

LAST NAME: _____

DATE OF BIRTH: _____

Date

Signature of Applicant

Signature of person helping illiterate or
disabled voter

* NOTE: You must supply a Georgia driver's license number or an identification card number issued by the Georgia Department of Driver Services, if you have one. If you do not have a Georgia driver's license or identification card, you must supply the last four digits of your Social Security number. If you do not have a Social Security number, please write "None" in the boxes.

Personal information such as the month and day of your date of birth, driver's license number, and Social Security number is kept confidential and protected under state law. By providing correct information, you protect yourself from the possibility of a mismatch with other voter information within the statewide voter registration system. Your cooperation assures the accuracy of the registration process for all voters in Georgia.

If you need further assistance or information, please contact our office at

____ COUNTY

ADDRESS

PHONE NUMBER

FACSIMILE NUMBER

EMAIL ADDRESS

Thank you for your interest in voting and elections in Georgia.

Sincerely,

EXHIBIT D: NOTICE OF REJECTION OF APPLICATION

Dear Applicant:

Your voter registration application has been rejected due to non-receipt of information previously requested by our office. To register, you will need to complete the enclosed application with all required information (race, gender, and telephone number are OPTIONAL).

If you have any questions, please contact our office.

___ COUNTY

ADDRESS

PHONE NUMBER

FACSIMILE NUMBER

EMAIL ADDRESS

Sincerely,

Dear "Challenged" Ballot Voter:

When you registered to vote, you filled out an application that gave your local county registrar information about who you are. Federal law requires that this information be compared with information on file with the Georgia Department of Driver Services. When that comparison took place, there was some information that did not match up.

One of the pieces of information that did not match up for you was whether you are a United States citizen. When you registered to vote, you said that you were a citizen, but the Driver Services record does not match that information. Under state and federal law, you must be a citizen to register to vote, so this is a very important question to answer.

Because you were not able to clear up this question before you voted, you have been asked to cast a "challenged" ballot. You should contact your local county voter registrar immediately and provide the registrar with documentation that shows your citizenship at the following address:

[INSERT BOARD OF REGISTRARS CONTACT INFORMATION HERE / INCLUDE PHONE, FAX, AND EMAIL (IF AVAILABLE)]

You may provide a copy of your documentation to the registrar by personal delivery (by you or someone acting on your behalf), or by sending the copy by mail, fax, or electronic mail (if mail, fax, or electronic mail is used, you should contact the registrar's office after sending it to make sure it was received).

A list of the types of documents that you could show is included with this notice. You should provide one of these documents not later than 5:00 p.m on Thursday, November 6, 2008. If you do not, your local board of registrars has scheduled a more formal hearing to look at this question. This hearing will be held at the following time and place:

[INSERT TIME AND PLACE ON FRIDAY, NOVEMBER 7, 2008]

Once you have shown proof of your United States citizenship, your vote will be counted. You can check whether your ballot is counted by contacting your county voter registrar after the election at **[INSERT TOLL FREE PHONE NUMBER OR WEBSITE ADDRESS]**.

List of acceptable documents:

- 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.
- 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 Kickapoos 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.

5/19/10

GEORGIA SECRETARY OF STATE

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SSVR2791R1

VOTER REGISTRATION SYSTEM

FULTON

VOTER RESULTS FROM DDS MATCHING

DL	REG	LAST	FIRST	DATE	OF	LAST4	NAME	NAME	DOB	LAST4	DL	RESPONSE	DESCRIPTION
NBR	NBR	NAME	NAME	BIRTH	SSN	SSA	MATCH	MATCH	MATCH	MATCH	MATCH	CITIZEN	CODE
049342310	00412489	DOE	JOHN	19310127	1554	Y	Y	N	Y	Y	Y	Y	
051564565	00413517	CROSBY	DIANE	19391028	9337	Y	Y	N	Y	Y	Y	Y	
004564131	00634630	HODGES	RICHARD	19350324	0225	Y	Y	N	Y	Y	Y	Y	
005456307	00656687	GOODBREAD	ODDIE	19291005	5667	Y	Y	Y	Y	Y	N	Y	
043463479	00634621	CARTER	ANDREW	19330517	3775	Y	N	Y	Y	Y	Y	Y	
	00656533	JORDAN	TOMMY	19661030	5452								Z NO MATCH FOUND
	00807886	TAYLOR	WEBSTER	19291226	1234								Z NO MATCH FOUND
	00678072	MURRAY	SANDY	19530923	6234								Z NO MATCH FOUND
002342346	00678087	MCLAIN	ABIGAIL	19120102	8967	Y	Y	Y	N	N	Y	Y	
057547455	00644565	BAXLEY	TERRENCE	19431009	6343	Y	Y	N	Y	Y	Y	Y	
255124298	00645745	ROBINSON	FRANKLIN	19741227	3856	Y	Y	N	Y	Y	Y	Y	

5/19/10

GEORGIA SECRETARY OF STATE

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SSVRZ791R2

VOTER REGISTRATION SYSTEM

COBB

VOTER RESULTS FROM DDS MATCHING

NON-CITIZENS

DL	REG	LAST	FIRST	DATE	OF	LAST4	NAME	NAME	DOB	LAST4	DL	RESPONSE		
NBR	NBR	NAME	NAME	BIRTH	SSN	SSA	MATCH	MATCH	MATCH	MATCH	MATCH	CITIZEN	CODE	DESCRIPTION
049963995	01598395	DOR	JOHN	19570403	9660	Y	N	N	N	N	Y	N		
052185425	06573240	GONZALEZ	JUAN	19740915	3604	Y	Y	Y	Y	Y	Y	N		
052049498	07914033	BARWICK	PHILLIP	19901118	7371	Y	N	N	N	N	Y	N		
054970806	07918802	BENNETT	GEORGE	19521018	9410	Y	N	N	N	N	Y	N		
052215766	07941071	KAUR	BANEET	19861124	6255	Y	Y	Y	Y	Y	Y	N		
055643477	07988622	FARNEE	PATRICK	19721015	0000	Y	N	N	N	N	Y	N		
054591788	08003369	VANN	DAZSHA	19910501	7798	Y	N	N	N	N	Y	N		
049068619	08153055	LEWIS	OLEKSANDRA	19760318	6700	Y	Y	Y	Y	Y	Y	N		

* * * Communication Result Report (Aug. 17. 2010 7:01PM) * * *

1)
2)

Date/Time: Aug. 17. 2010 6:53PM

File	No. Mode	Destination	Pg(s)	Result	Page Not Sent
0253	Memory TX	912026169514	P. 23	OK	

Reason for error
 E. 1) Hang up or line fail
 E. 2) Busy
 E. 3) No answer
 E. 4) No facsimile connection
 E. 5) Exceeded max. E-mail size



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 1470 Peachtree Street NE
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Anne W. Lewis
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 awl@abllaw.net

August 17, 2010

**SUBMISSION UNDER SECTION 5
 OF THE VOTING RIGHTS ACT**

EXPEDITED REVIEW REQUESTED

**FILED BY FAX TRANSMISSION
 TO 202-616-9514**

T. Christian Herren, Jr., Esq.
 Brian F. Heffernan, Esq.
 Voting Section
 Civil Rights Division
 U.S. Department of Justice
 1800 G Street, N.W., Room 7260
 Washington, D.C. 20006

*Re: State of Georgia Section 5 Submission
 HAVA Verification Process*

Dear Chris and Brian:

Pursuant to our discussions, we are submitting the State of Georgia's Help America Vote Act (HAVA) Verification Process to the Attorney General of the United States for expedited administrative preclearance under Section 5 of the Voting Rights Act of 1965, 42 U.S.C. § 1973c. The HAVA Verification Process is attached as Exhibit 1 and incorporated herein by reference; it is identical to Exhibit 6 attached to the first Amended Complaint in *State of Georgia v. Holder*, Civil Action No. 1:10-cv-01062 (D.D.C. 2010). By this letter, the State of Georgia intends to and does submit all aspects of the HAVA Verification Process for review and preclearance by the Attorney General pursuant to Section 5. In the Department's Answer to the State's First Amended Complaint and Notice of Defendant the Attorney General of the United States filed *Georgia v. Holder*, Civil Action No. 1:10-cv-01062 yesterday, the Department stated that it will not oppose preclearance.

Per our previous discussions, expedited review is requested for this submission pursuant to 28 C.F.R. § 51.34 due to the pending litigation on this topic and the need to resolve this issue in advance of the November 2010 elections. In Georgia, early voting for the November election begins in mid-September.