

SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT (“Settlement”) is entered into this 8th day of February 2017, between GEORGIA STATE CONFERENCE OF THE NAACP, ASIAN AMERICANS ADVANCING JUSTICE-ATLANTA, INC., and GEORGIA COALITION FOR THE PEOPLES’ AGENDA, INC. (“Plaintiffs”) and BRIAN KEMP, GEORGIA SECRETARY OF STATE (“Defendant”).

WHEREAS, the parties hereto are mutually desirous of settling the claims alleged in the lawsuit *NAACP et al., v. Kemp*, Civil Action File No. 2:16cv219-WCO, United States District Court, Northern District of Georgia, Gainesville Division.

NOW, THEREFORE, in consideration of the foregoing and the covenants, promises, conditions, and agreements set out hereinafter, Plaintiffs and Defendant agree to the following:

Pursuant to the Help America Vote Act (HAVA), 52 U.S.C. § 21083(a)(5), information provided on voter registration applications is matched against data in the Georgia Department of Driver Services (DDS) and Social Security Administration (SSA) databases. This process is hereafter described as the HAVA match.

1. The Parties agree that:

- a. The parties acknowledge that as of the date of this Agreement, the State of Georgia has not yet implemented the documentary proof of citizenship statute (O.C.G.A. Section 21-2-216(g)) that was enacted by the Georgia legislature in 2010. The parties further acknowledge and agree that this Agreement is not intended to limit in any way or waive any of the parties' rights with respect to the implementation of O.C.G.A. Section 21-2-216(g) in the future, including any rights the Plaintiffs may have to challenge the statute or its implementation under Georgia or federal law.
- b. Unless mandated by a future statutory requirement, voter registration applicants whose information fails to match during the HAVA match process will be placed in pending status and permitted to vote upon showing satisfactory identification as described in Exhibit 1, attached hereto and incorporated herein by reference.
- c. Unless mandated by a future statutory requirement, or as required by implementation of O.C.G.A. § 21-2-216(g), including the thirty day (30) period described therein, applicants in pending status due to the results of the HAVA match will not be under any time limitation to cure the mismatch or otherwise confirm their identity and/or qualifications to register. Nothing herein however, will prevent Defendant from canceling

the voter registration application of an applicant whose mail is returned and thereafter fails to confirm their address through the procedures outlined in 52 U.S.C. § 20507(d), including the statutory waiting period.

- d. All voter registration applicants that were cancelled on or after October 1, 2013 due to the results of the HAVA match process and who are currently in cancelled status due to the results of the HAVA match process will be moved from cancelled to pending status by running voters' registration applications back through the HAVA match process.
- e. Notification letters advising voters that their applications are in pending status and that they are eligible to vote upon showing satisfactory identification will be generated by the Georgia Voter Registration System (hereafter, "Enet"). Defendant shall direct county registrars to mail said notification letters in substantively the same form as described herein to those applicants who: 1) were in pending status at the time the former forty (40) day clock for pending status applications was stopped; and 2) have not previously been notified that their application will not be automatically cancelled after forty (40) days. Defendant shall direct, sometime prior to February 28, 2017, that these notification letters be sent to applicants by their respective county registrars.

- f. Defendant shall direct county registrars to mail notification letters in substantively the same form as described below to all voter registration applicants whose HAVA match results in some mismatch of information with the DDS database, other than citizenship status, within seven business days of the processing of the application by the county registrar. Said notification letter shall be generated by the Enet system in the form attached hereto as Exhibit 2 and incorporated herein by reference. All parties to this Agreement understand that any future changes to Georgia law may necessitate revisions to the letter so that it conveys accurate information to voter registration applicants. Defendant agrees to notify Plaintiffs, through their counsel, of any legislative change that necessitates revisions to the letter if such legislative change occurs within 2 years of the execution of this agreement.
- g. Defendant shall direct county registrars to mail notification letters in substantively the same form as described below to all voter registration applicants whose HAVA match results in some mismatch of information with the SSA database within seven business days of the processing of the application by the county registrar. Said notification letter will be generated by the Enet system and shall be in the form attached hereto as Exhibit 3 and incorporated herein by reference. All parties to this

Agreement understand that any future changes to Georgia law may necessitate revisions to the letter so that it conveys accurate information to voter registration applicants. Defendant agrees to notify Plaintiffs, through their counsel, of any legislative change that necessitates revisions to the letter if such legislative change occurs within 2 years of the execution of this agreement.

- h. Defendant shall direct county registrars to mail notification letters in substantively the same form as described below to all voter registration applicants whose HAVA match results in some mismatch of information regarding citizenship status within seven business days of the processing of the application by the county registrar. Said notification letters will be generated by the Enet system and shall be in the form attached hereto as Exhibit 4 and incorporated herein by reference. All parties to this Agreement understand that any future changes to Georgia law, including any future implementation of O.C.G.A. § 21-2-216(g), may necessitate future revisions to the letter so that it conveys accurate information to voter registration applicants. Defendant agrees to notify Plaintiffs, through their counsel, of any legislative or other change that necessitates revisions to the letter if such legislative change occurs within 2 years of the execution of this agreement.

- i. All county registrars in the state received a Letter of Instruction in the form attached hereto as Exhibit 5, and incorporated herein by reference; this letter of instruction was sent via email bulletin to all county registrars prior to November 4, 2016.
- j. Notice to Voters in the form attached hereto as Exhibit 6, and incorporated herein by reference, will be published on the Secretary of State's website; a link to this Notice will appear on the My Voter Page website for voters in pending status.
- k. Consistent with the training requirements in O.C.G.A. § 21-2-100 and § 21-2-101, and absent any legislative changes to the contrary, including any future implementation of O.C.G.A. § 21-2-216(g), training for local election officials will be consistent with the instructions attached hereto as Exhibit 5, and consistent with the practices described in paragraphs 1(b) and 1(c) above. Training for county registrars will further include instruction that county registrars must notify voter registration applicants described in paragraphs 1(f) through 1(h) above, with notice of the mismatch by letter in the same form as set forth in Exhibits 2, 3, and 4 attached hereto.
- l. The Defendant will pay the sum of \$95,000.00, inclusive of all attorneys' fees and costs, made payable to Plaintiffs' counsel, Hughes Hubbard LLP

on behalf of Plaintiffs GEORGIA STATE CONFERENCE OF THE NAACP, ASIAN AMERICANS ADVANCING JUSTICE-ATLANTA, INC., GEORGIA COALITION FOR THE PEOPLES' AGENDA, INC.

- m. Within 15 days after moving the cancelled voters described in paragraph 1(d) above to pending status, Defendant agrees to provide Plaintiffs' counsel with an excel data file consisting of data for all "affected voters" in substantially the same format as prior data files labeled "affected voters" during the pendency of this litigation.
- n. Within 15 days after moving the cancelled voters described in paragraph 1(d) above to pending status, Defendant agrees to provide Plaintiffs' counsel with an excel data file consisting of data for all "cancelled, pending, rejected voters" in substantially the same format as prior data files labeled "cancelled, pending, rejected voters" during the pendency of this litigation. Defendant further agrees to provide an updated "cancelled, pending, rejected voters" file to Plaintiffs on or about: August 30, 2017, October 24, 2017, May 7, 2018, October 23, 2018, and December 31, 2018.
- o. Within 15 days after moving the cancelled voters described in paragraph 1(d) above to pending status, Defendant agrees to provide Plaintiffs' counsel with a data file consisting of data for all "active/inactive voters"

in substantially the same format as prior data files labeled

“active/inactive voters” during the pendency of this litigation. Defendant

further agrees to provide an updated “active/inactive voters” file to

Plaintiffs on or about: August 30, 2017, October 24, 2017, May 7, 2018,

October 23, 2018, and December 31, 2018.

2. The parties specifically authorize and direct their attorneys to execute and file, pursuant to Federal Rule of Civil Procedure 41, a stipulation of dismissal with prejudice of the lawsuit *NAACP et al., v. Kemp*, Civil Action File No.

2:16cv219-WCO, United States District Court, Northern District of Georgia,

Gainesville Division within ten (10) business days following the receipt of the

payment described in paragraph 1(l) above, and completion of the items

identified in paragraphs 1(a) through 1(h) above, with the exception of the two

year period wherein Defendant agrees to notify Plaintiffs of any legislative or

other changes necessitating revisions to the letters attached hereto as Exhibits

2, 3, and 4 and the production of the data by Defendant to Plaintiffs’ counsel

identified in paragraphs 1(m)-(o), above. The Parties understand that

Defendant’s responsibility regarding the notification letters is to have Enet

generate the letters as described and to direct the county registrars to mail the

letters.

3. The parties agree that the U.S. District Court for the Northern District of Georgia is the proper court to address any claim relating to or arising from any breach of this Agreement. The parties agree to give thirty (30) days' notice to the other party of any alleged breach before bringing any enforcement action.
4. This Agreement sets forth the entire agreement between the parties hereto and fully supersedes any and all prior agreements or understandings between the parties hereto pertaining to the subject matter hereof. Plaintiffs affirm that the only consideration for signing this release is the terms and conditions stated herein. No other promise, agreement or representation of any kind has been made to or with them by any persons or entities to cause them to execute this Agreement.
5. Should any provision of this Agreement be declared or be determined by any court to be illegal or invalid, the validity of the remaining parts, terms or provisions shall not be affected thereby and said illegal or invalid part, term, or provision shall be deemed not to be a part of the Agreement.
6. All agreements and understandings embodied and expressed in the terms of this Agreement are contractual and are not mere recitals, and this Agreement is made and entered into within the State of Georgia and shall in all respects be interpreted, enforced and governed under the laws of the State of Georgia. The language of all parts of this Agreement shall be in all cases construed as a

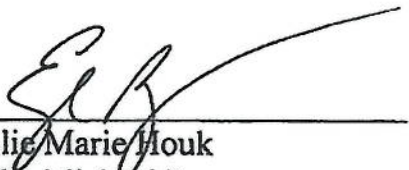
whole, according to its fair meaning, and not strictly for or against any of the parties.

7. This settlement Agreement is made to terminate further controversy respecting all claims that have been asserted against Defendant in the instant matter of *Ga. NAACP, et al., v. Kemp*, including claims for attorneys' fees and costs. This is a full and final settlement and is not an admission of liability and shall not be treated as an admission at any time or in any manner whatsoever.
8. Except as specifically set forth herein, each party will bear their own costs and expenses incurred in connection with this dispute and the Litigation.
9. Nothing in this Agreement shall be construed as the State's waiver of immunities available under state and federal law.


This Settlement Agreement shall become effective following execution.

IN WITNESS THEREOF, the Parties, through their duly authorized attorneys, have hereunto set their hands and seal this 8th day of February, 2017.

FOR THE PLAINTIFFS:


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John Michael Powers
Ezra David Rosenberg
Lawyers' Committee for Civil

FOR DEFENDANT:


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**Admitted in New Jersey & New York. Practice in DC limited to cases in federal court.*

***Authorized to practice only in Maryland. Practice in DC limited to cases in federal court.*

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The acceptable forms of identification for a voter in pending status due to the HAVA match process are:

- (1) A Georgia driver's license (including an expired Georgia driver's license);
- (2) Any valid state or federal government issued photo ID, including:
 - a. free Georgia voter identification card issued by your county's registrars,
 - b. Georgia State ID issued by the Georgia Department of Driver Services (DDS)
 - c. valid student ID card issued by a Georgia public college, university or technical school
 - d. a valid out-of-state driver's license;
 - e. public transit issued photo ID card; and
 - f. any other federal or state agency or government issued photo ID card.
- (3) A valid United States passport;
- (4) A valid employee photo identification card issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;
- (5) A valid United States military photo identification card; or,
- (6) A valid tribal photo identification card.

Pending applicants whose registration did not match DDS records for citizenship must also provide one of the following forms of proof of citizenship.

- (1) 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).
- (2) U.S. Passport, issued by the U.S. Department of State.
- (3) 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.
- (4) Naturalization Certificate, issued to a person who became a U.S. citizen after birth through the naturalization process.
- (5) A Report of Birth Abroad of a U.S. Citizen.
- (6) A Certification of birth issued by the Department of State.
- (7) A U.S. Citizen ID card.

- (8) 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).
- (9) Final adoption decree showing the child's name and U.S. birthplace.
- (10) Evidence of civil service employment by the U.S. government before June 1976.
- (11) An official U.S. military record of service showing a U.S. place of birth.
- (12) 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).
- (13) Extract of U.S. hospital record of birth established at the time of the person's birth indicating a U.S. place of birth.
- (14) Life or health or other insurance record which indicates a U.S. place of birth and which is dated at least 5 years before the initial application date.
- (15) Federal or State census record which indicates U.S. citizenship or a U.S. place of birth (Generally for persons born 1900 through 1950).
- (16) Institutional admission papers from a nursing home, skilled nursing care facility or other institution which indicates a U.S. place of birth.
- (17) Medical (clinical, doctor, or hospital) record which indicates a U.S. place of birth and which is dated at least 5 years before the application date and.
- (18) A driver's license or identification card issued by an agency of a U.S. state if that agency indicates on the driver's license or identification card that the applicant has provided satisfactory evidence of United States citizenship to the agency.
- (19) 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.
- (20) 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. [If a registrar is not available to review the proof of citizenship document, the applicant must be permitted to vote a provisional ballot and given instructions to provide the information to a registrar at a specific address within 3 days.]

Dear Applicant

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

The information you provided on your voter registration application is matched to information with the Department of Driver Services (DDS) and/or with the Social Security Administration (SSA) for verification purposes. This process is required by state and federal law.

Your information did not match the records at DDS. Your application therefore remains in pending status. While in pending status, you are still able to vote by showing proper identification at your polling place, but you should immediately take the below steps to resolve this issue in order to improve your voting experience. Following is the information you provided that did not exactly match 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 can finalize your application now by clearly printing the requested information below directly on this letter, signing this letter, and returning it to this office. We recommend that you also provide a copy (or image file, if you email it) of ANY one (1) of the six (6) forms of photo identification (ID) described on the second page in order to more quickly process your application. We will then try to match the new information you provide with the DDS and/or SSA databases to resolve your application.

Please note that when providing the information below, it is important that you provide your full first name (i.e., Thomas rather than Tom) and full last name(s), including hyphenated or multiple last names. If your name contains a hyphen or other punctuation, please be sure to include that punctuation in the spaces below.

PLEASE FILL IN BELOW:

LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER: _____
FULL FIRST NAME: _____
FULL LAST NAME: _____
DATE OF BIRTH: _____
GEORGIA DRIVER'S LICENSE OR GEORGIA IDENTIFICATION CARD NUMBER: _____

Date

Signature of Applicant

Signature of Person Assisting Illiterate or Disabled Applicant (if applicable)

You may return the required information by personal delivery, mail, email as an attachment, or facsimile to the following address, fax or email addresses:

<COUNTY NAME> County Voter Registration

<COUNTY ADDRESS>

<COUNTY PHONE NUMBER>

EXHIBIT

2

<FACSIMILE NUMBER>
<EMAIL ADDRESS>

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 may avoid 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.

While your application is in pending status, you are still able to vote by absentee ballot, during early voting or on Election Day if you show a form of ID listed below when you go to vote or when you request an absentee ballot:

- (1) A Georgia driver's license (including an expired Georgia driver's license);
- (2) Any valid state or federal government issued photo ID, including:
 - a. free Georgia voter identification card issued by your county's registrars,
 - b. Georgia State ID issued by the Georgia Department of Driver Services (DDS)
 - c. valid student ID card issued by a Georgia public college, university or technical school
 - d. a valid out-of-state driver's license;
 - e. public transit issued photo ID card; and
 - f. any other federal or state agency or government issued photo ID card.
- (3) A valid United States passport;
- (4) A valid employee photo identification card issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;
- (5) A valid United States military photo identification card; or,
- (6) A valid tribal photo identification card.

Once you show any one (1) of the six (6) IDs listed above at your polling place or early voting site, cast a ballot and receive credit for voting, your application will be changed from pending to active status.

Your Polling Place is:

PRECINCT NAME:
POLLING PLACE:

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

Sincerely,

Dear Applicant

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

The information you provided on your voter registration application is matched to information with the Department of Driver Services (DDS) and/or with the Social Security Administration (SSA) for verification purposes. This process is required by state and federal law.

Your information did not exactly match the records at SSA. Your application therefore remains in pending status. While in pending status, you are still able to vote by showing proper identification (ID) at your polling place, but you should immediately take the below steps to resolve this issue in order to improve your voting experience.

You can finalize your application now by clearly printing the requested information below directly on this letter, signing this letter, and returning it to this office. We recommend that you also provide a copy (or image file, if you email it) of ANY one (1) of the six (6) forms of ID described on the second page in order to more quickly process your application. We will then try to match the new information you provide with the DDS and/or SSA databases to resolve your application.

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.

Please note that when providing the information below, it is important that you provide your full first name (i.e., Thomas rather than Tom) and full last name(s), including hyphenated or multiple last names. If your name contains a hyphen or other punctuation, please be sure to include that punctuation in the spaces below.

PLEASE FILL IN BELOW:

LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER: _____

FULL FIRST NAME: _____

FULL LAST NAME: _____

DATE OF BIRTH: _____

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

Date

Signature of Applicant

Signature of Person Assisting Illiterate or Disabled Applicant (if applicable)

You may return the required information by personal delivery, mail, email as an attachment, or facsimile to the following address, fax or email addresses:

<COUNTY NAME> County Voter Registration

<COUNTY ADDRESS>

<COUNTY PHONE NUMBER>

<FACSIMILE NUMBER>

EXHIBIT

3

<EMAIL ADDRESS>

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 may avoid 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.

While your application is in pending status, you are still able to vote by absentee ballot, during early voting or on Election Day if you show a form of ID listed below when you go to vote or when you request an absentee ballot:

- (1) A Georgia driver's license (including an expired Georgia driver's license);
- (2) Any valid state or federal government issued photo ID, including:
 - a. free Georgia voter identification card issued by your county's registrars,
 - b. Georgia State ID issued by the Georgia Department of Driver Services (DDS)
 - c. valid student ID card issued by a Georgia public college, university or technical school
 - d. a valid out-of-state driver's license;
 - e. public transit issued photo ID card; and
 - f. any other federal or state agency or government issued photo ID card.
- (3) A valid United States passport;
- (4) A valid employee photo identification card issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;
- (5) A valid United States military photo identification card; or,
- (6) A valid tribal photo identification card.

Once you show ANY one (1) of the six (6) IDs listed above at your polling place or early voting site, cast a ballot and receive credit for voting, your application will be changed from pending to active status.

Your Polling Place is:

PRECINCT NAME:

POLLING PLACE:

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

Sincerely,

Dear Applicant

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

The information you provided on your voter registration application is matched to information with the Department of Driver Services (DDS) and/or with the Social Security Administration (SSA) for verification purposes. This process is required by state and federal law.

One of the pieces of information that did not match up was whether you are a United States Citizen. When you registered to vote, you said that you were a citizen, but the Department of Driver Services record does not match that information. Under state and federal law, you must be a U.S. citizen in order to register to vote. Your application therefore remains in pending status. While in pending status, you are still able to vote by showing proper identification and proof of citizenship at your polling place, but you should immediately take the below steps to resolve this issue in order to improve your voting experience.

You can finalize your application now by providing our office with a document that shows you are a United States citizen. A list of the types of documents that you could use to show citizenship is included with this letter.

You may return a copy of documentary proof of citizenship by personal delivery, mail, email as an attachment, or facsimile to the following address, fax or email addresses:

<COUNTY NAME> County Voter Registration
<COUNTY ADDRESS>
<COUNTY PHONE NUMBER>
<FACSIMILE NUMBER>
<EMAIL ADDRESS>

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 may avoid 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.

While your application is in pending status, you are still able to vote by absentee ballot, during early voting or on Election Day if you show 1) one of the acceptable forms of identification described below, and 2) one of the forms of proof of citizenship described in the enclosed list when you go to vote or when you request an absentee ballot. The acceptable forms of photo ID are:

- (1) A Georgia driver's license (including an expired Georgia driver's license);
- (2) Any valid state or federal government issued photo ID, including:
 - a. free Georgia voter identification card issued by your county's registrars,
 - b. Georgia State ID issued by the Georgia Department of Driver Services (DDS)
 - c. valid student ID card issued by a Georgia public college, university or technical school

- d. a valid out-of-state driver's license;
- e. public transit issued photo ID card; and
- f. any other federal or state agency or government issued photo ID card.

(3) A valid United States passport;

(4) A valid employee photo identification card issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;

(5) A valid United States military photo identification card; or,

(6) A valid tribal photo identification card.

Once you show an acceptable form of photo identification and proof of citizenship at your polling place or early voting site, cast a ballot and receive credit for voting, your application will be changed from pending to active status.

Your Polling Place is:

PRECINCT NAME:

POLLING PLACE:

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

Sincerely,

List of acceptable documents to prove citizenship:

- 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.
- A driver's license or identification card issued by an agency of a U.S. state if that agency indicates on the driver's license or identification card that the applicant has provided satisfactory evidence of United States citizenship to the agency.
- 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.

Secretary of State Instructions to County Boards of Registrars

As you know, all voter registration applications are checked against the information on file with the Georgia Department of Driver Services ("DDS") or the Social Security Administration ("SSA").

Any voter whose registration is facially complete but does not exactly match the information on file with the Georgia DDS or the SSA will remain in pending status and will **not** be cancelled before the November 8, 2016 general election.

Pending applicants whose information (other than citizenship status) did not match are eligible to vote during early voting or on Election Day and must be allowed to vote a regular ballot if they show one of the following forms of identification and there are no other issues that would require the voter to vote a provisional ballot (i.e. wrong county, wrong precinct, already voted, etc.):

- (1) A Georgia driver's license (including an expired Georgia driver's license);
- (2) A valid Georgia voter identification card or other valid photo identification card issued by a branch, department, agency, or entity of the State of Georgia, any other state, or the United States which is authorized by law to issue personal identification. This includes a valid student photo ID card issued by a Georgia public college, university, or technical school; a valid out-of-state driver's license; public transit issued photo ID card; and any other federal or state agency or government issued photo ID card;
- (3) A valid United States passport;
- (4) A valid employee photo identification card issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;
- (5) A valid United States military photo identification card; or
- (6) A valid tribal photo identification card.

After the applicant shows an acceptable form of identification at the polling place or early voting site and casts a ballot, that elector should be given credit for voting and their eNet status should be updated from "pending" to "active." The identification shown is **not** required to **exactly match** the information in ExpressPoll. Instead, you must simply confirm that the voter is the same person as the applicant.

Pending applicants whose registration did not match DDS records for citizenship status are eligible to vote a regular ballot during early voting or on Election Day for the November 8, 2016 general election if they provide one of the forms of identification above and one of the following forms of proof of citizenship and a deputy registrar is available to review the proof of citizenship:

- (1) 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).
- (2) U.S. Passport, issued by the U.S. Department of State.
- (3) 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.
- (4) Naturalization Certificate, issued to a person who became a U.S. citizen after birth through the naturalization process.
- (5) A Report of Birth Abroad of a U.S. Citizen.
- (6) A Certification of birth issued by the Department of State.
- (7) A U.S. Citizen ID card.
- (8) 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).
- (9) Final adoption decree showing the child's name and U.S. birthplace.
- (10) Evidence of civil service employment by the U.S. government before June 1976.
- (11) An official U.S. military record of service showing a U.S. place of birth.
- (12) 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).
- (13) Extract of U.S. hospital record of birth established at the time of the person's birth indicating a U.S. place of birth.
- (14) Life or health or other insurance record which indicates a U.S. place of birth and which is dated at least 5 years before the initial application date.
- (15) Federal or State census record which indicates U.S. citizenship or a U.S. place of birth (Generally for persons born 1900 through 1950).
- (16) Institutional admission papers from a nursing home, skilled nursing care facility or other institution which indicates a U.S. place of birth.
- (17) Medical (clinical, doctor, or hospital) record which indicates a U.S. place of birth and which is dated at least 5 years before the application date and.

(18) A driver's license or identification card issued by an agency of a U.S. state if that agency indicates on the driver's license or identification card that the applicant has provided satisfactory evidence of United States citizenship to the agency.

(19) 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.

(20) 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. [If a registrar is not available to review the proof of citizenship document, the applicant must be permitted to vote a provisional ballot and given instructions to provide the information to a registrar at a specific address within 3 days.]

If an applicant who is pending status due to citizenship verification does not present one of the acceptable forms of proof of citizenship when a ballot is requested during early voting or on Election Day or a deputy registrar is not present at the polling location when the applicant requests a ballot to review applicant's proof of citizenship, the applicant shall be offered the opportunity to cast a provisional ballot. The applicant shall be instructed that he or she will be required to present proof of citizenship in person, via fax, email or text to the county registrar before the close of the absentee ballot canvassing period on the Friday following the election in order for the provisional ballot to count as a vote.

Pending applicants may also present the various forms of ID (pending due to DDS or SSA verification) or proof of citizenship (pending due to citizenship verification) at County registrar offices before, on or after November 8, 2016. If a pending applicant produces the necessary ID or proof of citizenship and there are no other issues, their registration status must be updated in eNet to "active" status. If a pending applicant produces this information after the publication of the ExpressPoll for an election, that voter shall be included in any supplemental lists provided to polling locations.

For elections occurring after November 8, 2016, applicants who are in pending status due to citizenship verification shall be able to vote a regular ballot if they produce one of the forms of acceptable proof of citizenship to a deputy registrar when they appear to vote at a polling location during early voting or on Election Day. If a deputy registrar is not present at the time the applicant requests a ballot, the applicant may present the proof of citizenship to the poll manager who shall transmit a copy of the applicant's proof of citizenship to the county registrar's office via text message, email or fax, if said technology is available to the poll manager at the polling location. The county registrar shall immediately update the applicant's citizenship status so that

the applicant shall be permitted to cast a regular ballot and convey that information to the poll manager at the polling location. If that technology is not available to the poll manager, the applicant shall be offered the opportunity to cast a provisional ballot, the provisional ballot envelope shall be marked by the poll manager with [specifics of mark to be determined] to confirm that the applicant presented one of the forms of acceptable proof of citizenship and ID at the time the ballot was cast, and the provisional ballot shall be counted as a vote without requiring any further action on the part of the voter.

**INFORMATION FOR VOTER REGISTRATION APPLICANTS WHO RECEIVE
NOTICES THAT THEIR APPLICATION IS IN PENDING STATUS BECAUSE THE
INFORMATION ON THEIR VOTER REGISTRATION FORM DID NOT MATCH
INFORMATION ON FILE WITH THE GEORGIA DEPARTMENT OF DRIVERS
SERVICES, SOCIAL SECURITY ADMINISTRATION OR DRIVERS SERVICES'
CITIZENSHIP STATUS RECORDS**

If you applied to register to vote in Georgia and received a letter from your county board of registrars stating that your application is in pending status because the information on your application failed to match your information on file with the Georgia Department of Drivers Services or Social Security Administration, **you will be able to vote by absentee ballot, during early voting or on Election Day if you show an acceptable form of identification when you go to vote or when you request an absentee ballot.** The acceptable forms of identification for this purpose are:

- (1) A Georgia driver's license (including an expired Georgia driver's license);
- (2) Any valid state or federal government issued photo ID, including:
 - a. free Georgia voter identification card issued by your county's registrars,
 - b. Georgia State ID issued by the Georgia Department of Driver Services (DDS)
 - c. valid student ID card issued by a Georgia public college, university or technical school
 - d. a valid out-of-state driver's license;
 - e. public transit issued photo ID card; and
 - f. any other federal or state agency or government issued photo ID card.
- (3) A valid United States passport;
- (4) A valid employee photo identification card issued by any branch, department, agency, or entity of the United States government, this state, or any county, municipality, board, authority, or other entity of this state;
- (5) A valid United States military photo identification card; or,
- (6) A valid tribal photo identification card.

Once you show an acceptable form of photo identification at your polling place or early voting site, cast a ballot and receive credit for voting, your application will be changed from pending to active status.

If you are a U.S. citizen who applied to register to vote in Georgia and received a letter from your county board of registrars stating that your application is in pending status because the Drivers Services' Citizenship Status Records reflected that you are not a citizen, you will be able to vote by absentee ballot, during early voting or on Election Day if you show acceptable proof of citizenship when you go to vote or when you request an absentee ballot. This could include a U.S. birth certificate, passport, or naturalization papers, but there are other acceptable documents you can show as proof of your citizenship. Click [here](#) [link to the same complete list of documents as provided in guidance to county registrars] for a list of acceptable proof of citizenship you can show. For the November 8, 2016 election, you will need to show the proof of citizenship to a deputy registrar.

If you are in pending status, you can also choose to finalize your application now by providing the information requested in the letter you got from the registrar to your county board of registrars before you go to your polling location to vote. To confirm your current registration status, see your polling location, and get contact information for your county board of registrars, log in to the Georgia My Voter Page at www.mvp.sos.ga.gov.

If you have any questions, please contact your county board of registrars for assistance.