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August 8, 2017

Brian B. Kemp
Secretary of State
214 State Capitol
Atlanta, GA 30334

Colin McRae, Chairman
Chatham County Board of Registrars
P.O. Box 13757
Savannah, GA 31416

Via Certified Mail and E-mail

Re: Letters sent to Thunderbolt registered voters concerning their residence

Dear Mr. Kemp and Mr. McRae,

We represent Jennifer Hill, a registered voter living in Thunderbolt, Georgia in Chatham County, and all other similarly situated voters who received a letter on or about July 17, 2017 from the Chatham County Board of Registrars. This letter informed them that the Town of Thunderbolt states that they “no longer reside within the municipality,” and that if they do not respond and/or appear at a hearing on August 30, 2017, they “will be removed from the list of registered voters.” *See, e.g.*, Exhibit A.

We write to provide notice that removing voters from the rolls in this manner violates the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. § 20501, *et seq.* Section 8 of the NVRA provides that a State may not remove a voter from the rolls on the grounds that they have changed residence unless certain strict requirements are met:

A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

- (A) confirms in writing that the registrant has changed residence to a place outside the registrar’s jurisdiction in which the registrant is registered; or
- (B) (i) has failed to respond to a notice described in paragraph (2); and
(ii) has not voted or appeared to vote . . . in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

52 U.S.C. § 20507(d)(1). Paragraph (2) describes a notice that must be a “postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address,” together with other requirements.

In sum, while the NVRA permits the eventual removal of a non-responsive registered voter on the ground that they have changed residence in limited circumstances, that removal cannot happen until, at a minimum, they have received the proper kind of notice and have not voted for two federal general election cycles, which *is two to four years*.

The letters received by Ms. Hill and others, however, indicates non-compliance with this provision of the NVRA. Here, the letter informs them that they may be removed from the registration lists “on the ground” that they have “changed residence,” 52 U.S.C. § 20507(d)(1), i.e., because “Thunderbolt states that you no longer reside within the municipality.” But the letter indicates that if the registered voter does not appear at the August 30, 2017 hearing, they will be removed from the list of registered voters. In other words, non-responsive voters will be removed from the rolls on the grounds that they have changed residence *in less than two months* from the receipt of the letter, before a single federal general election cycle has occurred. (The letter also does not resemble the type of notice described in Paragraph (2) of 52 U.S.C. § 20507(d).)

Although the potential removal of these voters is technically done pursuant to Georgia’s voter challenge procedure, O.C.G.A. § 21-2-299, the implementation of the challenge procedure must yield to the requirements of federal law, to the extent that the challenge procedure allows the removal of voters on the ground that *they have changed residence*. For that reason, other courts have rejected attempts to prematurely remove voters on the ground that they have changed residence as being in violation of the NVRA, even if the removals were done pursuant to state voter challenge procedures. *See N.C. State Conf. of the NAACP v. N.C.*, No. 1:16CV1274, 2016 WL 6581284 (M.D.N.C. Nov. 4, 2016); *Montana Democratic Party v. Eaton*, 581 F. Supp. 2d 1077, 1081 (D. Mont. 2008). Unless this violation is rectified, we reserve our right to bring legal action in an appropriate district court for declaratory and injunctive relief to redress the violation, and for attorneys’ fees and expenses, as provided by 52 U.S.C. § 20510(b)(2).

However, we remain happy to discuss these and other matters with you in the hopes of quick resolution. Thank you for your prompt attention.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Young', is written over a faint, illegible printed name.

Sean J. Young
Legal Director
ACLU of Georgia

EXHIBIT A

CHATHAM COUNTY BOARD OF REGISTRARS

1117 EISENHOWER DR., SUITE E
POST OFFICE BOX 13757
SAVANNAH, GEORGIA 31416

(912) 790-1520
FAX 790-1519

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INGER B. BOSTICK

July 17, 2017

Jennifer Ann Hill

Thunderbolt, GA 31404

Voter Registration Number:

Dear Sir or Madam,

You are hereby notified that the City of Thunderbolt has challenged your right to vote in their municipal election on November 7, 2017. The City of Thunderbolt states that you no longer reside within the municipality.

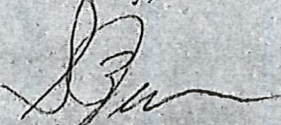
If you have moved from the address listed in their municipality to another address within Chatham County, please complete the enclosed form and return by October 10, 2017. If you have moved from Chatham County, please write a letter stating you are no longer a resident of this county and mail to us by August 30, 2017.

If this address is still your legal residence it will be necessary to contact the Clerk of Council for the City of Thunderbolt, Kay McCafferty, at (912) 354-5533 ext. 655 by August 30, 2017.

Before your name may be removed from the list of registered voters, a hearing must be held to determine that you are no longer qualified. Therefore, pursuant to O.C.G.A. 21-2-228, a hearing has been set for Wednesday, August 30, 2017 at 12:00 p.m. This hearing is set before the Chatham County Board of Registrars who will meet on this date at the Voter Registration Office located at 1117 Eisenhower Dr., Savannah, GA, 31406.

Our office hours are Monday through Friday, 8:00 a.m. to 5:00 p.m. If we don't hear from you by August 30, 2017, your name will be removed from the list of registered voters. Please be aware that you must register thirty (30) days prior to any scheduled election in order to vote in that election. The registration deadline for the November 7, 2017 election is October 10, 2017.

Sincerely,


Sabrina S. German
Director