



Prepared Remarks

Caitlin May

Voting Rights Attorney

ACLU of Georgia

Marietta, Georgia

October 10, 2022

3:00 PM

Good afternoon. My name is Caitlin May, and I am a Voting Rights Staff Attorney at the ACLU of Georgia. The ACLU of Georgia is a non-partisan organization dedicated to protecting the civil liberties of each and every Georgian. The right to vote is one of the most sacred civil liberties we have as Americans. We believe voting should be accessible for every citizen, and that voters should only be removed from the rolls or flagged as challenged voters when that process is in strict compliance with state and federal law. Bare-bones challenges to voters in the immediate run-up to an election place an undue burden on voters at the price of their integral right to participate in civil society. We recently sent a letter to the Board describing why the challenges pending before the Board should be dismissed, and I am here today to talk about some of those reasons.

National Voter Registration Act

The National Voter Registration Act prohibits “systematic” removal of voters within 90 days of an election. We are now within 29 days of the November election. Challenges based on database and spreadsheet matching, without personal or individualized knowledge pertaining to the challenge which result in removals, is systematic and not proper at this point in the election cycle.

Probable Cause Requirement

For 230 challenges, the Board of Elections must evaluate each challenge on its face, without conducting outside research as to whether it meets the requirement of probable cause to place a voter in “challenged status.” This means that to sustain these challenges, the members today must find more than mere suspicion that the voter is not eligible to vote in Cobb County. They would need some individualized evidence of the voter being challenged to do this. These protocols have mostly been used when someone knew, for example, that a neighbor had moved. That’s very different than an apartment number being missing from an address based on some sort of database matching process.

If someone is placed in challenged status, they will have to vote on a “challenged” ballot on election day, and the Board will be required to hold another hearing before certification to address the merits of the challenge. Forcing a voter to cast a challenged ballot should not be taken lightly. This process brings a high likelihood that this voter’s vote will not be counted, possibly because of some reporting error by the DDS or some other reporting agency.

Overworked Election Workers

Finally, our election workers are working harder than ever to serve our communities. They need to be using their resources to serve voters, process registrations, mail out absentee ballots, and prepare for early voting. There very well could be thousands more challenges like this before election day. But it is important to remember that the Board is not obligated to find

individualized evidence if the challenger has not presented any. The statute requires that the Board “immediately consider” these challenges on their face, rather than allowing the use of staff resources to investigate and then consider. The burden is solely on the challenger to show that they have done individual and rigorous investigation into each person they challenged, and that they can show that the voter they are challenging is not eligible to vote where they are registered. If the challenger is unable to do so, as in this case, the Board must dismiss all voter challenges.

Thank you for your time.