



P.O. Box 77208, Atlanta, GA 30357
770.303.8111 | syoung@acluga.org

September 6, 2018

Randy Morrow
Chief Deputy Registrar, Baldwin County
121 N. Wilkinson Street, Suite 102
Milledgeville, GA 31061
vrbaldc@baldwincountygga.com

CC by e-mail: Brian Kemp, Secretary of State (c/o Ryan Germany, Esq.)
Judge Todd Blackwell, Baldwin County Chief Elections Officer

Via Certified Mail and E-mail

Re: Reported Violations of State and Federal Law

Dear Mr. Morrow,

Voter registrars are the gatekeepers of the sacred, constitutional right to vote and, as such, they must comply with state and federal law. The ACLU of Georgia writes on behalf of Georgia Shift, a civic engagement organization that gives marginalized young people a seat at the table of democracy through electoral action, hands-on education, and civic media programs, and engages in voter registration to help achieve that goal.

According to Georgia Shift, your office has: 1) required that copies of photo identification accompany any voter registration application turned in by Georgia Shift; and 2) held irregular office hours that prevent Georgia Shift from turning in voter registration applications during regular business hours, such as closing the office from 12:00 p.m. to 2:30 p.m. on one or more weekdays.

If these reports are true, then your office has disenfranchised voters in violation of both state and federal law.

First, it is illegal to require eligible voters to provide copies of photo identification to accompany any voter registration application. To be sure, an older version of the voter registration form that had been provided by the Secretary of State's Office for nearly a decade contained misleading and erroneous instructions requiring first-time Georgia voters to provide a copy of photo identification or other proof of residence (e.g., a utility bill) along with the voter registration application. *See Exhibit A.* But the ACLU of Georgia intervened earlier this year, pointing out to the Secretary of State's Office that under state and federal law, first-time Georgia voters who register by mail or through third parties do not have to provide proof of residence

until they vote. *See* O.C.G.A. § 21-2-220(c); 52 U.S.C. § 21083(b); Ga. Comp. R. & Regs. § 183-1-6-.02(6). Some may be exempt from the requirement entirely. *See id.*

As a result of the ACLU of Georgia's intervention, the Secretary of State's Office has recently introduced a new voter registration form that accurately notes that first-time Georgia voters do not need to provide proof of residence at the time of registration, but that they can do so at the time of voting. *See* Exhibit B.¹ Perhaps you still have copies of the incorrect, older voter registration form; if so, we urge you to replace them immediately.

Second, holding irregular office hours that prevent organizations like Georgia Shift from turning in voter registration applications during regular business hours is a violation of state law. State law requires that "the office of the chief deputy registrar" be "accessible at all times during normal business hours." O.C.G.A. § 21-2-215(b); *see also* O.C.G.A. § 21-2-213(c) (requiring every county to use taxpayer dollars to hire a "*full-time* county officer or employee" known as a "chief deputy registrar" whose job is to register voters, if the county cannot maintain an office that is "open and staffed during regular business hours." (emphasis added)).

Elections are right around the corner. It is crucial that any violations be rectified immediately. Please respond as soon as possible confirming that your office will stop requiring copies of photo identification to accompany every voter registration application, and confirming that your office will remain open during regular business hours without exception. We look forward to hearing from you.

Sincerely,




Sean J. Young
Legal Director
ACLU of Georgia

¹ A copy can be found at https://registertovote.sos.ga.gov/GAOLVR/images/reg_form.pdf. *See also* Mark Niese, *Georgia voter registration forms changed to correct ID requirement*, Atlanta Journal-Constitution, Aug. 20, 2018, at <https://bit.ly/2PzH6OE>.

EXHIBIT A

Fill out the bottom half of this application by following these directions. Print clearly and use blue or black ink.

-  **REQUIREMENT:** If you are submitting this form by mail and you are registering for the first time in Georgia, enclose a copy of one of the following with your application: A copy of a current and valid photo ID, a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address. Those who are entitled to vote by absentee ballot under the Uniform and Overseas Citizens Absentee Voting Act are exempt from this requirement.

Place copy of
ID in pocket

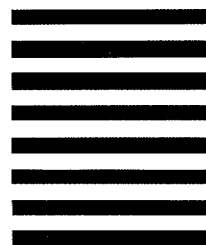
Trim copy of
ID to size

COUNTY PRECINCT		MUNICIPAL PRECINCT	DISTRICT COMBO	DDS APPLICATION NO.	REGISTRATION NO.	CHANGE OF ADDRESS CHANGE OF NAME OTHER																	
1	LAST NAME		FIRST NAME		MIDDLE OR MAIDEN NAME		SUFFIX <input type="checkbox"/> Jr. <input type="checkbox"/> Sr. <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> V																
2	RESIDENCE ADDRESS: House No. and street name		APT. NO.	CITY	COUNTY	STATE GA.	ZIP CODE																
3	MAILING ADDRESS (If different from residence address): Post-office box or route				CITY	STATE	ZIP CODE																
4	TELEPHONE NUMBER ()	DATE OF BIRTH: MM/DD/YYYY / /	GENDER Male <input type="checkbox"/> Female <input type="checkbox"/>	RACE/ETHNICITY: <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> American Indian <input type="checkbox"/> Other																			
5	VALID GA. DRIVER'S LICENSE OR GA. I.D. NO. <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>										If no GA Driver's License or GA. I.D. No., must provide last 4 digits of your Social Security Number		FULL SOCIAL SECURITY NUMBER (OPTIONAL) Last 4 Digits (Required) <table border="1"><tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>										<input type="checkbox"/> Check if you do not have a GA Driver's License, GA. I.D. No. or Social Security No.
6	<p>I SWEAR OR AFFIRM: (Your answer is required under federal law)</p> <p>Are you a citizen of the United States of America? Check One: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Will you be 18 years of age on or before election day? Check One: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If you checked "No" in response to either of these questions, do not complete this form.</p> <p>I SWEAR OR AFFIRM THAT:</p> <p>I reside at the address listed above.</p> <p>I am eligible to vote in Georgia.</p> <p>I am not serving a sentence for having been convicted of a felony involving moral turpitude.</p> <p>I have not been judicially declared to be mentally incompetent.</p> <div style="border: 2px solid black; padding: 10px; margin-top: 10px;"><p>WARNING: Any person who registers to vote knowing that such person does not possess the qualifications required by law, who registers under any name other than such person's own name, or who knowingly gives false information in registering shall be guilty of a felony.</p><p>O.C.G.A. § 21-2-561</p></div>																						
		Date	Signature		Signature of person helping illiterate or disabled voter																		
7	May we contact you about working as an Election Day poll officer? Yes <input type="checkbox"/> No <input type="checkbox"/>		If you would like to receive additional information by email, please provide your e-mail address:		Military Active Duty? Yes <input type="checkbox"/> No <input type="checkbox"/>																		
8	CHANGE OF NAME: If you are changing your name, list the name under which you were previously registered: Last Name Suffix First Middle or Maiden Name		CHANGE OF ADDRESS: If you are changing your address or if you were previously registered to vote, list your previous address:																				
		CITY	COUNTY		STATE																		

DO NOT FOLD OVER, STAPLE OR TAPE



NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES



BUSINESS REPLY MAIL

FIRST-CLASS MAIL PERMIT NO. 19242 ATLANTA GEORGIA

POSTAGE WILL BE PAID BY ADDRESSEE

HON. BRIAN P. KEMP
SECRETARY OF STATE
STATE OF GEORGIA
PO BOX 105325
ATLANTA GA 30348-9562



STATE OF GEORGIA APPLICATION FOR VOTER REGISTRATION

If you meet the following qualifications, complete this form and **personally mail** to the Secretary of State or **personally** deliver to your county voter registration office. Prepaid postage is provided for your convenience.

QUALIFICATIONS: To register to vote you must:

- Be a **citizen** of the **United States**
- Be a legal **resident** of the **county**
- Be at least **17½** years of age to register and **18** to vote
- **Not** be serving a sentence for conviction of a **felony** involving moral turpitude
- Have **not** been found **mentally incompetent** by a judge

See other side for complete instructions.

Once you complete and personally mail or deliver your application, you should receive an acknowledgement from the local voter registration office. Generally this process takes two to four weeks. To follow up on your voter registration application or to obtain more information on voter registration and elections, just call your local voter registration office.

GENERAL INFORMATION:

For more information on election dates, registration deadlines, and local county voter registration telephone numbers, see the Secretary of State's website at WWW.SOS.STATE.GA.US/ELECTIONS.

HON. BRIAN P. KEMP
SECRETARY OF STATE
1104 West Tower
2 Martin Luther King, Jr. Dr.
SE Atlanta, GA 30334-1505
Telephone: (404) 656-2871

EXHIBIT B

Fill out the bottom half of this application by following these directions. Print clearly and use blue or black ink.

- SECRETARY OF STATE**
- REQUIREMENT:** If you are submitting this form by mail and you are registering for the first time in Georgia, you are required to submit proof of residence either with this form OR when you vote for the first time. Proof of residence includes one of the following: a COPY of a current and valid photo ID; or a COPY of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address. You are exempt from this requirement if you are entitled to vote by absentee ballot under the Uniform and Overseas Citizens Absentee Voting Act, or if you provide your Georgia driver's license/ID number (or the last four digits of your social security number if you do not have a driver's license/ID) on this form and your identifying information is verified with a state database.

Trim copy of
ID to size

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