

P.O. Box 77208 Atlanta, Georgia 30357 | 770-303-8111 | info@acluga.org

July 7, 2017

Office of the Secretary of State
214 State Capitol
Atlanta, GA 30334

Via Certified Mail and E-mail

Re: Open Records Request concerning the requests from the “Presidential Advisory Commission on Election Integrity” and the U.S. Department of Justice

Last Wednesday, Kris Kobach, the Kansas secretary of state and vice chairman of the “Presidential Advisory Commission on Election Integrity,” wrote a letter to you requesting that you send the commission the personal information of all registered Georgia voters, including full names, birth dates, addresses, political affiliations, voting history, and last four digits of Social Security numbers. The letter says that all documents provided to the commission will be made public. On the same day, the United States Department of Justice (“DOJ”), led by Attorney General Jeff Sessions, wrote a letter to you requesting that you send DOJ the details of Georgia’s list maintenance procedures.

It is obvious that the purpose of the “Commission” is to use the private information of Georgia’s citizens to make exaggerated claims about untold numbers of people who are supposedly registered and voting in multiple states (even though many mobile voters unintentionally leave their names on multiple states’ rolls), to justify purging voters on technicalities and other unlawful criteria, and to green-light even more voter suppression measures that make it harder for people—especially lower-income voters and racial minorities—to exercise their fundamental right to vote. In apparent conjunction with this sham commission, the DOJ seeks information on Georgia’s list maintenance procedures in order to find ways to force Georgia to be even more aggressive in purging voters from the rolls.

The biggest threat to the integrity of our elections is not how many times voters from different states happen to share the same name. The biggest threat to election integrity is the still-dismal participation rate of Georgia voters. Rather than waste any more taxpayer dollars on cooperating with this sham of a commission or their counterparts at the DOJ, your Office should focus on making it easier for voters to participate in the political process, not harder.

I. Open Records Request for communications between your Office and the Administration related to voting

This Open Records Request seeks to ensure that your Office is not complicit in the Administration’s transparent attempts to use these requests to justify voter suppression. Thus, pursuant to the Georgia Open Records Act (O.C.G.A. § 50-18-70 et seq.), the American Civil Liberties Union Foundation of Georgia, Inc., respectfully requests access to inspect and copy the

following public records prepared or received by the Office of the Secretary of State or its employees:

All communications from November 8, 2016, to the present, between the Secretary of State or any employee of your office and any employee of the Administration of President Donald J. Trump or any employee of the United States Department of Justice concerning the Presidential Advisory Commission on Election Integrity or any contemplated laws, measures, standards, or practices related to voting.

All communications from November 8, 2016, to the present, between the Secretary of State or any employee of your office and any employee or member of the Presidential Advisory Commission on Election Integrity, before or after its formation.

All documents from November 8, 2016, to the present, concerning the Presidential Advisory Commission on Election Integrity.

II. Open Records Request to inspect information provided to the “Commission” to ensure their confidentiality

In addition, this Open Records Request seeks to ensure that the voter information you willingly share with the Commission complies with state confidentiality laws. As such, we also respectfully request access to inspect the information, including voter information, that you provide to the Presidential Advisory Commission on Election Integrity.

III. Open Records Request for the same information you are providing to the U.S. Department of Justice

Lastly, this Open Records Request seeks to obtain the same information that has been requested by the DOJ in their June 28, 2017 letter in the interests of transparency. If DOJ seeks to use this information to force Georgia to more aggressively purge voters from the rolls, we demand this same information so that we can help protect Georgia citizens against the DOJ, and to help ensure that Georgia is complying with the National Voter Registration Act of 1993.

Specifically, we request copies of:

- All statutes, regulations, written guidance, internal policies, or database user manuals that set out the procedures Georgia has put in place relating to:
 - (A) the general program required by Section 8(a)(4) to remove voters from the voter registration list who have become ineligible due to death or change of residence;
 - (B) the requirement of Section 5(d) that motor vehicle changes of address generally serve as updates to voter registration records;
 - (C) any other process that election officials are authorized or required to follow to remove voters by reason of death or change in residence, such as

challenge procedures or other list maintenance activities not part of the “general program”; and

- (D) the processes that the state follows for coordinating state databases under HAVA for list maintenance purposes, and any other database coordination or comparison that the state undertakes for list maintenance purposes.

If you have relevant procedures in place that are not covered by these written materials, please provide a description of them.

- An explanation of which election officials are responsible for implementing Georgia’s general program of voter registration list maintenance, and for those responsible officials not employed by your office (such as a local election official), a description of the steps that you have taken to ensure that the State’s list maintenance program has been properly carried out in full compliance with the NVRA.

Pursuant to the Open Records Act (O.C.G.A. § 50-18-74), we request that you make these records available for our inspection within a reasonable time not to exceed 30 days of the date of this letter. Should you determine that some portion of the documents requested are exempt from disclosure, please release any reasonably segregable portions that are not exempt, pursuant to O.C.G.A. § 50-18-72(g). In addition, if our request is denied in whole or in part, the law requires your agency to justify all deletions by reference to exemptions of the Georgia Open Records Act, specifying code section, subsection, and paragraph. *See* O.C.G.A. § 50-18-72(h).

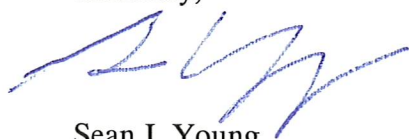
We request that you waive the copying fees. If your office does not maintain these public records, please let us know who does and include the proper custodian’s name and address. To the extent that your office claims the right to withhold any record, or portion of any record, please describe each and every record or portion that is being withheld and the claimed reason for exemption, citing the exact language of the Open Records Act on which you rely.

Should your estimate of those fees exceed \$10, please advise us of the costs before they are incurred. We would prefer electronic copies of the records whenever possible. However, we also seek a waiver of any and all possible charges because the disclosure of the requested information is in the public interest and will contribute significantly to the public’s understanding of how your Office is cooperating with the Presidential Advisory Commission on Election Integrity and its efforts. *See* O.C.G.A. s 50-18-71(c). This information is not being sought for commercial purposes.

If any records are unavailable within 30 days of receipt of the request, and responsive records exist, we seek a description of such records and a timeline of when access to the records will be provided. If you have suggestions for tailoring this request so as to ensure a more expeditious but still meaningful response, we would be happy to consider them. We receive the right to appeal any decision to withhold any information or to deny a waiver of fees.

Thank you for your prompt attention.

Sincerely,

A handwritten signature in blue ink, appearing to read 'S. Young', written over the printed name.

Sean J. Young
Legal Director
ACLU of Georgia