



Voting Rights Advocates File New Federal Voting Rights Lawsuit Challenging Georgia's Restrictive Exact-Match Voter Registration Verification Scheme

Exact-Match Verification Scheme has Prevented Tens of Thousands of Eligible Georgians from Registering to Vote - the Majority of Whom are African-American, Latino and Asian American Citizens

Norcross, GA, September 14, 2016 — The Lawyers' Committee for Civil Rights Under Law (Lawyers' Committee), Project Vote, Campaign Legal Center, Voting Rights Institute of the Georgetown University School of Law, along with the New York City office of Hughes Hubbard and Reed LLP and Atlanta-based firm of Caplan Cobb, acting as pro bono counsel, filed a lawsuit today on behalf of the Georgia State Conference of the NAACP (GA NAACP), Georgia Coalition for the Peoples' Agenda (GCPA) and Asian Americans Advancing Justice - Atlanta (AAAJ-A) alleging that Georgia's exact-match voter registration verification scheme violates the Voting Rights Act of 1965 and denies eligible Georgians of their fundamental right to vote under the First and Fourteenth Amendments to the United States Constitution.

The complaint, filed in the United States District Court for the Northern District of Georgia, alleges that Georgia maintains a voter registration verification process which requires all of the letters and numbers comprising the applicant's name, date of birth, driver's license number and last four digits of the Social Security number exactly match the same letters and numbers for the applicant on the state's Department of Drivers Service (DDS) or Social Security Administration (SSA) databases. If even a single letter or number, or a hyphen, space or apostrophe, does not exactly match the database information and the applicant fails to correct the mismatch in 40 days, the application is automatically cancelled and the applicant is not placed on the registration rolls. For those who attempt to re-register, there is no guarantee that the application will not be cancelled again if the information supplied in the original application was correct and the matching failure was due to a data entry error by the election clerk or when the information was originally entered into the DDS or SSA databases.

Worse, this process is disproportionately resulting in the cancellation of applications submitted by African American, Latino and Asian America applicants at rates significantly higher than White applicants. For example, of the approximately 34,874 voter registration applicants whose applications were cancelled between July 2013 and July 15, 2016, with a status reason of "Not Verified," approximately 22,189 (63.6 percent) identified as Black, 2,752 (7.9 percent) identified as Latino, 1,665 (4.8 percent) identified as Asian-American, and 4,748 (13.6 percent) identified as White.

What makes this process so unpredictable and unduly burdensome for applicants is that even perfect applications can fail the matching process through no fault of the applicant because of data entry errors in the creation of the database records, inherent limitations in the matching software and algorithms that are used to compare the data, system glitches and other problems that applicants have no ability themselves to discern or to correct.

Even though the Social Security Administration's Office of Inspector General issued a report in June 2009 admitting that the flaws and errors in the SSA's voter registration verification system were preventing eligible

applicants to register to vote, Georgia has continued to maintain this error-prone system which disenfranchises thousands of applicants each year.

“Ironically, this process was implemented by Georgia to comply with the ‘Help America Vote Act of 2002,’ but it does nothing to help eligible Georgians to vote and, quite the contrary, makes it almost impossible for some Georgian citizens, particularly African-Americans, Latinos and Asian Americans, to complete the voter registration process,” said Kristen Clarke, president and executive director of the Lawyers’ Committee. “Even the Help America Vote Act (HAVA) does not require the exact match protocol employed by Georgia and does not impose any time deadline by which applicants are required to resolve a mismatch issue.”

“Young people, senior citizens and Georgians who are new to the state are being unnecessarily disenfranchised by Georgia’s voter registration verification process,” said Helen Butler, executive director of the Georgia Coalition for the Peoples’ Agenda, one of the plaintiffs in the action. “While it is gratifying to see young people taking an interest in participating in our democracy, I worry about how this process may discourage them from voting in their first presidential election only to learn that they have been denied the right to vote because of an error-prone and flawed process.”

Stephanie Cho, executive director of Asian Americans Advancing Justice - Atlanta, which is also a plaintiff in the case, is concerned that the exact match protocol is making it unnecessarily difficult for Asian American applicants to successfully complete the registration process. “Many Asian Americans have traditional names which may be unfamiliar to election clerks responsible for entering their registration data into the statewide registration system,” she noted. “Therefore, they may omit a space between an applicant’s first name and middle name, or include a hyphen that the applicant does not use or even transpose a single letter or number. Failures to match can occur when Asian American applicants use their surname as the first name, which is a common practice for traditional Korean-American applicants. There is no legitimate reason to cancel applications for the failure to match the databases under these circumstances or on such a short timeline when this practice prevents eligible applicants from being able to vote.”

“Georgia is one of the few states that continues to disenfranchise eligible citizens based upon a strict database matching protocol that is not mandated by HAVA or by state law,” said Francys Johnson, president of the GA NAACP, a plaintiff in this matter. While the state may have a legitimate interest in ensuring that only eligible voters cast ballots, the entirely arbitrary 40-day deadline does nothing to serve that interest. There is simply no legitimate reason why this flawed process should be allowed to continue to disenfranchise eligible Georgians, particularly when the evidence shows that the process is disproportionately preventing African American, Latino and Asian American applicants from completing the registration process and is denying them their fundamental right to vote.”

About Asian Americans Advancing Justice - Atlanta

Asian Americans Advancing Justice - Atlanta (formerly Asian American Legal Advocacy Center or AALAC) is the first non-profit law center dedicated to Asian immigrants and refugees (“Asian Americans”) in the Southeast.

Our goal is to engage, educate and empower under-represented Asian Americans to greater civic participation.

We are one of five independent organizations that make up the national Asian Americans Advancing Justice. Together with our affiliates in Chicago, DC, Los Angeles and San Francisco, we bring more than 100 years of collective experience in addressing the civil rights issues faced by Asian Americans and other vulnerable and underserved communities. Visit www.advancingjustice-atlanta.org.