



OFFICIAL ELECTION BULLETIN

November 29, 2018

TO: County Election Officials and County Registrars
FROM: Robyn A. Crittenden, Secretary of State
RE: Consent Order – Change to Voter Assistance Laws

Pursuant to a Consent Order entered by United States District Judge Timothy Batten, you are directed to permit voters who are entitled to receive assistance to receive assistance from anyone of their choosing, subject to the requirements of both Section 208 of the Voting Rights Act and O.C.G.A. § 21-2-409(b)(1) for the December 4, 2018 runoff and all future elections, regardless of whether a federal candidate is on the ballot.

This means that the provisions set forth in O.C.G.A. § 21-2-409(b)(2), which limited assistance in non-federal elections to only relatives and people within the precinct, cannot be enforced. Voters are entitled to receive assistance due to inability to read the English language or disability rendering them unable to see or mark the ballot/DRE, and these voters are allowed to select any person of their choosing except their employer or agent of that employer or officer or agent of the voter's union. Further, there is no longer a limitation on the number of people a person may assist.

Due to how close we are to Election Day, some existing forms will need to be used even though they include language that no longer applies. Do not require individuals assisting voters to check off any boxes on any forms, including those on absentee ballots and absentee ballot envelopes, indicating their relationship to the voters or how many voters they have assisted. However, nothing prevents you from requiring persons assisting voters to identify themselves, as required by O.C.G.A. § 21-2-409(a).

Attached to this OEB is a notice regarding providing assistance to voters. This attached notice titled "Notice on Assistance" must be posted at all polling places in a location that is viewable at the major entrance of each polling place, effective immediately.

Also attached is a copy of the consent order.

NOTICE ON ASSISTANCE

Voters entitled to assistance may receive assistance from any person of their choice except their employer or agent of their employer or officer or agent of their union.

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JIN KWON and ASIAN AMERICANS)

ADVANCING JUSTICE-ATLANTA,)

Plaintiffs,)

) CIVIL ACTION

v.)

) No. 1:18cv5405-TCB

ROBYN A. CRITTENDEN, in her official)
capacity as Secretary of State,)

Defendant.)
_____)

CONSENT ORDER

Plaintiffs filed this action against the Georgia Secretary of State pursuant to the Voting Rights Act and the First and Fourteenth Amendments, seeking to enjoin enforcement of O.C.G.A. § 21-2-409(b)(2), which limits those persons that may assist a voter when no candidate for federal office appears on the ballot to registered voters in the voter’s precinct, statutorily specified family members, and the voter’s caretaker. Section 21-2-409(b)(2) also limits the number of voters any

one person can assist to ten (10) in any election with no federal candidate on the ballot.

Sec. 208 of the Voting Rights Act, 52 U.S.C. § 10508 provides that voters requiring assistance “may be given assistance by a person of the voter’s choice, other than the voter’s employer or agent of that employer or officer or agent of the voter’s union.” Sec 208 of the VRA does not limit the number of voters any one person may assist in an election.

This Court has jurisdiction of this action pursuant to 52 U.S.C. § 20510(b) and 28 U.S.C. §§ 1331 and 1343(a)(4).

In order to avoid the burden, delays, and uncertainties of litigation and to efficiently and expeditiously promote the parties’ shared goal of ensuring that Georgia’s voters are afforded the rights guaranteed by the requirements of the Voting Rights Act, the parties consent to the terms of this Order.

WHEREFORE, the parties having freely given their consent, and the terms of the Consent Decree being fair, reasonable, and consistent with the requirements of the VRA, it is hereby ORDERED, ADJUDGED and DECREED that:

1) Defendant, Secretary of State, and the Secretary of State’s officers, assigns, successors, agents, servants, employees, attorneys, and other persons who

are in active concert or participation with them, are hereby enjoined from enforcing or relying on O.C.G.A. § 21-2-409(b)(2).

2) Consistent with Sec. 208 of the Voting Rights Act, voter assistance in all future elections will be governed by O.C.G.A. § 21-2-409(a) and § 21-2-409(b)(1), regardless of whether a candidate for federal office appears on the ballot.

3) The Secretary shall issue a bulletin immediately, and by no later 5:00 PM on Thursday, November 29, 2018, to all county election superintendents and direct them to permit voters requiring assistance to receive assistance from anyone of the voter's choosing, subject to the requirements of both Sec. 208 of the VRA and O.C.G.A. § 21-2-409(b)(1). This bulletin shall also inform county election superintendents that they may not require individuals assisting voters to check off any boxes on any forms, including those on absentee ballots and absentee ballot envelopes, indicating their relationship to the voters or how many voters they have assisted. However, nothing herein prevents county election officials from requiring persons assisting voters to identify themselves, as required by O.C.G.A. § 21-2-409(a). The Secretary shall also provide all county election superintendents a copy of this Order.

4) The Secretary agrees, for the December 2018 run-off, to provide notice to the public by issuing a press release by 5:00 PM on Thursday, November 29, 2018, reporting that all voters entitled to assistance with voting may receive assistance from any person of their choice who satisfies the requirements of Section 208 of the Voting Rights Act, 52 U.S.C. § 10508 and O.C.G.A. § 21-2-409(b)(1), regardless of whether or not there is a federal candidate on the ballot.

5) The Secretary agrees to provide notice to the public on the Secretary of State's website that all voters entitled to assistance with voting may receive assistance from any person of their choice who satisfies the requirements of Section 208 of the Voting Rights Act, 52 U.S.C. § 10508 and O.C.G.A. § 21-2-409(b)(1), regardless of whether or not there is a federal candidate on the ballot. Said Notice will remain on the Secretary of State's website so long as the current version of O.C.G.A. § 21-2-409(b)(2) remains in the Georgia Code.

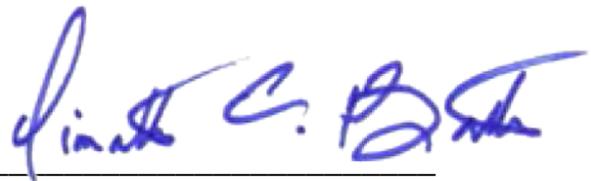
6) The Secretary further agrees, no later than 5:00 p.m. on Friday, November 30th, to provide each Election Superintendent with a notice and agrees to instruct the county election superintendents to post said notice at all polling places on election-day in a location that is viewable at the major entrance of each polling place. The notice will state that voters entitled to assistance may receive

assistance from any person of their choice who satisfies the requirements of Sec. 208 of the Voting Rights Act.

8) All future training conducted by the Secretary of State's Office shall be consistent with this Order.

9) Upon entry of this Consent Order by the Court, Plaintiffs shall be entitled to file a motion for reasonable attorneys' fees and costs from Defendant. The amount of such attorneys' fees and costs shall be determined pursuant to the procedures set forth in Northern District of Georgia Civil Local Rule 54.2 (hereinafter, L.R. 54.2) and other applicable legal authorities.

IT IS SO ORDERED THIS 29th day of November, 2018

A handwritten signature in blue ink, appearing to read "Timothy C. Batten, Sr.", is written over a horizontal line.

Hon. Timothy C. Batten, Sr.
District Court Judge

Consented to:

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