Georgia Largely Abandons Its Broken “Exact Match” Voter Registration Process

Georgia voters inaccurately flagged as non-citizens will still face problems when registering to vote

Atlanta, GA, April 5, 2019 — On Tuesday, after three federal lawsuits in 2008, 2016 and 2018, Georgia Governor Brian Kemp signed House Bill 316, largely ending the onerous ‘exact match’ system that has failed Georgia voters for the past 12 years.

The ‘exact match’ system placed more than 50,000 voter registrations—disproportionately those of voters of color—on hold before the 2018 elections because of discrepancies between government records. Thousands of the applicants were also put on hold because they were flagged as potential non-citizens when their applications were matched against outdated DDS records. A coalition of Georgia civil rights groups—represented by Lawyers’ Committee for Civil Rights Under Law, Campaign Legal Center, Asian Americans Advancing Justice – Atlanta, Hughes Hubbard & Reed LLP, and The Law Office of Bryan L. Sells—sued prior to the 2018 election and that lawsuit is ongoing.

Litigation around the state’s process for verifying voter registration applications started over a decade ago. After the initial 2008 litigation that challenged the first implementation of the verification process, then-Secretary of State Kemp implemented an exact match process in 2010. That version was ended by a settlement after a lawsuit filed in 2016. In 2017, the legislature revived the failed program despite knowing it had a disparate impact on voters of color. After the current lawsuit was filed in 2018, the Georgia legislature and Governor Kemp have now largely ended this discriminatory system.

However, the Georgia applicants who are incorrectly marked as non-citizens under the ‘exact match’ system, will continue to face issues when registering to vote. “While this is a step in the right direction, Georgia is continuing to match voter registration data against outdated Department of Drivers Services (DDS) record,” said Julie Houk, Managing Counsel for Election Protection for the Lawyers’ Committee for Civil Rights Under Law. “Georgians who are United States citizens will continue to be inaccurately flagged as non-citizens if they obtained a Georgia driver’s license prior to attaining citizenship or because of other deficiencies in the database matching process. A result, eligible Georgia citizens will continue to be unreasonably burdened by having their voter registration applications put on hold or even canceled."

“Voters in Georgia should feel relief today that minor discrepancies or typos on government documents will not deny them the right to vote,” said Danielle Lang, co-director, voting rights and redistricting at CLC. “Georgia’s abandonment of this failed program is long overdue. Georgia should also abandon its reliance on unreliable data to impose additional burdens on registration for naturalized citizens.”

“Many of the voters who will continue to be affected by the citizenship issue are Asian American,” said Stephanie Cho, Executive Director of Asian Americans Advancing Justice - Atlanta. “Asian Americans already historically have low levels of civic engagement, and burdens to voting like this only make that worse. We will continue to work with our communities on the ground to let them know about this law change and provide support for the burden the system continues to place on naturalized citizens.”
The failed exact match program put voters' registrations in jeopardy for reasons as benign as hyphenated last names, minor typos or data entry errors. Voters will no longer have their registration canceled because of such minor discrepancies; they will be fully registered and treated exactly the same as other voters. Under the new law, voter registration applicants flagged for discrepancies between DMV and voting records will be fully registered to vote but must produce proof of identity to a poll official before voting. Like all Georgia voters on Election Day, this means they must show photo ID to a poll official before they cast a ballot.

About the Lawyers' Committee for Civil Rights Under Law

The Lawyers' Committee for Civil Rights Under Law, a nonpartisan, nonprofit organization, was formed in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address racial discrimination. Now in its 56th year, the Lawyers' Committee for Civil Rights Under Law is continuing its quest to "Move America Toward Justice." The principal mission of the Lawyers' Committee for Civil Rights Under Law is to secure, through the rule of law, equal justice for all, particularly in the areas of criminal justice, fair housing and community development, economic justice, educational opportunities, and voting rights.

About Campaign Legal Center

Campaign Legal Center (CLC) is a nonpartisan, nonprofit organization based in Washington, D.C. CLC is adamantly nonpartisan, holding candidates and government officials accountable regardless of political affiliation. CLC was founded in 2002 and is a recipient of the prestigious MacArthur Award for Creative and Effective Institutions. Our work today is more critical than ever as we fight the current threats to our democracy in the areas of campaign finance, voting rights, redistricting and ethics. CLC watchdogs government officials, provides expert analysis and helps journalists uncover violations. CLC also participates in legal proceedings across the country to defend the right to vote and ensure fair redistricting.

About Asian Americans Advancing Justice-Atlanta

Asian Americans Advancing Justice Atlanta (Advancing Justice-Atlanta) is a nonpartisan, nonprofit organization dedicated to protecting and promoting the civil rights of Asian Americans and Pacific Islanders (“AAPIs”) and other immigrant and refugee communities in Georgia through policy advocacy, legal services, impact litigation, and civic engagement.

About Hughes Hubbard & Reed LLP

Hughes Hubbard & Reed LLP is a New York City-based international law firm with a relentless focus on providing quality service to our clients and delivering successful results in the most complex matters. With a powerful combination of scale and agility, we offer clients innovative and effective solutions, while remaining flexible to adapt to their needs and market developments. Known for a collaborative culture, as well as our diversity and pro bono achievements, Hughes Hubbard has a distinguished history dating back more than a century. For more information, visit hugheshubbard.com.

About The Law Office of Bryan L. Sells, LLC

The Law Office of Bryan L. Sells is a boutique civil rights law firm based in Atlanta, Georgia, specializing in voting rights, election law, and redistricting.

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