

EXHIBIT 5

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

GEORGIA COALITION FOR THE PEOPLES' AGENDA, INC., as an organization; ASIAN AMERICANS ADVANCING JUSTICE-ATLANTA, INC., as an organization; GEORGIA STATE CONFERENCE OF THE NAACP, as an organization; NEW GEORGIA PROJECT, INC., as an organization; GEORGIA ASSOCIATION OF LATINO ELECTED OFFICIALS, INC., as an organization; PROGEORGIA STATE TABLE, INC., as an organization; JOSEPH AND EVELYN LOWERY INSTITUTE FOR JUSTICE AND HUMAN RIGHT, INC., as an organization; and COMMON CAUSE, as an organization;

Plaintiffs,

v.

BRIAN KEMP, in his official capacity as Secretary of State for the State of Georgia,

Defendant.

Civil Action

Case No. 1:18-cv-04727-ELR

**EXPEDITED TREATMENT
REQUESTED**

DECLARATION OF TAMIEKA ATKINS

DECLARATION

Pursuant to 28 U.S.C. § 1746, I, Tamieka Atkins, declare as follows:

1. I am the Executive Director of ProGeorgia State Table, Inc. (“ProGeorgia”), am over the age of 18 years and am competent to make this declaration.
2. I have personal knowledge of the matters stated herein and would testify to the same if called as a witness in court.
3. ProGeorgia is a Georgia nonprofit corporation with its principal place of business in Atlanta, Georgia.
4. ProGeorgia was founded in 2012. Its mission is to coordinate the civic engagement efforts of its non-profit partner organizations and to increase voter engagement among historically underrepresented voters by supplying field coordination for voter education and voter mobilization efforts.
5. Among other activities, ProGeorgia, along with some of its partner organizations, help to register newly naturalized United States citizens at naturalization ceremonies, including in Atlanta and in Tucker, Georgia.

6. Since ProGeorgia began conducting voter registration events following naturalization ceremonies in Georgia, the organization has assisted 33,710 new citizens and some of their family members and friends to register to vote. Of these registered voters, approximately 25% are African American, 33% are Asian American or Pacific Islander, 26% are Latino, 13% are white, and 3% are another racial category.

7. Based upon voter registration data produced by the Georgia Secretary of State's office on July 4, 2018, and an analysis of that data by ProGeorgia, we determined that at least 501 voter registration applicants who registered with the assistance of ProGeorgia and its partner organizations at naturalization ceremonies were in "pending" status for reasons related to the failure to verify against DDS, SSA or citizenship data. Of those individuals, approximately 24 % are Black; 24% Latino; 35% Asian American; 11% White; 3% Unknown; and 3% of another racial category.

8. Based upon my experience doing civic engagement and third party voter registration work in Georgia with ProGeorgia, I am familiar with Georgia's "exact match" voter registration process that was codified into

state law as a result of the enactment of HB 268 in 2017 and the implementation of it by Defendant Brian Kemp.

9. I understand that voter registration applications may fail the “exact match” process identifying information on the voter registration application does not exactly match the information on the DDS and SSA databases.

10. I am also aware that applications may fail the “exact match” process due to minor discrepancies between the information on the form and the information about the applicant on the DDS or SSA databases, such as when an applicant uses a hyphen or other punctuation in their name on the form, but the DDS or SSA database information omits the hyphen or other punctuation. Failures to match may also occur when applicants use an abbreviated version of their names, i.e., Tom versus Thomas, or when a woman registers to vote using her married name and the database records still show her maiden name.

11. I am also aware that through the “exact match” registration process, voter registration form information is matched against GA DDS citizenship data and that this process inaccurately flags United States citizens as potential non-citizens because it relies upon outdated data that

was entered into the DDS records prior to the voter registration applicant becoming a United States citizen.

12. When ProGeorgia participates in voter registration drives to register new citizens following naturalization ceremonies, ProGeorgia and its partner organizations make it a practice to recommend that new citizens include a copy of their naturalization certificates with the voter registration applications in a proactive effort to avoid having those individuals inaccurately flagged as non-citizens. In fact, we have copiers available during the voter registration events following the naturalization ceremonies to facilitate this process.

13. I am also aware that even when a voter registration applicant submits a copy of his or her naturalization certificate or other acceptable forms of proof of citizenship with their registration form, he or she may still be inaccurately flagged as a potential non-citizen and subjected to further burdens in order to complete the registration process.

14. According to page 42 of the 2018 Georgia Poll Worker Manual issued by Defendant Kemp's office, individuals who are flagged as potential non-citizens, and appear to vote in person on Election Day, are required to produce an acceptable form of documentary proof of citizenship to a poll

worker *who has been sworn as deputy registrar*, rather than an ordinary poll worker, in order to be able to cast a regular ballot if the poll worker cannot obtain verification of the individual's citizenship from the county registrar.

See,

<https://georgiapollworkers.sos.ga.gov/Shared%20Documents/Georgia%20Poll%20Worker%20Training%20Manual.pdf>

15. In the event that a deputy registrar is not present at the poll, an individual who must show documentary proof of citizenship to cure the failure to match outdated DDS citizenship data must travel from the poll to a deputy registrar's location and then back to the poll to cast a regular ballot.

16. This process will cause severe hardships on individuals who may not have the time to travel to the county registrar's office because of work or other commitments or lack access to a vehicle or public transportation to get to the registrar's office and then return to the poll to vote on Election Day.

17. If the individual does not have the ability to travel to a different location where a deputy registrar is present and then return to his or her polling site to cast a ballot, he or she may cast a provisional ballot.

However, the provisional ballot will only count as a vote if the individual

returns to the registrar's office within three days of the election and produces satisfactory documentary proof of citizenship to a deputy registrar, placing more burden on an applicant inaccurately flagged as a potential non-citizen.

18. Given that this problem is caused by a matching process that relies upon outdated citizenship data that is not automatically updated when an applicant becomes a United States citizen, Georgia citizens impacted by it should not be subjected to an unduly burdensome and entirely unnecessary process which mandates that citizenship documents be shown to a deputy registrar instead of a poll worker. Poll workers can and should be trained to review and accept citizenship documents for proof of citizenship at the polls, just as they are trained to review and accept various forms of photo ID for proof of identity at the polls.

19. The "exact match" registration process and implementation by Defendant Kemp is causing, and will continue to cause, harm to the ProGeorgia's mission to increase voter engagement among historically underrepresented voters.

20. The process and its implementation have caused, and will continue to cause, ProGeorgia to divert a portion of its financial and other organizational resources to educating our partners and Georgia citizens

about the “exact match” process and seeking out ways that our organization and partner organizations can assist potential voters whose applications have been put into “pending” status and are subject to automatic cancellation as a result of the enactment of HB 268 and its implementation by Defendant Kemp.

21. As a result, ProGeorgia has, and will continue to have, fewer resources to dedicate to its other organizational activities, including voter registration drives and GOTV efforts while the “exact match” process and implementation by Defendant Kemp remain in effect.

22. I declare under penalty of perjury that the foregoing is true and correct under penalty of perjury. Executed this 18 day of October 2018 at Atlanta, Georgia.



Tamieka Atkins, Executive Director
ProGeorgia State Table, Inc.