



Secretary of State Brian P. Kemp
214 State Capitol
Atlanta, Georgia 30334

Chris Harvey
Director of Elections Division
2 MLK Jr. Dr. S.E.
Suite 802, Floyd West Tower
Atlanta, GA 30334

May 11, 2018

Dear Secretary Kemp and Mr. Harvey,

Pursuant to Section 8 of the National Voter Registration Act of 1993, 52 U.S.C. § 20507(i)(1), Campaign Legal Center and Southern Center for Human Rights submit this request for records. The undersigned are seeking records relating to the processes and procedures used by the State for identifying voters who are ineligible to vote based on a disqualifying felony conviction and a determination that they have not completed their sentence. The undersigned are also seeking records relating to the policies and procedures employed by the State, if any, to determine which voters who have completed their sentence following a disqualifying felony conviction should be automatically re-registered and returned to the active voting rolls. The undersigned wish to understand, among other things, (1) the policies and procedures related to determining whether any given felony conviction is disqualifying because it involves moral turpitude; and (2) the policies and procedures used to determine whether service of any particular sentence is complete and the relevance of any outstanding legal financial obligations to that determination.

Requested Records:

We request that you promptly provide the following information in electronic format:

1. Individualized voter information and individualized processing information for each of the following voter registration applicants or voters:
 - a. All voter registration applicants who were rejected or otherwise not added to the official list of eligible voters on the ground that the service of their sentence for a disqualifying felony conviction (i.e., felony involving moral turpitude) was incomplete;

- b. All voter registrants canceled, purged, or otherwise removed from the official list of eligible voters on the basis of a disqualifying felony conviction (i.e., felony involving moral turpitude) and an incomplete sentence;
 - c. All voter registration applicants who applied and were added to the official list of eligible voters, where the voter had a felony conviction and an allegedly incomplete sentence but that felony conviction was deemed to be not disqualifying (i.e., not a felony involving moral turpitude);
 - d. All voter registrants not canceled, purged, or otherwise removed from the official list of eligible voters where the voter has a felony conviction and incomplete sentence but that felony conviction was deemed to be not disqualifying (i.e., not a felony involving moral turpitude).
 - e. All voter registrants who were automatically re-registered and reinstated on the official list of eligible voters upon completion of their sentence for a disqualifying felony conviction, without any action on the voters' part to re-register.
- 2. For each individual applicant or voter listed in response to requests 1(a)-(b), provide all records documenting the specific reason(s) why the voter registration application was rejected or why the voter was removed and how that determination was made, including but not limited to:
 - a. The specific felony conviction(s) at issue (include jurisdiction and statutory provision) determined to be disqualifying;
 - b. The specific status of the sentence for the disqualifying conviction at the time of the rejection or removal (e.g., prison, parole, probation, outstanding fines or fees).
 - c. If the status is parole, provide the parole end date and the status of any legal financial obligations at the time of rejection or removal.
 - d. If the status is probation, provide the probation end date and the status of any legal financial obligations at the time of rejection or removal.
 - e. If the voter registration application was rejected or the voter was removed from the official list of eligible voters because of the voter's alleged failure to pay any financial component of his or her sentence, the specific nature of the financial obligation allegedly unpaid (including fines, fees, restitution, etc).
- 3. For each individual applicant or voter listed in response to requests 1(c)-(d), provide all records documenting the specific reason(s) why the conviction at issue was deemed not disqualifying and how that determination was made.
- 4. Please provide the following documents related to any process in place in your office for matching voters and voter applicants to felony conviction records:
 - a. All documents, including from any responsible vendor, reflecting

- processes and policies for populating and updating any database of felony conviction records used for assessing voter eligibility.
- b. All documents, including from any responsible vendor, reflecting processes and policies for matching voters and voter applicants to felony convictions records, through a database or otherwise.
 - c. All contracts, memorandums of understanding, or other agreements between your office and the Georgia Department of Corrections, Georgia Department of Community Supervisions, or Judicial Council of Georgia.
 - d. All contracts, memorandums of understanding, or other agreements with any third-party vendor responsible for any of the following:
 - i. Populating or updating databases of Georgia citizens with convictions that are used to assess voter eligibility;
 - ii. Informing your office or any registrar, directly or indirectly, when a Georgia citizen receives a conviction or completes his or her sentence;
 - iii. Informing your office or any registrar whether legal financial obligations for disqualifying convictions have been paid or are outstanding.
 - e. All data fields and codes that are included in the felony convictions records used for determining the eligibility of voters.
5. Provide all documents—including, but not limited to, written policies, procedures, guidance, legal memoranda, legal opinions, communications, and any other formal or informal documents—related to when an individual with a felony conviction has completed his or her sentence. Include all documents related to the relevance, or lack of relevance, of outstanding legal financial obligations in making this determination.
6. Provide all documents—including, but not limited to, written policies, procedures, guidance, legal memoranda, legal opinions, communications, and any other formal or informal documents—related to how registrars determine if any particular felony conviction involves “moral turpitude,” including any lists of disqualifying and non-disqualifying convictions.
7. Provide all documents—including, but not limited to, written policies, procedures, guidance, legal memoranda, legal opinions, communications, and any other formal or informal documents—related to how registrars determine whether to re-register, or decline to re-register, any individual who has completed service of his or her term of imprisonment and/or probation or parole.
8. Provide a sample of each type of notification letter used to inform voters or voter applicants of their rejection or removal on the basis of a disqualifying felony conviction and incomplete sentence.
9. Provide all documents—including, but not limited to, written policies,

procedures, guidance, legal memoranda, legal opinions, communications, and any other formal or informal documents—related to how your office determines the nature of the fines and fees imposed upon an applicant or registrant with a felony conviction, including how your office determines what constitutes a disqualifying unpaid fine or fee and whether the fact that any voter or voter applicant may owe restitution is considered to be the failure to complete the financial component of a sentence .

Definitions:

1. “Individualized voter information” as used in this request includes:
 - a. First name
 - b. Last name
 - c. Middle Name
 - d. Suffix
 - e. Street Number and Address
 - f. Apartment Number
 - g. City
 - h. State
 - i. Zip Code
 - j. County
 - k. Mailing address, if different
 - l. Phone number
 - m. Voter ID number assigned by the election official
 - n. Date of Birth
 - o. Date registered to vote, if any
 - p. Place of birth
 - q. Race, if available
 - r. Sex, if available
 - s. Disqualifying felony conviction (including jurisdiction, date, statutory provision, and sentence), if any
 - t. Non-disqualifying felony conviction (including jurisdiction, date, statutory provision, and sentence), if any
 - u. Proof of restoration of rights provided, if any
Progress towards completion of sentence for disqualifying felony (in prison, on parole, on probation, completed parole/probation but owes legal financial obligation, including what type of financial obligation is owed and in what amount)
2. “Individualized Processing information” as used in this request includes:
 - a. Date voter registration application signed by prospective voter
 - b. Date voter registration application received
 - c. Date voter registration application entered into database
 - d. Current status of applicant or voter (i.e., active, inactive, pending, rejected, suspended, etc.)
 - e. Date status changed, if at all

- f. History of any changes in status, if any
 - g. Types of letters or notices mailed, if any
 - h. Dates of letters or notices mailed, if at all
 - i. Status of letter or notice (i.e., whether it was returned); and
 - j. Any response to notice or letter, including any document(s) provided, if applicable
 - k. Date voter was flagged for removal, if applicable
 - l. Date voter removed, if applicable
 - m. Date of status changed, if at all
3. “Documents” as used in this request means any information, whether in paper or electronic format, including written, recorded, and graphic materials of every kind.

Conclusion

The documents we request are well within the scope of the transparency requirements of the National Voter Registration Act. *See Project Vote v. Long*, 752 F. Supp. 2d 697, 710 (E.D. Va. 2010) (finding that disclosure of an “applicant’s felony record” was required under the NVRA because Congress had not specifically designated this information as confidential and the court could not conclude that disclosure of it would “upset the purposes of the statute”), *aff’d*, 682 F.3d 331 (4th Cir. 2012).

Campaign Legal Center and Southern Center for Human Rights are requesting these records for the past two years (since May 10, 2016) pursuant to 52 U.S.C. § 20507(i)(l). *See id.* at 710. To the extent that there are no records for a specific item requested, please state that no such record exists. If records not specifically requested do exist, please provide the record available that is closest to the requested information that is not available. If your policies or procedures have change during the past two years, include information regarding the prior policies as well as the current policy. Similarly, if your policies or procedures change between the date of this request and the date of your response, please include information regarding the prior policy and the current policy on your date of response.

We expect that any charges imposed to provide copies of this information will be reasonable and comply with Section 8(i) of the NVRA. We prefer to receive information electronically such as by email (dlang@campaignlegalcenter.org) or FTP transfer. Alternately, you may ship a thumb drive or disks to me at the below address. Please provide information immediately available on a rolling basis if you will need additional time to process this request.

Sincerely,

Danielle Lang

Senior Legal Counsel
Campaign Legal Center
1411 K Street NW Suite 1400
Washington, DC 20005

Aaron Littman
Staff Attorney
Southern Center for Human Rights
83 Poplar Street NW
Atlanta, GA 30303

Ira M. Feinberg
Partner
Hogan Lovells US LLP
875 Third Avenue
New York, NY 10022