

Message

From: David Dove [redacted@gmail.com]
Sent: 9/23/2017 1:52:48 PM
To: Brian Kemp [redacted@gmail.com]
CC: Tim Fleming [redacted@gmail.com]; Jared Thomas [redacted@gmail.com]; Ryan Mahoney [redacted@kempforgovernor.com]; Ryan Germany [redacted@gmail.com]
Subject: Re: Good work, this story is so complex folks will not make it all the way through it. BK

Agreed. I think she wrote this to appease her folks on the left but this won't help draw eyeballs.

Sent from my iPhone

c. [redacted]

On Sep 23, 2017, at 05:24, Brian Kemp <[redacted@gmail.com]> wrote:

Georgia resets rules on voter challenges after a town got it wrong

By [Kristina Torres](#) - The Atlanta Journal-Constitution



KRISTINA TORRES/KTORRES@AJC.COM Thunderbolt resident Jennifer Hill questioned why the town was challenging her status as a registered voter eligible to cast a ballot in upcoming municipal elections. Kristina Torres/ktorres@ajc.com

Posted: 12:00 a.m. Saturday, September 23, 2017

THUNDERBOLT —

A recent [string of problems](#) over how local officials challenged the registration of Georgia voters can be summed up in the curt, one-page letter that arrived mid-July at Jennifer Hill's home near Savannah.

Even though she had lived there for three years, the tiny town of Thunderbolt wanted Hill to prove her residency because her name did not appear in its water utility records.

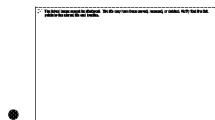
"It came out of the blue," said Hill, 45, an Army veteran and former police officer, whose one-story, beige bungalow sits just around the corner from the Thunderbolt Town Hall — where she voted in November. "I'm on the mortgage. This is my house, too."

It wasn't just Hill. More than 300 letters went out that week in this coastal town of 2,600, based on form letters filled out by Town Clerk Kay McCafferty and sent to the Chatham County Voter Registration Office. It created a mountain of difficulty.

Georgia municipal officials are often on the front lines to help ensure accurate voter registration lists. But they don't always get it right. And in Thunderbolt, an effort to clean up the rolls ahead of a Nov. 7 election for mayor and six aldermen highlighted a process gone awry.

A patchwork system has long existed across Georgia on voter challenges. The process is often front and center for local authorities ahead of municipal elections, when the state allows them to verify local electors' lists before Election Day.

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Ultimately, many haven't gotten it wrong. And the errors may have violated federal law, since it has been common practice to immediately delete voters off the rolls if local boards approved the challenges.

In Thunderbolt, everyone who received a letter faced the ultimate consequence: They would be removed from voting rolls.

There was one problem.

“It’s not appropriate for a city clerk to look at a water bill and begin the process for removing a voter,” said David Dove, the chief of staff and legal counsel in the Georgia Secretary of State’s Office.

Meant to be uniform

While the Secretary of State’s Office has overall responsibility for Georgia’s voter rolls, local elections offices in the state’s 159 counties often do much of the heavy lifting.

State officials control overall policy, providing guidance and direction while also controlling overarching systems such as the state’s 6.9 million-voter registration database. Local workers input new registrants, verify information and contact voters who haven’t cast a ballot in a while.

The effort is meant to be uniform, although it includes a measure of independence for local officials who attend regular training on topics such as voter registration administration and reporting election results.

Georgia law allows any registered voter to challenge another’s eligibility. The state gives local boards of registrars the right to periodically examine voters’ “qualifications” and to remove them from rolls.

Both state and federal law also allow the removal of registered voters who move away from the voting district or, for instance, die.

Federal law, however, also requires authorities to wait for confirmation of a change or at least wait until a voter hasn’t voted in two federal elections and fails to respond to contact requests before kicking them off the rolls.

In Georgia, those challenged voters are supposed to remain on the rolls as “inactive” in that time before they are removed, a process that takes several years. “Inactive” voters are still legally registered to vote in Georgia, have full access to the ballot and can vote as usual. If they show up in the meantime, elections officials can update their registration record and move them back into “active” voter status.

'We knew that was not a residence'

The accusation in the Thunderbolt voter letter made Hill so mad she logged into Facebook and recorded a live post, which soon caught the attention of the American Civil Liberties Union of Georgia. The group contacted Chatham officials, who reached back out to McCafferty. McCafferty then declined to move forward with the challenges.

In years past, voters such as Hill who were successfully challenged on grounds of residency were deleted from voting lists, according to the minutes of Chatham's Board of Registrars meetings.

Counties across Georgia did the same. And the variety of approaches they took — and still take — on the issue has been a problem.

Small towns in Sumter County have been using only water bills to verify voters' addresses, a convenience of little municipalities that may have as few as 83 voters, said Robert Brady, the county's elections supervisor and chief registrar.

"It's assumed if you're paying for water inside the city limits, then you live there," said Brady, who said the towns in Sumter are small enough that verification is easier than in large cities. If there is a problem, it's usually easily fixed.

Conversely, Bartow County officials have spent the past five years working with local municipalities that used utility bills to disqualify voters, trying to get them to change their ways. The county decided it wanted more proof that voters were ineligible before dropping them from rolls.

Of the seven municipalities in Bartow, five are doing voter challenges this year affecting about 60 people in all.

In Decatur County, Chief Elections Officer Carol P. Heard has seen one voter challenge in the past three years. A man had registered using a car dealership as his address, although he never responded to attempts by the county to contact him. "That auto dealership is on the main drag of Bainbridge, and we knew that was not a residence," she said.

Seeking to get everyone on the same page, the Georgia Secretary of State's Office on Aug. 18 formally notified local officials that challenge hearings cannot "result in a voter being removed from

the list of electors for any change of address” unless there was written confirmation by the elector that they either still lived there or had moved.

Should the state be doing more?

Voter roll cleanups ahead of local elections in Georgia have been a sore point before, and the state has been pushed to the center of a national debate on voting access that has included allegations of what advocates call voter roll purges.

In March, Hancock County settled a lawsuit alleging election officials in 2015 wrongly challenged nearly 200 voters ahead of a racially divided election in Sparta, the county seat. Members of the county Board of Elections denied wrongdoing, but their attorney acknowledged the board failed to consider federal law as it acted to immediately remove more than 5 percent of the city’s registered voters.

That same month, a federal judge dismissed a 2016 lawsuit over Georgia’s approach in trying to reach voters who had not cast a recent ballot to confirm their addresses. The Georgia NAACP and government watchdog group Common Cause, which are appealing the ruling, said that effort violated federal voting laws.

Advocates have said the state too often waits to get complaints about local election problems before acting, something that concerns them because officials in Georgia are no longer required to seek federal approval before making changes to voting rules.

This year, that fear has been heightened by President Donald Trump’s unsubstantiated claims of “millions” of illegal voters and moves under his administration to get voters’ personal data and information about how states remove voters who should not be eligible to vote.

In Hill’s case, Sean Young, the state ACLU’s legal director, faulted the Secretary of State’s Office for not doing more to help anticipate questions and prevent problems on the local level.

He also applauded Hill for fighting back, since both he and Hill believe the state would not have corrected the problem had she not questioned the process.

“Neither federal nor state law requires voters to have water bills listed in their names in order to cast a ballot,” Young said. “Although the Office of the Secretary of State is responsible for ensuring that the counties follow the law, in this instance, it failed to do so.”

Dove, however, said the state acts as quickly as possible when it becomes aware of a problem.

“Any complaint filed with the office that a county is not following the law is thoroughly investigated and presented to the state Election Board,” Dove said.

‘Not the case anymore’

In Thunderbolt, it is not clear why the town chose water billing information. McCafferty declined requests for an interview, although in a brief conversation she said she used it at the suggestion of the county.

County officials deny this, but they acknowledged that water billing information has been used by local cities in the past. Those challenges, however, included corresponding records such as change of address forms filled out by residents to disconnect utility service.

“They did more extensive research,” said Sabrina German, the executive director of Chatham’s Voter Registration Office. “Even though they did use the water bill, they also used other documentation. It wasn’t just solely based on the water bill.”

She also said her office had not received many complaints about the removals.

As recently as 2015, records show Port Wentworth won approval to remove about 640 voters from local rolls — a higher-than-usual number that then-City Clerk Miriam Jordan attributed to the fact that the city had not reviewed its voter list in 16 years.

In the same meeting, Pooler City Clerk Maribeth Lindler won approval to remove more than 1,000 voters.

Both cities used water bills as part of their challenges, although neither appeared to rely solely on that one document.

Colin McRae, the chairman of Chatham's Board of Registrars, said in retrospect, a utility bill is likely not enough evidence for a county to cancel a voter.

"Society changes," McRae said. "Maybe 30 years ago, everybody who lived at an address had the same name, but that's just not the case anymore."

Hill, meanwhile, is still baffled her name ended up on the list.

"I think everybody should have unfettered access to voting, and this was just one way it felt like they were trying to restrict that," she said. "It's not right for anyone to do that. I just want them not to do this to anyone else."

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Brian Kemp

[REDACTED]
[REDACTED]
(c) [REDACTED]
(o) [REDACTED]
[REDACTED]@gmail.com