

Georgia

Registration Deadline

Forms must be received or postmarked by the fifth Monday before an election (29 days for a federal general election).¹

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Database Implementation Status

Georgia has used a top-down voter registration system, in which county officials have direct access to a centralized statewide database, for at least ten years.²

Entering Voter Registration Information

Who inputs voter registration information? County election officials generally review and enter information from voter registration forms in their jurisdictions into the statewide system.

What happens to voter registration forms submitted at state registration agencies? Forms received by the Secretary of State are sent daily to the appropriate county election official for review and entry. The Department of Driver Services (“DDS”) conducts voter registration by entering information directly into a discrete database; the electronic record is then sent to the Secretary of State to merge into the statewide voter registration database. The DDS will also send hard copies of the submitted registration forms to the Secretary of State, who will then direct the application to the appropriate county office.³

How are most forms submitted? Georgia reported that in 2004, 26% of forms were submitted by mail, 10% were submitted in person to election officials, 58% were submitted at the DDS, and 6% were submitted at another voter registration agency.⁴

Voter Registration Form

The relevant portions of the voter registration form are included at the end of this section.⁵

Processing of Forms Without Identifying Numbers

How will the state treat an application with an affirmative indication that the applicant has no valid identifying number? Georgia’s form does not clearly state how an applicant should indicate that she has no valid identifying number.

How will the state treat an application without an identifying number and without an affirmative indication that the applicant has no such number? Before *Schwier v. Cox*, the pending litigation challenging Georgia’s right to request the full SSN, Georgia did not issue a unique state identifying number for any application without a full SSN. Now, according to the consent decree issued in *Schwier*, an applicant submitting an application form with a missing or incomplete SSN will be issued a unique state voter registration

number. However, if Georgia wins the litigation and retains the ability to require the full SSN, the state will contact those individuals who did not submit a full SSN and require that they do so; those who do not supply the full SSN will be removed from the database.⁶

How will the state treat an application listing an identifying number that is either incomplete or illegible? Per the terms of the consent decree, the applicant will be issued a unique voter registration number and if the applicant is otherwise eligible, she will be considered registered.⁷

Matching Against Motor Vehicle and Social Security Records

Georgia does not attempt to match information on voter registration forms with information in the motor vehicles or Social Security databases for voter registration purposes. Upon the outcome of the pending litigation, state officials may revisit this policy.

Notice and Opportunity to Resolve Errors

Does the applicant have the opportunity to correct a missing or incomplete identifying number, without submitting a new form? Yes. Per the terms of the consent order, the applicant may correct missing or incomplete information at any time.⁸

Does the applicant have the opportunity to resolve a failed match? Not applicable.

If information on an otherwise timely application is corrected after the voter registration deadline, is the correction timely? Yes.

Description of notice and correction process: Before the litigation, Georgia did not consider an applicant registered until she had supplied a full and complete SSN. An applicant whose SSN was missing or incomplete would be notified by phone, and if necessary by mail, and afforded an opportunity to supply a complete number. The applicant could correct the problem within 30 days up through Election Day, either by mailing in a new form or by appearing at a county registrar in person to provide the number orally.⁹

Pending the outcome of the litigation, there is now no registration-related consequence for submitting a form with a missing or incomplete SSN, other than the form of identification to be presented at the polls (see below). The notice described above is still given, but the applicant may now correct the information at any point.

Identification Requirements at the Polls

Who must provide identification at the polls? A first-time voter registering by mail whose identifying numbers have not been verified and who did not submit specified valid identification with her application must show identification at the polls. All other voters must show identification or sign an affirmation at the polls.¹⁰

What forms of identification are accepted? A Georgia driver's license; ID card issued by state or federal government; passport; employee photo ID card; student photo ID card from any Georgia college, university, or postgraduate technical or professional school; Georgia firearms license; federal pilot's license; military ID card; certified copy of a birth certificate; Social Security card; certified naturalization documentation; certified court records showing adoption, name, or sex change; or a current utility bill, bank statement, government check, paycheck, or other government document showing name and address.¹¹

What are the consequences of failing to show identification? The voter may cast a provisional ballot.¹² The provisional ballot will be counted if the voter provides identification, in person or by fax, to the county registrar's office within two days of the election.¹³

Forms of ID:

1st-time voters registering by mail without verified identifying number:	Georgia driver's license federal- or state-issued ID card passport employee photo ID card student photo ID from Georgia school Georgia firearms license federal pilot's license military ID card certified birth certificate Social Security card certified naturalization document specified certified court records current utility bill w/ name, address bank statement w/ name, address government check w/ name, address paycheck w/ name, address other gov't document w/ name, address
every other voter:	any of the above affidavit

Statutes and Regulations

GA. CODE ANN. §§ 21-2-210 *et seq.* generally concern voter registration. GA. CODE ANN. § 21-2-211 directs the Secretary of State to develop and maintain a list of all eligible and qualified registered electors in the state. GA. COMP. R. & REGS. ch. 183-1-6 contains the applicable regulations.

End Notes

¹ GA. CODE ANN. § 21-2-224(a).

² electionline.org, *Assorted Rolls: Statewide Voter Registration Databases Under HAVA*, June 2005, available at <http://www.electionline.org/Portals/1/EB11.FINAL1.pdf>, at 16.

³ GA. CODE ANN. § 21-2-221(e).

⁴ Election Assistance Commission, *The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2003-2004*, June 30, 2005, tbl. 2, available at http://www.eac.gov/NVR_Spreadsheets/NVRA_table_2.html. Due to rounding, the percentages listed may exceed 100%.

⁵ Currently, Georgia requires an applicant's full SSN. GA. CODE ANN. §§ 21-2-219, 21-2-220, 21-2-221. However, pending litigation has challenged Georgia's right to request the full SSN. *Schwier v. Cox*, No. 1:00-CV-2820-JEC (N.D. Ga. Jan. 31, 2005), *appeal docketed*, No. 05-11428-AA (11th Cir. Mar. 16, 2005). Pending the decision on appeal, Georgia has entered into a consent order allowing the state to continue to receive registration forms that state that the SSN is required; however, the forms are to be processed whether an applicant submits a SSN or not. *See* *Schwier v. Cox*, No. 1:00-CV-2820-JEC (N.D. Ga. June 27, 2005) (consent order).

⁶ *See* *Schwier v. Cox*, No. 1:00-CV-2820-JEC (N.D. Ga. June 27, 2005) (consent order). The relevant statute provides that if any information "with the exception of current and valid identification" is missing, the applicant will not be registered, but the applicant may provide the missing information at any point within 30 days of notice that the application was incomplete, up through Election Day. GA. CODE ANN. § 21-2-220(d).

⁷ *See supra* note 6.

⁸ The relevant statute provides that if any information "with the exception of current and valid identification" is missing, the applicant will not be registered, but the applicant may provide the missing information at any point within 30 days of notice that the application was incomplete, up through Election Day. *Id.* § 21-2-220(d).

⁹ *Id.*

¹⁰ GA. CODE ANN. §§ 21-2-220(c) (2004), 21-2-417 (2004). There is a potential conflict in the law for first-time voters registering by mail. Section 21-2-220(c) provides that a first-time voter registering by mail whose identifying number has not been verified must provide identification *either* when registering *or* when voting at the polls; section 21-2-417 states that every voter must provide identification at the polls. It is not clear whether first-time voters registering by mail who have already shown identification when registering must also show identification at the polls.

The statute also provides that first-time voters registering by mail who submit "identifying information with their forms that the registrars are able to match to information contained on a state database . . . containing the same number, name, and date of birth" need not present further identification before arriving at the polls. *Id.* § 21-2-220(c)(1) (2004). However, as Georgia does not currently match submitted information to any database other than the existing statewide voter registration database, no first-time voter will qualify for this exemption.

¹¹ GA. CODE ANN. §§ 21-2-220(c) (2004), 21-2-417(c) (2004). In 2005, Georgia passed H. 244, 148th Gen. Assem., Reg. Sess. (Ga. 2005), which restricted the permissible forms of identification to six specified forms of photo ID. This law was precleared under Section 5 of the Voting Rights Act, *see* DOJ, Section 5 Recommendation Memorandum (Aug. 25, 2005), available at <http://www.washingtonpost.com/wp-dyn/content/custom/2005/11/16/2005111601869.html>; Jeffrey McMurray, *Feds OK Georgia Law Requiring Photo ID to Vote*, Chi. Sun-Times, Aug. 28, 2005, available at <http://www.suntimes.com/output/news/cst-nws-vote28.html>. However, a federal court then enjoined the practice as an unconstitutional burden on the right to vote, Common

Cause / Georgia v. Billups, No. 4:05-cv-00201, 2005 WL 3556181 (N.D. Ga. Oct. 18, 2005); the case is now on appeal before the U.S. Court of Appeals for the Eleventh Circuit, *see* Common Cause / Georgia v. Cox, No. 05-15784-G (11th Cir. docketed Oct. 24, 2005).

In early 2006, legislation amending H. 244 to provide photo identification free of charge for those who lack photo ID was passed and signed into law. *See* House Substitute to Senate Bill 84, 148th Gen. Assem., Reg. Sess. (Ga. 2006), *available at* http://www.legis.state.ga.us/legis/2005_06/pdf/sb84.pdf. This legislation must still be precleared by the Department of Justice, and may remain subject to the court challenge above.

In the meantime, while the 11th Circuit decision and S.B. 84 are pending, pre-existing law governs. The following identification will currently be accepted: Georgia driver's license; ID card issued by state or federal government; passport; employee photo ID card; student photo ID card from any Georgia college, university, or postgraduate technical or professional school; Georgia firearms license; federal pilot's license; military ID card; certified copy of a birth certificate; Social Security card; certified naturalization documentation; certified court records showing adoption, name, or sex change; or a current utility bill, bank statement, government check, paycheck, or other government document showing name and address. A voter other than a first-time voter registering by mail who has not already provided identification may also submit an affidavit in lieu of the above identification. GA. CODE ANN. § 21-2-417 (2004).

¹² *Id.* § 21-2-417(b) (2004).

¹³ *Id.* §§ 21-2-417(b) (2004), 21-2-419(c).

