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

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

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

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

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).

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/CU2005111601869.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

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* <u>http://www.eac.gov/NVR_Spreadsheets/NVRA_table_2.html</u>. 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.

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* <u>http://www.legis.state.ga.us/legis/2005_06/pdf/sb84.pdf</u>. 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, preexisting 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).

STATE OF GEORGIA APPLICATION FOR VOTER REGISTRATION Fill out the bottom half of this application by following these directions. Print clearly and use blue or black ink

LEGAL NAME. Your full legal name including any suffix such as Sr., Jr., III, is required on this form.

ADDRESS. This information is required. If mailing address is different from residential address, complete mailing address section.

3. **PERSONAL INFORMATION.** A telephone number where you can be reached during normal business hours is helpful to registration officials if they have a question about your application. Social Security Number is required by O.C.G.A. § 21-2-219 and 21-2-220. SSN is confidential by O.C.G.A. § 21-2-225 and is used only to verify the identity of voters. Gender and race are requested and are needed to comply with the Voting Rights Act of 1965, but are not mandated by law.

4. **OATH.** Federal law requires that you answer the citizenship and age questions. Read the oath and sign your name. If you cannot complete this application unassisted because of physical disability or illiteracy, you must either sign or make your mark on the signature line, and the person assisting you MUST sign the signature space for person assisting voter.

5. **POLL OFFICER QUESTION.** Your willingness to be a poll worker will have no bearing on your application for registration. Poll officers are paid for their time. Providing your e-mail address is optional.

6. NAME/ADDRESS CHANGE. Complete these sections to change the name or address of your current voter registration.

7. **MAP/DIAGRAM**. If you live in an area without house numbers and street names, please include a drawing of your location to assist us in locating your appropriate districts and voting precinct. Trim (do NOT fold) the drawing to fit easily within the pocket below.

8. **DELIVERY INSTRUCTIONS.** Verify that you have completed and signed the application. Enclose a copy of your ID if you are submitting this form by mail and registering for the first time in Georgia. Then fold the application in half, remove the tape at the top, and press the edges together. The application is ready for you to personally mail - postage is prepaid - or personally deliver the application to your county voter registration office.

9. You are NOT officially registered to vote until this application is approved. You should receive a voter precinct card in the mail. If you do not receive this acknowledgement within two to four weeks after mailing this form, or if you have further questions, please contact your county voter registration office. You can also contact the Secretary of State Elections Division at (404) 656-2871. Find your poll location and other election information on the Secretary of State's website at www.sos.state.ga.us/elections.

REQUIREMENT: If you are submitting this form by mail and you are registering for the first time in Georgia, enclose a copy of one of the following with your application: A copy of a current and valid photo ID, a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address. Those who are entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act are exempt from this requirement.

	n pocket	e copy of your ID	so that it fits e	asily withir	this pocke	et. Do NO	OT fold your	copy of the ID) to make it	fit.	Trim copy of ID to size			
	COUNTY PRECINCT	MUNICIPAL PREC	OFFI	DISTRICT	сомво		DMVS APPLIC	CATION NO.	REC	BISTRA	ATION NO.			
1	LAST NAME		FIRST NAME			10	MIDDLE OR	MAIDEN NAME	SUF		☐ Jr. □ Sr. □ II] III □ IV □ V			
	RESIDENCE ADDRESS: House number	and street name		APT. NO.	CITY		\sim	COUNTY	ST/		ZIP CODE			
2	MAILING ADDRESS (If different from r	rent from residence address): Post-office box or route CITY						STA	TE	ZIP CODE				
3	TELEPHONE NUMBER	SOCIAL SECURITY	NUMBER	DATE O MONTH		YEAR	GENDER Male Female	RACE/ETHNICI Hispanic / La	atino] Whit] Othe				
4	If you checked "No" in response to either of these questions, do not complete this form. knowing that such p I SWEAR OR AFFIRM THAT: reside at the address listed above. I am eligible to vote in Georgia. registers under any person's own name, of false information.						h person d s required ny name c le, or who in regist	in who registers to vote erson does not possess quired by law, who name other than such r who knowingly gives registering shall be G.A. § 21-2-561						
	Date Signature Signat							gnature of perso	on helping illi	terate	or disabled voter			
5	May we contact you about workin If you would like to receive addition			Yes rovide your		ss:		<u> </u>						
C	CHANGE OF ADDRESS: If you ar House No. and Street Name	re changing your a	ddress or if you w Apt. No.	*	ly registered City	l to vote, l	ist your previ	ous address: County	Stat	ie	Zip			
6	CHANGE OF NAME: If you are cl Last Name	hanging your name	e, list the name ur Suffix	nder which y	ou were prev First N	2	gistered:		Mic	Middle or Maiden Name				