



June 5, 2019  
Via U.S. Mail, Email and Fax

Laurens County Board of Registrars  
Fred W. Gilder, Chief Registrar  
Keith Alligood  
Christine Baker  
J. David Gay  
Gladine White  
P.O. Box 2102  
117 East Jackson Street  
Dublin, GA 31021  
**Email:** registrars@dlcga.com  
**Fax:** 478-277-2933

Laurens County Board of Commissioners  
Trae Kemp, Chair  
Brenda Chain  
Jeff Davis  
Jimmy Rogers  
Kevin Tanner  
P.O. Box 2011  
117 East Jackson Street  
Dublin, GA 31021  
**Email:** kempt@dlcga.com  
**Fax:** 478-272-3895

Susan H. Rooks  
Chief Deputy Registrar/Department Head  
Laurens County Board of Registrars  
P.O. Box 2102  
117 East Jackson Street  
Dublin, GA 31021  
**Email:** registrars@dlcga.com  
**Fax:** 478-277-2933

Billy R. Kight  
Laurens County Attorney  
117 East Jackson Street  
Dublin, GA 31021  
**Email:** kightb@dlcga.com  
**Fax:** 478-272-3895

**RE: Notice Letter Pursuant to the National Voter Registration Act of 1993**

Dear Madams and Sirs:

We write to notify you, on behalf of the Georgia Coalition for the Peoples' Agenda, the Georgia NAACP, and the New Georgia Project that the Laurens County Board of Registrars ("BOR"); individual members of the BOR, including Fred W. Gilder (Chief Registrar), Keith Alligood, Christine Baker, J. David Gay, and Gladine White; and the Laurens County Chief Deputy Registrar, Susan H. Rooks, all acting in their official capacities (collectively "Respondents"), have removed voters and conducted voter list maintenance activities in violation of Section 8 of the National Voter Registration Act (52 U.S.C. § 20507) ("Section 8").

Based upon our investigation to date, it appears that Respondents have violated, and are continuing to violate, 52 U.S.C. § 20507(b)(1), 52 U.S.C. § 20507(c)(2)(A), and 52 U.S.C. §§ 20507(d)-(f) by:



- (1) challenging and removing active as well as inactive electors registered to vote in Laurens County because of alleged address changes without following the NVRA's mandatory address confirmation procedures;
- (2) selectively and arbitrarily challenging and removing electors registered to vote in Laurens County in violation of the NVRA's requirement that said challenges and removals be performed in a uniform and non-discriminatory manner; and
- (3) conducting list maintenance activities resulting in the systematic removal of voters from the registration list within ninety days of a primary or general election for federal office.

For the reasons discussed below, we urge you to immediately restore all electors to the Laurens County voter registration list who have been removed through the challenge process, except for those who have confirmed in writing that they are not eligible to vote in Laurens County and asked to be removed from the list, and to immediately cease and desist from continuing to challenge or remove electors from the voter registration list in violation of Section 8.

### **1. Section 8(d) of the NVRA Provides the Exclusive Method For Removing Voters Eligible to Vote in Federal Elections from the List of Eligible Electors Because of Address Changes**

Section 8(d) of the NVRA ("Section 8(d)") sets forth the exclusive method for removing active and inactive electors who are eligible to vote in federal elections from the official Laurens County voter registration list due to alleged address changes.<sup>1</sup>

Specifically, Section 8(d) prohibits election officials from removing electors eligible to vote in federal elections from the official voter registration list based upon a change of residence unless the registrant "(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or (B)(i) has failed to respond to a notice [asking the voter to send a postage pre-paid, pre-addressed card to confirm his or her address has not changed]; and (ii) has not voted or appeared to vote . . . in an election . . . beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice." 52 U.S.C. § 20507(d); *see also U.S. Student Ass'n Found. v. Land*, 546 F.3d 373, 381-82 (6th Cir. 2008) (a registered elector cannot be removed "from an official registration list on the grounds that his or her residence has changed unless the specified criteria of [Section 8] are met . . .").

---

<sup>1</sup> Registered electors in Laurens County are eligible to vote in federal elections since the State of Georgia maintains a unitary voter registration process for state and federal elections.



Moreover, 52 U.S.C. §§ 20507(e) and (f) allow registered voters to update their address as late as on Election Day and vote a regular ballot when they have moved between addresses within the same county and congressional district.

## **2. Respondents are Challenging and Purging Electors Eligible to Vote in Federal Elections Because of Alleged Address Changes without Complying with the Procedures Mandated by Section 8(d) of the NVRA**

Despite the fact that Section 8(d) strictly limits the manner in which registered voters eligible to vote in federal elections may be removed from the list of eligible electors because of address changes, Respondents have repeatedly challenged and removed registered voters from the eligible list of electors without following the procedures mandated by the NVRA.

In fact, numerous electors registered to vote in Laurens County have been unlawfully challenged by Respondents, and many have been removed from the Laurens County voter registration list, because of alleged address changes in violation of Section 8(d). *See, e.g.*, the July 10, 2017 Board of Elections meeting minutes and lists of challenged voters. In addition, current registered voters in Laurens County who have not yet been subjected to challenge and removal are in imminent danger of being subjected to unlawful challenges and removals in the future because of Respondents' custom, policy, and practice of violating Section 8(d).

## **3. Respondents' Challenges and Purges of Registered Voters based upon Electors having Different Addresses in the Enet and DDS Records Violates Section 8(d) of the NVRA**

Available evidence indicates that many challenges and purges of registered voters by the Respondents are based upon the allegation that some Laurens County electors had a different address on file with the Georgia Department of Driver's Services ("DDS") than the address on their voter file in the statewide voter registration database ("Enet"). However, the fact that an elector may have a different address on file with DDS than the one on file in the Enet system does not establish that the elector is not qualified to vote in Laurens County and does not establish that the voter intended to move his or her voting domicile.

Nevertheless, Respondents issued letters to Laurens County electors based upon the alleged differences between their Enet and DDS addresses and summoned them to appear at challenge hearings with proof of their current residence address. The letters warned the challenged electors that the failure to "appear at [the challenge hearing] or respond to the [questionnaire sent by the BOR] . . . could possibly result in you being removed from the electors list by the Elections Divisions of the Secretary of States' office." Numerous



electors have been subjected to this unlawful challenge process and purged from the voter registration rolls because of the DDS/Enet address disparity in violation of Section 8(d). Indeed, county records indicate that more than 700 voters were challenged based on the allegation that they had moved between September 2017 and February 2019 outside of the standard NCOA procedure and other practices sanctioned by Georgia law.

#### **4. Respondents are Violating Section 8(b)(1) of the NVRA by Challenging and Purging Electors in a Non-Uniform and Discriminatory Manner**

52 U.S.C. § 20507(b)(1) provides, in pertinent part:

“Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office-

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) [now 52 U.S.C. 10301 et seq.] . . . .”

The term “uniform” as used in Section 8(b)(1) of the NVRA (“Section 8(b)(1)”) is intended to mean “that any purge program or activity must be applied to an entire jurisdiction.” House Report No. 103-9, H.R. REP. 103-9, 15-16, 1993 U.S.C.C.A.N. 105, 119-20. Respondents are violating Section 8(b)(1) by employing its challenge procedure in a manner inconsistent with this provision.

At board meetings since July 1, 2017,<sup>2</sup> the BOR challenged between 13 and 244 electors,<sup>3</sup> suggesting any trigger for a BOR challenge was not uniformly applied. Moreover, residency-based challenges founded on speculative, incomplete information raise concerns of a racially discriminatory impact because voters of color may move more than others and may be more likely to be subjected to the challenge process.<sup>4</sup>

#### **5. Respondents have Violated Section 8(c)(2)(A) by Conducting List Maintenance Activities within 90 Days of Federal Elections**

The NVRA requires that a State “complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.” 52 U.S.C. § 20507(c)(2)(A).

---

<sup>2</sup> We propounded an Open Records Request on the BOR for all board meeting minutes, agendas, and other documents dating back only to July of 2017.

<sup>3</sup> These occurred at the January 8, 2018 and September 11, 2017 board meetings respectively.

<sup>4</sup> See United States Census Bureau, *Geographic Mobility 2015-2016*, November, 2016, available at <https://www.census.gov/data/tables/2016/demo/geographic-mobility/cps-2016.html>.



The Eleventh Circuit has described the 90 day provision as having “broad meaning.” *Arcia v. Fla. Sec’y of State*, 772 F.3d 1335, 1344 (11th Cir. 2014). Laurens County’s challenge procedures fall within the scope of activities covered by the 90 day provision. It is systematic, resulting in challenges to hundreds of voters, has taken place over a significant period of time, and is intended to result in the removal of voters from the registration list whom county election officials deem to be ineligible to vote on account of their having moved. Information provided by Laurens County election officials confirms that they engaged in list maintenance activities related to the residency-based voter challenge process within 90 days of both the 2018 primary and general elections in violation of the clear command of Section 8(c)(2)(A), as interpreted by the Eleventh Circuit in *Arcia*.

## **6. Request for Documents**

Our August 9, 2018 letter, February 27, 2019 supplemental letter, and March 11, 2019 Meet and Confer letter all called for the production of all notices issued to each challenged elector. The County failed to respond to the substance of the request. In the March 11, 2019 Meet and Confer letter, we stated, “the form notice produced by the BOR asked each challenged voter to ‘supply the requested information on the enclosed form and return to our office.’ But the BOR did not produce that enclosed form, nor were any of the forms that were completed and returned by the voters produced. Please produce copies of all of those forms without further delay. If you contend that those documents no longer exist, please state clearly that is the case.”

These enclosed forms have still not been produced and there is no contention they no longer exist. Laurens County is currently in violation of the Georgia Open Records Act and we ask that you provide a substantive response at your earliest convenience.

## **7. Conclusion**

Documents provided by the Defendants indicate that Respondents have challenged and purged electors registered to vote in Laurens County without complying with the procedures mandated by Section 8(d) of the NVRA. We therefore urge you to immediately restore all electors to the list of eligible voters who have been removed from the rolls in violation of Section 8(d) and confirm in writing to this office that all of the unlawfully purged voters have been restored to the active voter list. We also urge you to immediately cease and desist from conducting such challenges and purges in the future.

Please be advised that we reserve the right to pursue all available legal remedies, including litigation and, ultimately, an award of attorneys’ fees and costs, should you choose to continue to violate the NVRA.



Thank you for your attention and anticipated cooperation.

Regards,

Julie M. Houk<sup>5</sup>  
Managing Counsel for Election Protection  
John Powers, Counsel<sup>6</sup>  
Jacob Conarck, Legal Fellow<sup>7</sup>  
Lawyers' Committee for Civil Rights Under Law  
1500 K Street NW, Suite 900  
Washington, DC 20005  
Direct Telephone: (202) 662-8391  
Email: [jhouk@lawyerscommittee.org](mailto:jhouk@lawyerscommittee.org)  
[jpowers@lawyerscommittee.org](mailto:jpowers@lawyerscommittee.org)  
[jconarck@lawyerscommittee.org](mailto:jconarck@lawyerscommittee.org)

Cc: Brad Raffensperger, Georgia Secretary of State  
Chris Harvey, Director of Elections  
Cristina Correia, Senior Assistant Attorney General

---

<sup>5</sup> Admitted to practice law in the District of Columbia, California, New Hampshire, Massachusetts and Illinois (voluntarily registered as inactive in Illinois).

<sup>6</sup> Admitted to practice law in the District of Columbia and Maryland.

<sup>7</sup> Admitted to practice law in the District of Columbia.