

United States Senate

WASHINGTON, DC 20510

November 12, 2018

The Honorable Eric S. Dreiband
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
950 Pennsylvania Avenue, NW, Room 1145
Washington, DC 20530

Dear Assistant Attorney General Dreiband:

We are writing to express our deep concern about the numerous reports of possible voter suppression in the gubernatorial election in Georgia. We strongly urge the Voting Section of the Department of Justice's Civil Rights Division to investigate these reports and ensure compliance with the federal statutes that protect the rights of all Americans to vote.

Voters' confusion and disenfranchisement in Georgia started before Election Day. In 2017, the state passed an "exact match" voter registration law, which was previously rejected under the Voting Rights Act in 2008.¹ As a result of this law, the State Secretary's office put on hold over 53,000 registrations as of last month.² Under "exact match," a voter's registration could be held for misentry by government officials or minor discrepancies, like a dropped hyphen in a last name. According to a lawsuit filed by several civil rights groups, the "exact match" law has produced high rates of erroneous "no-matches" that disproportionately impact African-American, Latino, Asian American, and new citizen voters.³ In fact, over 70% of the registrants put on hold are African-American.⁴ Despite a federal court order that requires the state to notify such voters and provide them the opportunity to vote with proper identification, election monitors from civil rights groups reported that hundreds of voters were improperly turned away on Election Day.⁵ In addition, the state has aggressively purged its voter rolls, cancelling 1.4 million registrations since 2012, and 670,000 since 2017.⁶ Election monitors also received

¹ Brentin Mock, "How Dismantling the Voting Rights Act Helped Georgia Discriminate Again," CityLab, Oct. 15, 2018, <https://www.citylab.com/equity/2018/10/how-dismantling-voting-rights-act-helped-georgia-discriminate-again/572899/>.

² Ben Nadler, "Voting rights become a flashpoint in Georgia governor's race," Associated Press, Oct. 9, 2018, <https://apnews.com/fb011f39af3b40518b572c8cce6e906c>.

³ *Georgia Coalition for the Peoples' Agenda, Inc. et al. v. Brian Kemp* (N.D. Ga. 2018), available at <https://campaignlegal.org/sites/default/files/2018-10/GA%20FINAL.pdf>.

⁴ *Id.* At 29.

⁵ Amy Gardner, Beth Reinhard, Aaron C. Davis, "Brian Kemp's lead over Stacey Abrams narrows amid voting complaints in Georgia governor's race," THE WASHINGTON POST, Nov. 7, 2018, https://www.washingtonpost.com/politics/brian-kemps-lead-over-stacey-abrams-narrows-amid-voting-complaints-in-georgia-governors-race/2018/11/07/39cf25f2-e2b7-11e8-b759-3d88a5ce9e19_story.html?utm_term=.23daffbd94cd.

⁶ Khushbu Shah, "Textbook voter suppression': Georgia's bitter election a battles years in the making," THE GUARDIAN, Nov. 10, 2018, <https://www.theguardian.com/us-news/2018/nov/10/georgia-election-recount-stacey-abrams-brian-kemp>.

hundreds of complaints from voters who said the state failed to respond to their requests for absentee ballots.⁷

On Election Day, voters who turned out to vote in high numbers faced obstacles to exercising their right to vote, including consolidated precincts and long lines as a result of missing or broken equipment.⁸ County election officials have closed 214 precincts—nearly 8 percent of the state’s polling places—since 2012.⁹ The closures have disproportionately affected poor, rural, and African-American residents in the state.¹⁰ County election officials also kept more than 1,800 voting machines out of commission on Election Day. The shortage of voting machines was particularly severe in Fulton County, where 700 machines were sidelined—resulting in a much lower ratio of machines to registered voters compared to 2014.¹¹ At one polling place, people were unable to vote for hours because there were no power cords for the machines when the polls opened.¹²

Despite the apparent conflict of interest, the Republican candidate for governor, Brian Kemp, also served as the Secretary of State through the election. In this role, he attempted to summarily reject absentee ballots for signature discrepancies until a federal court of appeals ruled that he must afford voters due process by allowing them to verify their identity.¹³ He also accused the Democratic Party of trying to hack the state’s voter-registration system without citing any evidence,¹⁴ and he provided advice to counties on how to justify closing polling locations.¹⁵

⁷ Aaron Diamant, “State investigating new claims regarding absentee ballot applications, WSB-TV, Atlanta, Oct. 25, 2018, <https://www.wsbtv.com/news/local/dekalb-county/state-investigating-claims-local-elections-office-lost-1-000s-of-absentee-ballot-applications/859826997>.

⁸ Maya T. Prabhu, “Midterm voter turnout surges in Georgia,” THE ATLANTA JOURNAL-CONSTITUTION, Nov. 7, 2018, <https://www.ajc.com/news/state--regional-govt--politics/midterm-voter-turnout-surges-georgia/P51TgGVyRjXwcKufdXKncM/>.

⁹ <https://www.ajc.com/news/state--regional-govt--politics/voting-precincts-closed-across-georgia-since-election-oversight-lifted/bBkHxptlim0Gp9pKu7dfrN/>.

¹⁰ Mark Niese, et al., “Voting precincts closed across Georgia since election oversight lifted,” THE ATLANTA JOURNAL-CONSTITUTION, Aug. 31, 2018, <https://www.ajc.com/news/state--regional-govt--politics/voting-precincts-closed-across-georgia-since-election-oversight-lifted/bBkHxptlim0Gp9pKu7dfrN/>.

¹¹ Amy Gardner, et al., Nov. 7, 2018, https://www.washingtonpost.com/politics/brian-kemps-lead-over-stacey-abrams-narrows-amid-voting-complaints-in-georgia-governors-race/2018/11/07/39cf25f2-e2b7-11e8-b759-3d88a5ce9e19_story.html?utm_term=.23daffbd94cd.

¹² Kevin Breuninger, “Missing power cords, foreclosures: Here’s where voters are running into problems at the polls,” CNBC, Nov. 6, 2018, <https://www.cnbc.com/2018/11/06/heres-where-voters-are-running-into-problems-at-the-polls.html>.

¹³ Amy Gardner, “Judge orders Ga. officials to stop tossing absentee ballots over signatures,” THE WASHINGTON POST, Oct. 24, https://www.washingtonpost.com/politics/judge-orders-ga-officials-to-stop-tossing-absentee-ballots-over-signatures/2018/10/24/9c5a5b06-d7bd-11e8-a10f-b51546b10756_story.html?utm_term=.9e64940a0f73.

¹⁴ Cat Zakrzewski, “The Cybersecurity 202: Brian Kemp’s hacking allegations highlight the challenges of preserving voter confidence,” THE WASHINGTON POST, Nov. 5, 2018, https://www.washingtonpost.com/news/powerpost/paloma/the-cybersecurity-202/2018/11/05/the-cybersecurity-202-brian-kemp-s-hacking-allegations-highlight-the-challenges-of-preserving-voter-confidence/5bdf1c0b1b326b39290545ba/?utm_term=.47260014d563.

¹⁵ Mark Niese, Maya T. Prabhu, Jacquelyn Elias, “Voting precincts closed across Georgia since election oversight lifted,” THE ATLANTA JOURNAL-CONSTITUTION, Aug. 31, 2018, <https://www.ajc.com/news/state--regional-govt--politics/voting-precincts-closed-across-georgia-since-election-oversight-lifted/bBkHxptlim0Gp9pKu7dfrN/>.

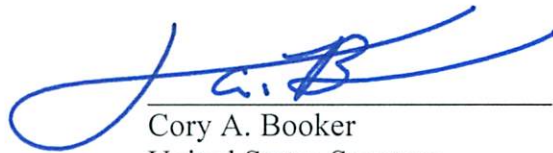
The right to vote is fundamental to our democracy. Any reports of efforts to disenfranchise Americans must be taken seriously. The Voting Rights Act of 1965 (VRA) was passed to safeguard this right and to prevent state and local officials from passing laws or policies that deny Americans the right to vote on the basis of race. Unfortunately, the Supreme Court undermined a key provision of the VRA, which would have allowed the Department of Justice to review Georgia's election laws and policies to prevent discrimination before the election occurred. Without this important safeguard, Georgia—along with several other jurisdictions across the country—have imposed new barriers that prevent Americans from exercising their constitutional right to vote.

Even without the ability to prevent discriminatory voting laws, the DOJ still has the authority and the obligation to enforce the VRA and protect the right to vote. In the case of Georgia's election, the DOJ should (1) ensure that all votes are counted and that voters have a meaningful opportunity to ensure their absentee and provisional ballots are counted; and (2) conduct a thorough investigation into the potential voting rights abuses that have been reported before, during, and after the election. We request that you respond as soon as possible to this letter informing Congress of the steps the DOJ is taking to protect voters' rights in Georgia.

Sincerely,



Brian Schatz
United States Senator



Cory A. Booker
United States Senator