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## Department of Law State of Georgia

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December 10, 2008

### By Email Transmission

Mr. Christopher Coates  
Chief, Voting Section  
Civil Rights Division  
Room 7254 – NWB  
Department of Justice  
1800 G Street, N.W.  
Washington, D.C. 20006

Re: State of Georgia Section 5 Submission No. 2008-15:  
DOJ File No. 2008-5243  
Voter Registration and Citizenship Confirmation Data Matching Verification,  
Voter Eligibility and Information Use Process.

Dear Mr. Coates:

Please find additional statistical information prepared or compiled by the Office of the Georgia Secretary of State relating to the results of the State of Georgia implementing the citizenship verification process which was authorized by the Three Judge Court's Order in the *Morales v. Handel* case. This information is provided in response to earlier inquiries from your office.

In order to give some context to the voter registration numbers for Georgia, it is helpful to review the statistics related both to the State's population and the numbers of registered voters in Georgia. At the time of the 2000 Census, Georgia had a reported population of 8,166,453. See U.S. Census Bureau Website, Quick Facts, <http://quickfacts.census.gov/qfd/states/13000.html> (Last visited December 8, 2008). The Census Bureau estimates that number increased to 9,363,941 by 2006. *Id.* The Census Bureau also estimates that African-Americans make up 29.9% of that 2006 population estimate.

The State's current statewide voter registration data shows that of the 5,757,894 registered voters in Georgia, 1,721,939 voters identified themselves as African-American, which is approximately 29.91% of the State's registered voters, an amount virtually identical to the

Census Bureau's 2006 estimate of the State's African-American population.<sup>1</sup> See Website of the Georgia Secretary of State Voter Registration Statistics as of December 1, 2008, [http://sos.georgia.gov/elections/voter\\_registration/vrgraphs.htm](http://sos.georgia.gov/elections/voter_registration/vrgraphs.htm) (Last visited December 8, 2008). Another 3,612,060 (62.73%) registered voters identified themselves as Caucasian.

It is also important to note that since the beginning of 2008, the State of Georgia registered a total of 550,480 new voters. (See Attachment No. 1 – Newly Added Voters by Race and Gender for 2004 and 2008). This is in comparison to the new voter registrations in the last presidential election year of 2004, which showed 478,497 new voters. Of the 550,480 new voters registered in 2008, 237,851 individuals, or 49.71%, were African-American. This represents a massive opportunity for African-American voters to become involved in the State's electoral processes. Another 227,383 newly registered voters in 2008 identified themselves as Caucasian, which was approximately 41.31% of the newly registered voters. These figures do not indicate that there was any improper racial impact created by the citizenship inquiries.

By way of comparison, in 2004 there were 171,421 African-Americans who registered to vote in Georgia during that presidential election year. That was 35.82% of the newly registered voters for that year, a number significantly lower than the 2008 result. In 2004, 258,891 newly registered voters identified themselves as Caucasian. This was roughly 54.11% of the 2004 registrants, which was significantly higher than the 2008 numbers. Clearly these numbers strongly demonstrate an increased involvement in 2008 for African-American voters.

Given that virtually half of the 2008 pool of newly registered voters were African-American to start with, it is not surprising that African-Americans represented a somewhat larger percentage of individuals identified as potential non-citizens under the Georgia citizenship verification process. Attachment 2 to this letter is a summary of the numbers of individuals who are currently on the statewide voter registration database and were identified as potentially not being U.S. citizens under the verification check provided for under the Court's order in *Morales v. Handel*. Of the 4,771 individuals who received notices originally asking for a verification of citizenship, 1,520 or 31.85% of those individuals were African-American. Another 1,105 new 2008 registrants identified themselves as Caucasian, which was 23.16% of the persons receiving notice of the inquiry about citizenship. These numbers do not represent any disproportionate or improper racial impact from the inquiries.

Of those individuals who responded to the citizenship inquiries, 29.12% (594) of the African-American registrants and 26.52% (541) of the Caucasian registrants were identified as citizens and their status was updated on the statewide voter registration system to reflect that.

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<sup>1</sup> As you are aware, in Georgia a person may voluntarily provide a racial identification for him or herself, which is the source of the race-identification information referred to in this spreadsheet.

Mr. Christopher Coates  
Georgia VRA Submission No. 2008-15  
December 10, 2008  
Page -3-

Of the remaining recipients of the inquiries, 33.85% (920) were African-American and 20.57% (559) Caucasian. These numbers represent a significant number of voters who did not respond to the registrar's inquiries, regardless of the race of the proposed registrant, and also a small number of individuals where the mailing was returned as being undeliverable.

Additionally, a review of Attachment 3, which is a spreadsheet showing the results of the Court-authorized citizenship verification process sorted by county and by racial identification provided by the proposed registrant<sup>2</sup>, shows that there is no adverse or retrogressive racial impact arising from the citizenship verification program. Indeed, this specific information shows that significant numbers of Georgia's counties did not even have a single new voter whose citizenship was an issue.

Under the Three-Judge Court order in *Morales*, 4,771 voters were identified as having questions regarding their citizenship. This represents 0.08% of the 5,757,894 registered voters in Georgia and 0.87% of the 550,480 newly registered voters in 2008. Looking just at the numbers of African-American registrants involved in this process, the 1,520 African-Americans who received a notice letter regarding their citizenship under the *Morales* order represents only 0.026% of the State's overall registered voters or 0.088% of the 1,721,939 African-American registered voters. The 920 African-American potential registrants who are still identified as non-citizens under the *Morales* process represent 0.016% of the State's overall registered voters or 0.053% of the State's African-American voters.

Given this information, it is the State's position that there is no showing of a retrogressive or discriminatory effect caused by inquiries into the citizenship of voter registrants. There is certainly no showing that such inquiries, which are consistent with both federal and state law, are in any way motivated by an intent to discriminate in the registration process. Finally, it is clear from the significant number of African-American registered voters that there is full and fair access to the electoral system in Georgia.

I hope this information is of some assistance to your office in reviewing this matter.

Sincerely,



DENNIS R. DUNN  
Deputy Attorney General

Enclosures

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<sup>2</sup> This spreadsheet consists of information provided to the Secretary by the 99 counties listed.