IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JOSE MORALES, on behalf of himself And those similarly situated,	)	
Plaintiff,	)	CIVIL ACTION NO. 1:08-CV-3172
v.	)	Three-Judge Court) (SFB, JTC, WSD)
KAREN HANDEL, in her official capacity as Georgia Secretary of State,	)	
Defendant.	)	

NOTICE OF FILING DOCUMENTS AND REPORT
IN COMPLIANCE WITH COURT ORDER

COMES NOW, KAREN HANDEL, the Secretary of State for the State of Georgia, Defendant in the above-styled action, by and through her attorney of record, the Attorney General for the State of Georgia, Thurbert E. Baker, and pursuant to the Court's October 27, 2008 Order, [Doc. 36], gives notice of its compliance with the Court's Order as follows:

1.

In accordance with the purpose and intent of this Court's order that the Secretary of State provide information and guidance to local election officials and voters regarding the temporary remedy fashioned by the Court in this matter, on October 27, 2008, the Secretary provided an electronic

copy of the preliminary injunction order to the offices of each of Georgia's election superintendents and voter registrars.

2.

The Court also required that the Secretary of State provide local election officials with uniform guidance on the operation of the process for the use of challenged ballots in the context of this case. Attached as Exhibit A is the October 29, 2008 Memorandum from the Secretary of State's Elections Division Director, which was sent to all County Election Officials providing this guidance regarding voter registration, the HAVA verification process and the challenged ballot procedures. The memorandum advises the county registrars that the ExpressPoll electronic poll books will show a black "X" with a lavender background in the status column on the screen for any voter appearing in the statewide registration database as a non-citizen. The guidance advises county registrars regarding the procedures to follow for these voters. Exhibit A at 4. The memorandum also reminds county registrars that no voter may be permanently deleted or permanently denied. Exhibit A at 5.

3.

The Court's order also instructed that the Secretary provide notice to each voter who was "flagged" as a potential non-citizen, notifying the voter

of his or her ineligibility and what the individual could do to address that issue. Attached as Exhibit B is a copy of the letter sent by the Secretary of State to every voter whose name was flagged as potentially ineligible to vote based upon his citizenship status. The actual letters mailed were "personalized" to the extent that the individual voter's name and address was included on the letter. The letter confirms the voter's right to vote and explains what he should do to resolve the question regarding his eligibility. These letters were sent out on October 28, 2008 to 4,759 potential voters.

4.

Attached as Exhibit C is a form Challenge Notice prepared by the Secretary of State's Office which has been provided to all County Election Officials. The County Election Officials have been advised that this letter/notice should be given to any voter who appears in person to vote and is required to vote a "challenged" ballot. The letter advises the voter of his right to a hearing, or in the alternative, his right to appear prior to the scheduled date of the hearing to present evidence of his citizenship.

5.

Defendant conferred with both the Department of Justice ("DOJ") and Plaintiff prior to finalizing the memorandum, letter and notice described in

paragraphs 1 through 3 above. Defendant made several changes to all three documents based on input received from both DOJ and the Plaintiff.

CONCLUSION

After conferring with DOJ regarding this matter as requested by the Court, Defendant submits that it has taken reasonable steps to ensure that persons who are actually eligible, but who were flagged as potentially ineligible, are allowed to vote a ballot in the November election.

Respectfully submitted,

THURBERT E. BAKER
Attorney General of the State of Georgia
Georgia Bar No. 033887

/s/ Dennis R. Dunn
DENNIS R. DUNN 234098
Deputy Attorney General
ddunn@law.state.ga.us

/s/ Stefan Ritter
STEFAN RITTER 606950
Senior Assistant Attorney General
sritter@law.ga.gov

/s/ Julia B. Anderson
JULIA B. ANDERSON 017560
Assistant Attorney General
janderson@law.ga.gov

State Law Department
132 State Judicial Building
40 Capitol Square, S.W
Atlanta, GA 30334-1300
Telephone (404) 656-5614

Facsimile (404) 657-9932
ddunn@law.state.ga.us

Local Rule 7.1D Certification

By signature below, counsel certifies that the foregoing document was prepared in Times New Roman, 14-point font in compliance with Local Rule 5.1B.

/s/Dennis R. Dunn
DENNIS R. DUNN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day electronically filed the within and foregoing **NOTICE OF FILING DOCUMENTS AND REPORT IN COMPLIANCE WITH COURT ORDER** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all parties to this matter via electronic notification or otherwise:

Elise Sandra Shore
Mexican American Legal Defense and
Educational Fund
34 Peachtree St. NW, Suite # 2500
Atlanta, GA 30303
eshore@MALDEF.org

Laughlin McDonald
Neil Bradley
Meredith Bell-Platts
ACLU VOTING RIGHTS PROJECT
230 Peachtree Street, NW
Suite 1440
Atlanta, GA 30303
lmcdonald@aclu.org
mbell@aclu.org
nbradley@aclu.org

Brian Spears
Law Office of Brian Spears
1126 Ponce de Leon Ave., NE
Atlanta, GA 30306
bspears@mindspring.com

Jon Greenbaum
Robert A. Kengle
Lawyers' Committee for Civil Rights Under Law
1401 New York Avenue, NW
Suite 400
Washington DC 20005
jgreenbaum@lawyerscommittee.org
bkengle@lawyerscommittee.org

This 31st day of October, 2008.

/s/ Dennis R. Dunn
DENNIS R. DUNN
Deputy Attorney General
Georgia Bar No. 234098
ddunn@law.ga.gov