Jose Morales v. Karen Handel
USDC/NDGA/Atlanta
1:08-CV-3172 JTC

EXHIBIT 3

OCTOBER 8, 2008 LETTER

TO HONORABLE THURBERT E. BAKER

FROM CHRISTOPHER COATES

U.S. Department of Justice

Civil Rights Division

Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

CC:RSB:par
DJ 166-012-3
2008-5243

October 8, 2008

The Honorable Thurbert E. Baker
Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia 30334-1300

Dear Attorney General Baker:

This refers to certain new procedures that we understand that the State of Georgia has implemented over at least the past two years to attempt to verify information provided by applicants as part of the voter registration process. Over the past several weeks, we have had a number of conversations with attorneys from the offices of the Georgia Attorney General and the Georgia Secretary of State regarding this issue. These state officials have described, in a general way, some of these changes, which include: revisions to voter registration applications; a process of attempting to verify voter registration information against databases maintained by both the Georgia Department of Driver's Services and the federal Social Security Administration (SSA); generating and distributing reports of the results of those checks to county registrars for further action; and issuing a series of guidance memoranda from the Office of the Secretary of State to the counties concerning a number of aspects of the identity verification/voter registration processes. The scope of these changes appear to be substantial, and these changes also appear to be different from the benchmark practices previously in force or effect in Georgia under Section 5 of the Voting Rights Act. Indeed, information provided by the SSA in the last few days further indicates substantial changes to the voter registration process. According to SSA records, these verification checks against SSA records alone over the last fiscal year have extended to nearly two million records from Georgia, far more than any other State in the country.

Because election officials exercise substantial discretion at many points in this process of attempting to verify voter registration information and in acting upon the results of that process, these changes affecting voting are covered by the requirements of Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. *Young v. Fordice*, 520 U.S. 273 (1997). These changes have not been submitted to the United States District Court for the District of Columbia for judicial review or to the Attorney General for administrative review as required by Section 5. Accordingly, it is necessary that they either be brought before the United States District Court for the District of

Columbia or submitted to the Attorney General for a determination that they do not have the purpose and will not have the effect of discriminating on account of race, color, or membership in a language minority group. Changes that affect voting are legally unenforceable unless and until preclearance under Section 5 has been obtained. *Clark v. Roemer*, 500 U.S. 646 (1991); Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.10.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action that the State of Georgia plans to take concerning this matter. If you have any questions, you should call Robert S. Berman, a Deputy Chief in the Voting Section at 202-514-8690. Refer to File No. 2008-5243 in any response to this letter so that your correspondence will be channeled properly.

Sincerely,

Christopher Coates

Christopher Coates
Chief, Voting Section