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“Practice, or Procedure:” An Analysis of the Impact of Georgia’s Voter Registration
Procedures on the Composition of the Electorate, 2013-2016

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Abstract

“Practice, or Procedure:” An Analysis of the Impact of Georgia’s Voter Registration Procedures on the Composition of the Electorate, 2013-2016

By Madeline Brown

The 1965 Voting Rights Act prohibited practices and procedures that discriminated basis of race, color, or membership in one of the outlined language minority groups. The 2013 Shelby County v. Holder Supreme Court decision nullified Section 4 of the Voting Rights Act, eliminating federal preclearance in places that had a history of voter suppression. In 2016 the Georgia Secretary of State’s office was sued for utilizing a registration process that rejected minority applicants at disproportionate levels. This study analyzes the entire cancelled voter data set from 2013-2016 that was produced by the Secretary of State’s office during the litigation. I find that additional cancellation reasons in the data set, beyond the one at the center of the suit, “Not Verified,” contain skewed racial distributions but that a county having a majority white elections board has no significant correlation with the rate of minority rejection.

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Introduction

The Voting Rights Act was passed by Congress and signed into law by President Johnson in 1965. Section 2 of the Act prohibits voting practices or procedures that discriminate on the basis of race, color, or membership in one of the outlined language minority groups (“Voting Rights Act of 1965” 1965). Despite this clear reference to practices rather than laws, the majority of political participation theory and electoral reform literature focuses on laws, while the impact of registration procedures has gone largely unstudied. I here define registration procedures as the steps that a voter registration application goes through between the point at which it gets submitted and when the voter becomes active on the rolls.

Registration procedures are usually policies or protocols, rather than statutes, and can vary not only across states, but also across counties within states. The Secretary of State in Georgia, Brian Kemp, was sued three times by different voting rights groups in 2016 on issues surrounding voter registration procedures. Given this fact and the proximity of Georgia counties to Emory University, this study will be focused on the state of Georgia.

Across the US, and in Georgia specifically, the electorate is not representative of the population as a whole. Georgia is one of 13 states where people of color make up more than 40 percent (44.1%) of the population, and has a growing New American Majority (NAM) population. The NAM designation is used to refer to people of color, young adults between the ages of 18-29 years, and unmarried women. According to the New Georgia Project, a non-partisan non-profit which registers minority voters, “The NAM makes up about 62% of the voting age population in Georgia, but they are only

53% of registered voters” (NGP “Who We Are” 2016). Further, recent data subpoenaed in a lawsuit against the Secretary of State’s office show that of the 34,874 voter registrations that were rejected due to verification reasons in Georgia between 2013 and 2016, 63.6 % of them were of black voters, 8% were of Latino voters, 5% of Asian voters while only 13.6% were of white voters (The Campaign Legal Center 2016). If the electorate is not representative, then we must ask why certain groups are under-represented while others are over-represented.

Are groups choosing not to vote? The literature has demonstrated that apathy cannot account for the whole non-voting population. Studies have shown no difference between voters and non-voters in their sense of civic duty or in their beliefs that citizens have a say in what the government does (Quinlivan 1989, 2377; Ranney 1983). Further, statistics show that in 2014 those who were already registered to vote turned out at 64% while the total voting age population only turned out at 36% (Census Bureau 2014). This suggests that once you are already registered, you are more likely to vote than an eligible unregistered citizen and that the costs presented by the barrier of registration might be just as significant, if not more so, than the typical costs of voting.

If it turns out to be the case that the gaps we observe in turnout of different demographics are due to systematic disenfranchisement via registration barriers, then we must ask what the processes are that are preventing the registered electorate from representing the voting-age population as a whole. Ultimately, I will aim to answer the question: what impact does the process of voter registration have on the composition of the electorate in Georgia?

This research analyzes the process currently used to register voters in Georgia. In Chapter 1 I present an overview of the empirical literature that covers election reforms and laws—both those that affect casting a ballot and registering to vote. In part, I aim to highlight the lack of consensus within the literature that any election law can either completely change the composition of the electorate or substantially increase turnout. I then focus on theoretical backgrounds of procedure as a tool for minority disenfranchisement, including a brief historical analysis of the ways different minority groups have been excluded due to registration procedures. I end Chapter 1 with an overview of contemporary issues of voter registration across the country, including those in Georgia.

Chapter 2 contains an individual-level analysis of the data produced by one of the contemporary lawsuits in Georgia, which claimed that the verification system used to verify registration applications rejected minorities at disproportionate rates. The Chapter contains a brief overview of the literature that focuses on how a person's race may influence the ways she navigates through the processes of registering to vote and voting. This foundation helps me present my hypothesis for that chapter, which is that there is a certain level of discretion in the registration rejections, demonstrated by the fact that minorities are more likely to be rejected for certain reasons and whites for others.

Chapter 2 ultimately contains the most significant findings, reinforcing the patterns pointed out by recent lawsuits. The number of people purged off the rolls or rejected in Georgia in just a three-year span is staggering. The pool of rejected voters from July 2013-July 2016 is larger than the margin of victory in the 2016 presidential election in Georgia (211,000 votes) by 90,000 people. Further, the reasons used to reject

people are vulnerable to abuse and in many cases impact voters of color disproportionately. Chapter 3 uses the same data to perform a county-level analysis, testing an additional hypothesis which is that a majority white county elections board will be correlated with a higher rate of rejection of minority registration applicants in that county.

In addition to analyzing quantitative data, I also conducted interviews with county elections offices and representatives from the Georgia Secretary of State's office to try to discern differences in processing procedures across counties. The content and findings that resulted from these interviews are described at the end of Chapter 3. After reporting the results, I provide an overview of all findings in the conclusion, reiterating particular limitations of this study and outlining potential areas for further development.

Chapter 1: Theory

Ballot Casting vs. Registration Reforms

A large amount of attention has been paid to electoral laws in the literature. In general, findings suggest that variations in electoral laws influence turnout rates, but there is less agreement as to whether or not reforms can help equalize the electorate in terms of race, socioeconomic class, age, ability and gender (see Rosenston and Wolfinger 1978; Rigby and Springer 2011; Vonnahme 2012; Hajnal et al. 2016; Alvarez, Ansolabehere and Wilson 2002; Ansolabehere and Konisky 2006; Burden et al 2014; Gronke et al 2007).

Studying the impact of electoral reforms and policies across different demographics is important, however, because foundational theories of voting and participation such as Downs' economic theory of democracy and the findings of Verba, Schlozman and Brady suggest that demographic variables such as age, education, race, and income affect costs brought upon voters by the electoral system as well as the ability of a voter to absorb additional costs (Downs 1957; Schlozman, Verba, and Brady 1999; Alvarez, Ansolabehere and Wilson 2002, 8).

Electoral laws can be divided into those having to do with actually casting a ballot and those having to do with registering to vote and staying on the rolls. Though this paper will focus on issues of registration, it is important to be aware of the literature on those laws that influence casting a vote because many of the empirical findings help inform my theory and hypotheses. The most commonly studied ballot-casting laws include vote-by-mail (VBM), precinct polling place changes, voter ID laws, and early voting. In general, scholars have found little evidence that ballot-casting reforms are able to help equalize

either the registered electorate or the composition of those who actually turnout—namely the composition of the portion of the electorate that actively votes.

Contemporary empirical studies of the impacts of electoral laws and reforms typically analyze laws with facial neutrality. In other words, they are laws, which, on their surface, are neutral and void of any distinction on the basis of sex, race, alienage or illegitimacy (Justia 2017). They may, however, have a disproportionately adverse effect on a racial minority despite being facially neutral. Voting rights activists and scholars document the empirical outcomes of these laws on racial minorities to illustrate their effects on minorities.

Paul Gronke, Eva Galanes-Rosenbaum and Peter Miller found vote-by-mail produces a minor increase in turnout (Gronke et al 2007, 639). Accordingly, Oregon, a state with no polling places and only vote-by-mail ballots, enjoyed a 69% turnout rate in November 2014, compared to the national rate of 36% (Graves 2014). However, Berinsky, Burns and Traugott found that while Oregon's VBM system did increase turnout in the long run, it actually increased the resource stratification of the electorate and did not make the electorate more descriptively representative of the voting age population (Berinsky et al 2001). They found that VBM has the largest impact on turnout in older voters, those who are well-educated, and those with substantial amounts of campaign interest (Berinsky et al 2001, 191).

Robert Stein and Greg Vonnahme found evidence that using Election Day vote centers—centralized non-precinct based locations for voting—on Election Day increased turnout generally and also among infrequent voters in Colorado (Stein and Vonnahme 2008, 487). Studying the same case, however, Juenke and Shepherd found that vote

centers were not associated with an increase in turnout (Juenke and Shepherd 2008, 62). Juenke and Shepherd speculate that the findings of Stein and Vonnahme could be attributed to the novelty and media coverage of the vote centers when they were initially introduced (Juenke and Shepherd 2008, 57). They do note however, that the possibility that vote centers increase turnout in the long run still exists, though they add that unless party and campaign elites find them to be strategically advantageous, vote centers are unlikely to change the make-up of the electorate (Juenke and Shepherd 2008, 63).

Early voting as a solitary reform has been found to decrease overall turnout, though these observations do not necessarily affect all demographics equally and same day and Election Day registration have been found to reverse these effects (Burden et al 2014, 97, 107; Rigby and Springer 2011, 432). Scholars who find early voting has a negligible impact on turnout note that though there is a shift towards early voting, it represents a shift in when people are voting, not who is voting. In other words, it is merely making it more convenient for people who would have voted regardless (Badertscher 2014, Burden 2014, 96).

Those who found early voting to have a negative effect on turnout note that Election Day is somewhat of a social phenomenon, and that early voting decreases overall turnout because actors distribute energy away from Election Day (Rigby and Springer 2011, 432; Alvarez, Ansolabehere and Wilson 2002, 6). When people are voting at all different times, the social pressures of voting on Election Day are reduced (Schlozman, Verba, and Brady 1999). Campaigns may also decrease mobilization efforts in the form of canvassing or ad running if likely voters have already voted or they have already seen turnout from their supporters.

As previously mentioned, scholars do note that partisan vote share and certain demographic groups might be affected differently by early voting (Burden et al 2014, 107). In 2014 black voters made up 33% of the early voting electorate in Georgia and 29% of the Election Day electorate. Women made up 55% of the early voting electorate and 52% of the Election Day electorate (Shropshire 2013; “Georgia Senate Results” 2014). Further, blacks made up 36% of early voters who voted in 2014 but did not vote in 2010 (Cohn 2014). Even if early voting as an institution in Georgia does not increase overall turnout, as scholars might suggest, women and minorities have taken advantage of more convenient voting opportunities.

Early voting without same-day registration requires voters to be registered and informed before the election has reached its peak—a tall task for the average voter, and an unlikely one. Whatever the exact cause—it is different state to state—higher early voting rates correlate with lower overall turnout (Burden et al 2014, 99). However, when paired with Election Day Registration or Same Day Registration (during early voting) the net impact on turnout has been found to be positive (Burden et al 2014). This finding is interesting because it suggests that when one adds registration to a reform that has otherwise had a negative impact on turnout, it produces a net positive effect on turnout. This pattern places emphasis on the role of registration in turnout patterns and electorate composition.

Election Day Registration allows voters to register and vote on Election Day, eliminating a registration deadline. Same-Day Registration does the same thing but for voters who are voting early rather than on Election Day. As of November 2016, 13 states and the District of Columbia allowed Same-Day Registration, which is a small portion

given that EDR has been found to be the single reform with the greatest capability to equalize political participation (Rigby and Springer 2011, 431-2).

Voter ID laws have somewhat mixed results in the literature. Rocha and Matsubayashi found little evidence to suggest that minority turnout is uniquely affected by voter ID regulations, though they do find that Republican governments increase the likelihood that a new photo ID law will be passed (Rocha and Matsubayashi 2013, 666). Similarly, others have found that voter ID laws have little impact on overall turnout (see Cohn 2014; Ansolabehere 2009; Mycoff et al 2009; Vercellotti and Anderson 2006).

Hajnal, Lajevardi and Nielson, however, found that strict photo identification laws have a differentially negative impact on the turnout of Hispanics, blacks and mixed race Americans, skewing elections in favor of whites and those on the political right (Hajnal et al 2016). They argue that previous studies occurred before states enacted the most strict photo identification requirements (a photo ID required), and that the effects have changed. In March of 2017, Grimmer, Hersh, Meredith, Mummolo and Nall wrote a comment on the Hajnal et al paper positing that the results of the paper were a product of large data inaccuracies. They corrected three separate data errors that they identified, and ran separate models with each correction, finding that depending on the model the implementation of a strict voter ID law could be found to have a positive, negative or null impact on Latino turnout (Grimmer et al 2017, 9). This comment highlights the difficulty political scientists continue to have in generating any consensus in the effect of voter ID laws on turnout, despite a multitude of studies.

Even as monitoring in Georgia and other southern states has increased following the Supreme Court decision of *Shelby County v. Holder* in 2013, which essentially

nullified Section 5 of the Voting Rights Act, scholars have failed to demonstrate any sort of consistent negative impact of new voter ID laws on minority voters (Rocha and Matsubiyashi 2014; Gillespie 2014). Section 5 required places with a history of minority disenfranchisement to undergo preclearance from the Justice Department any time they wanted to change an electoral law. Following the 2013 decision, many southern states such as Texas and North Carolina implemented voter ID laws. While Georgia implemented its voter ID law in 2007, the timing of these new voter ID laws all at once following the *Shelby* decision seemed suspect to many voting rights activists. Discriminatory intentions on behalf of North Carolina legislators were even demonstrated, but the empirical literature remains inconclusive (See *North Carolina State Conference of the NAACP v. McCrory*, 11).¹

Voter ID laws, especially after their proliferation following *Shelby*, were the initial focus of many voting rights activists and scholars. But without the expected impact in turnout, it becomes necessary to turn to other parts of the process—namely registration—and consider what kinds of indirect impact ID laws may have had and the ways by which people are simply not getting on the rolls in the first place. In other words, the initial concern was that already registered people would be kept out of the ballot box for failure to provide the appropriate photo ID. However, given the fact that empirical findings were unable to demonstrate pattern of depressed minority turnout, it seems that those who were already registered for the most part had already met the identification requirement, regardless of race.

¹ In the majority opinion for *North Carolina State Conference of the NAACP v. McCrory*, the 4th Circuit Judge Diana Gribbon Motz said that the North Carolina voter ID law “targeted African Americans with almost surgical precision.”

What is still possible, however, is that unregistered voters are likely less able to meet strict photo ID requirements to register or vote. In other words, even in the case of ID laws it is possible that the observed impact is not turnout, but rather registration rates. In a 2009 study of the Indiana voter ID law, Matt Barreto, Stephen Nuño and Gabriel Sanchez found an 11.5-point gap in access to photo ID between white and black eligible voters, and only a 6.2-point gap in access to photo ID between white and black registered voters. The gap was the same (6 points) between white and black registered and likely voters (those who voted in 2002, 2004, and 2006) (Barreto et al 2009). What this suggests is that the burden of a voter ID law may still be born mostly on minorities, but manifested more strongly in an inability to register to vote. Thus there still exists the possibility of consensus among scholars that having to produce a photo ID to register to vote places an extra burden on minority voters. This possibility shifts the focus to registration and its impact on the minority vote.

The literature suggests that ballot-casting reforms do not always have the intended consequence of increasing turnout or diminishing disproportions amongst the electorate. Registration reforms on the other hand have created some more significant changes in the electorate. This trend has been observed both as registration laws have gotten both more restrictive and expansive.

Wolfinger and Rosenstone found that voter registration practices and laws, including length of the pre-election closing period and extent to which election offices are open in evenings and during weekends for registration, all had some effect on turnout (Wolfinger and Rosenstone 1980). They found that a registration deadline had the greatest impact on turnout and that the impact of the deadline was even greater for voters

with less education attainment (Wolfinger and Rosenstone 1980). Jackson, Brown and Wright also found that registration deadlines present a greater barrier to the poor than to the rich as well as to the less educated than to the highly educated (Jackson et al. 1998, 268).

We can think of Election Day Registration (EDR) as a lack of a registration deadline. As Rigby and Springer note, “EDR is the electoral reform that demonstrated the most potential to promote equality in political participation” as compared to universal mail-in registration, motor voter laws, universal absentee voting, and early voting (Rigby and Springer 2011, 431-2). Same Day Registration (during early voting) and Election Day Registration eliminate registration deadlines that have had a history of disenfranchising students, mobile workers, and those for whom the extra step of registering at another place and on another day makes voting too costly.

Election Day Registration also works because it does not require voters to register before the media and campaigns have hit their peak (Alvarez, Ansolabehere and Wilson 2002, 6; Rigby and Springer 2011, 432; Burden et al 2014, 99). While same-day registration can offset, to some extent, the negative turnout effects of early voting, Election Day Registration is found to be the most effective electoral rule in increasing turnout (Burden et al 108; Alvarez, Ansolabehere and Wilson 2002, 6; Rigby and Springer 2011, 432). Election Day Registration also has been found to increase turnout amongst poorer voters, contributing to an equalization of the electorate (Rigby and Springer 2011, 431). As Alvarez, Ansolabehere and Wilson note, “Not only are there fewer reports of problems with voter registration in states with Election Day registration, but both registration and turnout are higher in Election Day registration states” (2002, 5).

So why is it that differences in registration laws seem to have more of an effect on turnout (and especially underrepresented turnout) than ballot-casting laws? One possible answer comes from Rigby and Springer: that the extent to which any reform can be expected to equalize participation rates between the rich and poor depends on the level of preexisting bias in the state's registration rolls. They argue that registration-based reforms can only have an equalizing effect on voting if there is something to equalize (if more wealthy than poor people are registered), and that reforms that make it easier for voters to vote (ballot-casting) will only benefit those who are *already* registered (Rigby and Springer 2011, 421). In other words, it is not that registration reforms are increasing turnout directly, but they are expanding the electorate (number of registered voters), which is in turn increasing the number of people who actually go vote.

They continue that if registration rolls are skewed by income, then registration reforms have a greater possibility to change the electorate, while voting-focused (or ballot-casting, in this context) reforms might either have a null effect or else actually exacerbate existing inequalities in the electorate by making it easier for those already engaged in the system to vote (Rigby and Springer 2011, 421).

Based on empirical findings and theory, I argue that registration reforms have the greatest potential to equalize the electorate (make it more representative of the population) because registration reforms have the capacity to bring new people into the rolls while ballot-casting reforms only affect those who are already registered. Due to the pivotal role registration plays in shaping in the composition of the electorate, registration laws and procedures also have the potential to further stratify the electorate; recall that Wolfinger and Rosenstone found that a registration deadline had the highest depressing

impact on turnout and that that impact was even greater for voters with less educational attainment (Wolfinger and Rosenstone 1980). As scholars have noted, in the US, “registration is often more difficult than voting” (Quinlivan 1989, 2376; Rosenstone and Wolfinger 1980).

Others have studied the potential registration has to depress turnout. In 1989 Mark Quinlivan noted, “Registration laws in the United States historically have denied qualified voters equal access to the ballot” (Quinlivan 1989, 2365). Studies on registration deadlines have also found that they can have a negative direct and indirect effect on turnout—(see Vonnahme 2012; Mitchell and Wlezien 1995; Highton 1997, 2004; Ansolabehere and Konisky 2006; Wolfinger and Rosenstone 1980). Scholars focusing on the stratifying implications of education noted, “The less educated act much more like the better educated, once they have crossed the crucial barrier of registration” (Squire, Wolfinger, and Glass 1987, 47). Highton also found that in states with EDR, the gap in turnout between the most and least educated was 30 percentage points, while in states without EDR it increased to 41 percentage points (Highton 1997, 569-70).

In the same study, however, Highton also noted that registration requirements “do not appear to be the main reason for the socioeconomic skew of American voters” (Highton 1997, 573). And in general, there is not consensus, even with regards to registration, that more liberalized *laws* can actually equalize the electorate. Regarding the composition of the electorate, Rosenstone and Wolfinger found that even the most liberal set of voter registration laws as measured by a range of laws including the allowance of deputy registrars, longer business hours of registration offices (including weekends) and absentee registration was unlikely to change the composition of the electorate in any

meaningful way (Rosenstone and Wolfinger 1978). Mitchell and Wlezien replicated these findings in 1995 (Mitchell and Wlezien 1995).

What I have demonstrated with the literature so far is that ballot casting reforms do not do much to help equalize turnout because they only affect those who are already part of the electorate. Registration law reforms, on the other hand, have empirically been found to change the electorate because they can remove some of the costs to entry, though based on the findings of Rosenstone and Wolfinger (1978) and Mitchell and Wlezien (1995) it seems there may be a threshold at which even the most liberal of registration laws cannot increase the representativeness of the electorate with regards to the general population. Rigby and Springer (2011) help theorize that that any law can only go so far as to help equalize an un-equal electorate. This also suggests that any law that is not explicitly aimed at equalizing the electorate in a particular place is probably unlikely to have much of an effect.

This study will focus on the processes of registration and whether discrepancies in how registration applications get processed influence who is ultimately allowed onto the rolls. This focus could contribute an important piece of the overall literature by adding the additional element of registration administration, as well as potentially explaining some of the null findings of scholars such as Rosenstone and Wolfinger and Mitchell and Wlezien.

Procedure as a tool for minority disenfranchisement—past and present

I now turn towards the issue of procedure provide some background for the types of effects practices and procedures have had on the disenfranchisement of minorities. The literature has spent very little time focusing on the impact of the discretion of local

registrars, but especially given the theoretical background of Rigby and Springer, and the history of voter disenfranchisement in the United States, it seems this subtle aspect may be crucial. Quinlivan, one of few scholars who even mentions the issue of registrar discretion, noted briefly that, “the discretionary power granted to local registrars often serves to impede registration rather than further it” (Quinlivan 1989, 2365). He argues that the key disenfranchising feature of many registration laws at the turn of the 20th century in the US was not the law itself, but rather the discretionary power of the registrar to enforce the laws.

The electoral history of the United States informs us that when given discretionary power, local elections officers have in many cases abused such power to disenfranchise minority voters. Minority disenfranchisement efforts have been attributed in part to racial bias and in part to concerns of maintaining power: there is a general belief that efforts to ease the costs of voting will benefit the Democratic Party (Berinsky et al 2001, 185; Barreto et al 114). In their study of electoral reforms passed following the 2000 general election, Bali and Silver found that a higher percentage of blacks in a state related to a greater likelihood of adopting tighter registration laws, and that the effect is compounded when Republicans are in control of the state’s government (Bali and Silver 2006, 32). This small side note of local discretion represents a large pocket of the literature that needs further development.

A history of minority disenfranchisement prompted Congress to pass the Voting Rights Act in 1965, aimed specifically at overcoming the legal and institutional barriers at the state and local levels that prevented black Americans from exercising their right to vote. Section 4 of the VRA established “covered” jurisdictions that would need

preclearance from the federal justice department before they were allowed to pass any laws or regulation surrounding the administration of elections. Section 5 actually enacted the oversight of the Section 4 jurisdictions. The criteria for Section 4 were originally that the location had maintained a “test or device” that restricted the opportunity to register and vote and additionally that less than 50 percent of the voting age population had to have voted in the November 1964 election (Department of Justice 2015). Many of these tests and devices were administered specifically to target black voters, and the VRA was an attempt to stop this behavior, at least in the law. The entire state of Georgia was put under preclearance.

In 1975 the Voting Rights Act and the protections it provided were extended to cover language minorities including Latinos, Asian Americans, American Indians and Alaska Natives. This expansion represented not only a widened conception of ethnic and racial electoral participation, but also an acknowledgement of the barriers that had existed for minorities other than blacks (O. de la Garza and DeSipio 2006, 139). The particular protections afforded to language minorities by the 1975 extension were very similar to those previously explicitly given to African Americans: the ability to register and vote without intimidation and prohibitions of local jurisdictions changing rules or procedures without Justice Department clearance. The extension also required, in section 203, that jurisdictions provide bilingual election materials (O. de la Garza and DeSipio 2006, 140).

Immigrant disenfranchisement is one of the main elements that separates the suffrage concerns of Asians and Latinos from those of blacks (there are still black immigrants coming to the US, mostly from the Caribbean and Africa, but they make up a significantly smaller portion of immigrants than do Asians and Latinos). It is important to

understand how similar tactics manifest differently in varying communities and against varying racial and ethnic groups. Not doing so prevents one both from being able to suggest and advocate for robust solutions as well as from understanding the scope of the grasp that white Americans have tried to keep on elections.

The issue of immigrant disenfranchisement has affected and still affects mostly Latinos and Asians. Interestingly, throughout much of the 19th century, non-citizens in the US had the right to vote in local, state and national elections in 40 states and federal territories (Hayduk 2006). In practice this means that half of the citizenry—women—were unable to vote but male non-citizens were (Varsanyi 2012, 271). Due to a range of factors including rising xenophobia due to rising immigration rates in the late 19th and early 20th centuries, states began eliminating the practice of “alien suffrage.” The first state to do so was Georgia in 1877 (Varsanyi 2012, 271).

A lingering manifestation of the suffrage challenges of immigrants is that Asian Americans have been asked more frequently for additional proof of citizenship or denied language assistance—which is a violation of the VRA (AAJC 2017). As mentioned above, issues of citizenship have been some of the largest barriers to Asian Americans at the polls. Lisa Lowe notes that the institution of citizenship essentially gave a coded name to “the legal exclusion, disenfranchisement, and restricted enfranchisement of Asian immigrants” (Lowe 1996, ix).

According to Asian Americans Advancing Justice, an affiliation of five organizations across the county that advocates for civil and human rights for Asian Americans, Asian Americans have been discriminated against at the polls for being seen as ‘perpetual foreigners’ (AAJC 2017). Currently, cities in Maryland, Massachusetts,

New York and Illinois have reinstated at some level the right to vote for non-citizens (Varsanyi 2012, 272). Immigrant disenfranchisement has particularly affected Asians and Latinos, but even if they are able to vote, districts are often drawn to dilute their political power.

Adding another barrier to successfully casting a vote, more recently scholars have also found that voter ID laws were administered at the local level to target Latinos, suggesting the high level of impact discretionary power can have. Studying the implementation of the Voter ID laws in New Mexico, Atkeson, Bryant, Hall, Saunders and Alvarez (2010) found that in 2006, Hispanic and male voters were more likely to be asked to show some form of identification than non-Hispanic and female voters (2010, 66). In a separate 15-state study, Alvarez, Bailey and Katz found that a much higher proportion of black voters said they had been asked for an identification in 2007 and in the 2008 Super Tuesday events than white voters did (2008, 17).

The city of Lawrence, MA, provides an illustration of the way tactics have been used specifically against Latinos. The town was put under VRA preclearance following the 1975 VRA extension because Lawrence elections officials provided no bilingual materials despite (and perhaps because of) a growth in Latino immigrants to the town and barred voter registration events from taking place in Latino communities, among other offences. Further, to maintain active voter status voters in Lawrence had to respond to an English-only census form sent out annually. Many Latino immigrants either did not speak English or were uninformed and unaware of the significance of the form, and as a result 25 percent of Hispanic registered voters were placed on the inactive list in 2001 (O. de la Garza and DeSipio 2006).

The case of Lawrence is informative because it is an instance of a community that was once overwhelmingly white turning into one in which minorities make up a significant portion of the population. Further, the consistent struggle that Asian Americans and Latinos have faced in being seen as equals is significant not only because the pathway to citizenship is long and costly, but also because citizenship itself is an institution that carries with it a racialized conception of what it means to be an American.

These histories are all incredibly relevant because the US is becoming more, not less, diverse. Currently the state of Georgia and the entire US are experiencing demographic changes, and given what has happened historically, it is unsurprising that the issue of voter suppression is at the forefront of many contemporary lawsuits. The current climate is particularly polarized given that in 2013 any places that were previously under Justice Department preclearance ceased to be.

Between the 2012 and 2016 elections, at least 14 states enacted more restrictive voting laws (Parloff 2016). The number would be even higher, according to the Constitutional Accountability Center, if federal appeals courts had not struck down laws in Texas, North Carolina, Kansas, Alabama and Georgia (Gans 2016). Further, between the 2012 and 2016 elections, a study surveyed 381 of the 800 counties that were under Section 5 preclearance and found that 43% reduced the number of polling stations (Simpson 2016). While it is difficult to say whether these changes could have occurred prior to the VRA being essentially nullified in 2013, what is certain is that whereas under preclearance the burden of proof was put on the localities changing the rules and regulations to show that their changes did not produce discriminatory effects, and since the ruling it rests on citizens to challenge every new change (Parloff 2016).

Many lawsuits, including those in Georgia, were filed in 2016 to combat what were deemed as “ballot security” efforts (Parloff 2016). Between October and November of 2016 alone, the Democratic Party filed lawsuits in Arizona, Michigan, Nevada, North Carolina, Ohio and Pennsylvania to prevent intimidation tactics (Parloff 2016). The lawsuits were largely unsuccessful, although some think the Democratic Party achieved a secondary goal in signaling their willingness to fight against voter intimidation (Parloff 2016).

In January of 2016, the NAACP and the government watchdog group, Common Cause, sued the Secretary of State in Georgia, Brian Kemp, over issues of voter purging. The suit argued that the 372,242 canceled voters between October 2012 and November 2014 represented a state practice of removing people from the rolls, noting that this number was larger than the total number of new registered voters in the same period of time—364,382 (Torres 2016). It is worth noting that the same pattern continued at least until 2016, as over 300,000 people were canceled due to inactivity in the period highlighted in this study, July 2013-July 2016.

In the suit, the NAACP and Common Cause asked a federal judge to stop the state’s practice (Torres 2016). In February, Georgia officials requested that federal judges dismiss the suit. In May, in a new court filing, U.S. Attorney John Horn and members of the Justice Department’s Civil Rights Division asked the federal judge to deny the state’s request and hear the case (Torres 2016 b). In the filing, Horn and others wrote:

This case asks whether, consistent with federal law, a state may consider a registered voter’s failure to vote to be reliable evidence that the voter has become ineligible to vote by virtue of a change of residence, thus triggering the designated NVRA (National Voting Rights Act) process. Defendant argues that it can. In fact, it cannot (Torres 2016 b).

Despite this request, US District Judge Timothy Batten dismissed the suit of March 17, 2017 (Torres 2017). This first suit dealt with the sheer number of voters being purged off of the rolls. The second suit of 2016, filed by Project Vote in July, claimed that Kemp's office had responded to public records requests dating back to May 2014 with incomplete database records. The initial requests were for records detailing Georgia's process for reviewing voter registration applications, including the reasons why applications may be rejected (Horn, cited in Torres 2016 c).

Finally, in September of 2016, a third lawsuit was filed by a coalition including the Georgia NAACP, the Georgia Coalition for the People's Agenda, and Asian Americans Advancing Justice claiming that the exact match system used to verify registration applicants' identities disproportionately rejected minorities (The Campaign Legal Center 2016). These are not the only suits in recent state history filed against the Secretary of State's office over registration issues, and Georgia is not the only state experiencing lawsuits.²

In an immediate scope, allowing discretion on the part of local officials to enact potentially discriminatory rules could lead to a further stratified and unrepresentative electorate and a continuation of minority disenfranchisement. In a long-term sense, continued exclusion from political systems can cause the excluded group to have less confidence in elections and the government generally, have a lower sense of efficacy and experience a perceived lack of power or role in society (Atkeson et al, 2010, 68; Gaventa 1980). Registrars are, after all, agents of the state. They are "street level bureaucrats" and as such are uniquely positioned to have the greatest impact, along with poll workers, on

² In 2014, the Georgia SOS office was sued after 40,000 registration applications, mostly of minority voters, went missing ahead of the November 2014 midterm elections (see Shavin 2014).

voter confidence and supporting or undermining state policy (Hall et al. 2007; Brehm and Gates 1997, 10-21).

If it is the implementation or discretionary tactics on the part of state or county officials that affects minority group turnout or electorate composition more than a law itself, then the research should spend more time focusing on administration and implementation of policies, than on studying any one law or reform. It seems likely that the apparent lack of focus on administration and registration procedures within the empirical literature is due to the difficulty of measuring and tracking policy implementation. One can track fairly simply when a law was passed and subsequent changes in turnout across time and demographics. Much more difficult is the task of tracking and coding how laws are actually being enacted. But this is very important, because the issue of implementation deals not with the laws as statutes but with the laws as living, practiced policies that cause the effects that we see.

The data from Georgia lawsuit filed in September (by the NAACP, Georgia Coalition for the People's Agenda and AAJC) used in this study presents a unique opportunity to study the process of voter registration in Georgia because it tracks every individual whose voter registration application was rejected, including the reason why each person was rejected. Combining the data, which includes each individual's reason for rejection, with interviews from the Secretary of State's office and county officials, which explain the process in detail, I aim to generate a thorough understanding of the process of voter registration in Georgia and how it treats different groups. It may be the case that a registration law itself has no inherent effect except for how it is implemented

in any one place. In the next chapter, I analyze the data on an individual level, tracking patterns in racial distribution of the main rejection reasons.

Chapter 2: Reasons for Rejection—an Individual Analysis

Introduction

The National Voter Registration Act (NVRA), commonly referred to as the motor-voter law, was passed in 1993. Though it is best known for requiring states to facilitate some voter registration through the state’s Department of Driver Services, it also contains a section focused on the administration and documentation of voter registration (US DOJ 2016). Section 8 of the NVRA requires that states keep, and make available for inspection for 2 years, “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered” (US DOJ 2016).

Additionally, the NVRA contains a section requiring that all papers or records relating to the registration, application, or other act requisite to voting in any federal office, be preserved for a period of 22 months from that election (US DOJ 2016). According to the US Department of Justice (DOJ), the NVRA was created to “enhance voting opportunities for every American” (US DOJ 2015). While the NVRA focused mostly on creating new opportunities for people to register to vote, the fact that an entire section is dedicated to what essentially condenses to transparency in state voter registration procedure, including a provision that allows the DOJ to bring civil actions in federal court to enforce its requirements, demonstrates either a commitment to transparency or else a concern for state procedures on the part of the federal government (US DOJ 2015).

The NVRA is important to this study because it provided the basis for the July 2016 lawsuit against Georgia SOS Brian Kemp, filed by Project Vote, which argued that the SOS office's refusal to release public records relating to rejected voter registration applications despite two years of negotiations was a violation of the NVRA (Project Vote 2016). Less than two months after the suit was filed, US District Court Judge William Duffey ruled with the plaintiffs in the case, requiring the state to disclose the requested records. This suit allowed the plaintiffs in the September exact-match suit to subpoena the SOS office for the rejected voters records that ultimately displayed the problematic exact-match verification system and provided the data for this study.

The NVRA is vital to efforts that aim to monitor the process of registration because it mandates that registration records are kept and made available. In the ongoing challenge for both the academic literature and elections monitors to go deeper than laws and focus on local administration, the NVRA provides the legal backdrop for records requests to be fulfilled. The first question in this study asks whether or not there is some amount of subjectivity in the reasons given for rejection, and whether or not an individual's race influences that subjectivity. Without access to the data that tracks each rejected individual and their reason for rejection, answering these questions would be impossible.

This chapter takes a statewide approach, analyzing the rejected voter records in Georgia on an individual basis. I first provide a review of existing literature that addresses how race influences procedure in voter registration and election administration. This review is followed by my hypothesis and an overview of the source of the dataset, what it contains, and how it was acquired. I continue to provide a summary of the voter

registration process in Georgia, to provide the context in which the data analysis and findings can be understood. I then analyze every individual record for the impact that race has on the likelihood of being rejected for different reasons. Finally, I present findings and limitations.

Literature Review

This analysis and hypothesis rest on two general assumptions: that the race of each registration applicant is known to the individuals processing their application, and that there exists some mechanism or set of mechanisms by which an application could be processed differently as a result of the race of the applicant.

I can safely make the first assumption because the voter registration form in Georgia (available in Appendix 6) includes a section for applicants to select their race. While it is not required that an applicant disclose her race to be processed, the vast majority of people do (92% of those in the rejected database). The second assumption is far more difficult to address, particularly as the language in the Voting Rights Act, as previously discussed, explicitly prohibits practices that discriminate on the bases of race—which include any that treat applicants of different races in any differentiating ways.

That this prohibition exists in United States' statute, however, does not mean that this exact kind of discrimination has not and does not continue to occur. America has a history of minority disenfranchisement through the use of poll taxes, literacy and American history tests, voter registration regulations, intimidation techniques, and at times direct denial of entrance to the polls (Atkeson et al. 2010, 66). Barriers such as these have been used to disenfranchise because they were administered in such a way that

targeted minorities. For example, literacy tests were applied differently to black and white voters as a way of preventing blacks from gaining political power (Keyssar, 2009).

Minority disenfranchisement has existed for a multitude of reasons; among them are blatant racial bias and discrimination, the maintenance of political power, and a desire to dampen levels of political efficacy among minorities. Jim Crow laws provide an example of racial discrimination, while the aforementioned findings of Bali and Silver—that the likelihood of adopting tighter registration laws increases as blacks make up a higher percentage of the state and the effect is compounded when Republicans are in control—support the idea that power struggles between parties can influence minority disenfranchisement (Bali and Silver 2006, 32). Efforts to gerrymander such as those in Texas and New York provide justification for arguments of that disenfranchisement occurs to dilute minority political power.

In the case of Georgia, a rapidly diversifying state, the influx of immigrants and young people presents a challenge both practically and ideologically. As noted in the introduction, the New American Majority—people of color, unmarried women, and young adults between the ages of 18-29—are growing in population. They also tend to vote for Democrats. Further, even amongst those who have long been Georgia residents, voter registration can be a challenge. Leading up to the 2014 election, statistics showed there were an estimated 800,000 eligible unregistered voters of color in Georgia (Traister 2016).

Thus, the administrative task of registering what equates to about 11% of the voting age population is a fairly large one on its own—it is only further complicated by the fact that those currently in power would most likely not be if every eligible voter in

Georgia were registered and voted. As the historical overview in the previous chapter demonstrates, when incentives to disenfranchise arise, racial and ethnic minorities have borne the brunt of the disadvantage. With this understanding of the history and contemporary instances of individual, racial bias occurring in the registration and voting process that I proceed to hypothesize and present findings based on current data.

Hypothesis

I expect the data to show that there is a certain level of discretion in the registration rejections, demonstrated by the fact that minorities are more likely to be rejected for certain reasons and whites for others. The dataset I am using, which will be explained further in the data and methods section, tracks every individual who applied to register to vote in Georgia between July 2013 and July 2016, and was rejected. It includes both the reason for rejection and the status of the application—either rejected, canceled, or pending. As such I hypothesize that certain reason codes are used disproportionately for different races, supported by the history of facially neutral but discriminatory election laws in the US and specifically implemented by the Georgia SOS office. This is important because the reasons should otherwise have even or at least predictable racial distributions based on other factors (immigration, for example). The theory behind this hypothesis is that if the process is what is causing discrepancies in the electorate, then there should be irregularities in how forms get processed.

It is important to note that while three different “statuses” are reported in the data—canceled, pending, and rejected—the statuses are directly connected to the reason behind them, and do not indicate varying levels of ability to participate. For all intents and purposes, each individual on the list can be grouped in the same “unable to vote”

group—with one exception having to do with the lawsuit that will be explained later on. For this reason and for simplicity, from here on out in this study all of the individuals will be referred to as “rejected” applicants and all statuses rejected, regardless of which status it says in the dataset. I will be explaining more about what each status and reason means in terms of coding in the “Voter Registration Process” section of this chapter.

Source of the Data

The data for the dependent variable comes from a lawsuit filed against the Secretary of State in September of 2016 by the Lawyers’ Committee for Civil Rights Under Law (Lawyers’ Committee), Project Vote, Campaign Legal Center, and the Voting Rights Institute of the Georgetown University School of Law, along with the New York City office of Hughes Hubbard and Reed LLP and Atlanta-based firm of Caplan Cobb LLP, acting as *pro bono* counsel, on behalf of the Georgia State Conference of the NAACP (GA NAACP), Georgia Coalition for the Peoples’ Agenda (GCPA), and Asian Americans Advancing Justice Atlanta.

The suit claimed that the exact match system used to verify a voter’s identity against the Social Security Database (SSD) and the Department of Drivers’ Services (DDS) disproportionately affected black, Latino and Asian American applicants. The plaintiffs subpoenaed the data as part of the litigation, and a member of counsel from the Lawyers’ Committee sent it to me after I contacted her requesting it. The data include information on all 646,287 registration applicants that were rejected between July 2013 and July 2016. For reference, during the November 2014 elections there were 6,036,491 registered voters in Georgia, meaning that the number of rejected applicants represents more than 10% of the entire electorate (SOS “Voter Registration Figures”). In the data

set, each entry includes the following identifiers: name, address, county, race, gender, year of birth, reason for rejection and date of rejection.

Out of the pool of 646,287, the lawsuit focused on the 34,874 applicants who were canceled due to being “Not Verified,” which comprised 5% of the whole set. Based on an interview with a representative from the Secretary of State’s office, “Not Verified” means that the application was entered and sent for verification with DDS, as all paper applications are, and DDS could not match all of the fields from the form with its system, and after the county did not hear from the individual in 40 days, the application was canceled (Hallman 2017). Further explanation of the verification process proceeds in the next section, as well as explanations on the different reasons for rejection, but it is important to note that as a result of the lawsuit the Secretary of State’s office stopped using the exact match system.³ In other words, the suit was successful in demonstrating that this particular reason and method for verification was affecting minorities disproportionately. This study in large part aims to demonstrate whether other rejection reasons and processes are doing the same.

Process of Voter Registration in Georgia

In order to make the most sense out of the data, it is helpful to first have a general understanding of the process of voter registration in Georgia. This information comes directly from the series of interviews with the elections personnel at the Secretary of State’s offices, conducted in February of 2017. There are three main ways to register in Georgia: online with a GA driver’s license or state-issued ID; with a paper form

³ Though the lawsuit was settled, the Georgia legislature passed HB 268 on March 24, 2017, which reinstated the matching process with the DDS and SSA databases, and implemented a 26-month rather than 40-day clock, for voters to correct unverified applications.

(available to print out online, or in libraries, schools and elections offices in each county); or at the Department of Driver Services (DDS) when getting a license or changing your name or address. The online process asks applicants to populate their own information and then enters it directly into the online voter registration database, ElectioNet, or ENet for short. From there, it gets sent to DDS for an overnight verification process. With a paper form, each county has to manually type in the information on the form into ENet, but afterwards it goes through the same overnight DDS verification process (Erin 2017).

If DDS cannot verify the information based on six fields—first name, last name, driver license number, DOB match, SSN and citizenship—it will send the county an alert, which will prompt the county's system to contact the applicant, asking for whatever piece of information is missing. At this point, the application is pending, and if the voter does not respond within 40 days or the information they provide does not clear up the issue, the application is canceled. If the applicant supplied a social security number rather than a Georgia ID number, DDS will forward that application to the Social Security Administration (SSA) to be verified (Hallman 2017).

If the application comes directly through DDS, the information has already been verified against their system and goes directly to the county so that they can send the voter a precinct card (Hallman 2017). It is each county's responsibility to send verification request forms and precinct cards to their voters, as well as maintain the online voter roll system. As mentioned previously, when asked more detailed questions about the process of sending information request letters out to voters for example, the Secretary of State representative deferred to the counties (Erin 2017).

An application can only be rejected outright for two reasons—if an applicant is underage or is a non-citizen. In order to be rejected for these reasons without even starting the verification process, an applicant must write down a birth date on her form that indicates she will be younger than 18 years old on Election Day, or check the “Not a Citizen” box on the form (Hallman 2017; Rayburn 2017). According to the Secretary of State’s office, most of the time, even if a person leaves the citizen field completely blank, provided the other information is available, the application will still go through the verification process (Hallman 2017). In other words, an individual has to actively declare that he is not a citizen or else provide so little information that they cannot be identified or contacted in order to be rejected outright. For reference, a copy of the paper Georgia voter registration form is included in Appendix 6.

As a result of the 2016 lawsuit, the Secretary of State’s office stopped using the exact match system for verification that was being used at DDS.⁴ Additionally, every individual who had been canceled due to failing verification and then having the 40-day window expire since October 1, 2014 was resubmitted through the verification process and included in the roll books for the November 2016 election in a pending status. If those individuals showed up to vote with a valid photo ID, or another accepted form of identification, they were allowed to cast their ballots (Rayburn 2017). This represents the small caveat to considering everyone in this data set as a rejected, unable to vote individual, though exception was only allowed for the 6% of the individuals that were canceled or pending due to verification reasons. Further, the extent to which individuals who had previously been told their registration was canceled or that they needed to

⁴ Again, the system was reinstated when HB 268 passed on March 24, 2017.

provide further identifying information were informed that they would be able to vote is unclear.

I performed a short test and searched the voter registration numbers of 10 of the Not Verified individuals in the Georgia voter file, which contains the information of all of the registered voters in Georgia as of December 2016. Of the 10 random individuals, 2 had full matches in the GA voter file, 4 had matches that had one of their names misspelled but the voter registration number the same, and 4 were missing altogether. Without extrapolating too much from this very limited test, it seems like there were at the very least some different experiences in getting back on the rolls.

Data and Methods

I tested my hypotheses using a combination of quantitative data and interviews. For the individual level hypotheses, the unit of analysis is each rejected individual for the entire 3-year span. In total there are 646,332 observations, each representing a specific individual. Table 9 in Appendix 1 shows the breakdown of each rejection reason by race, as well as the percentage that each reason makes up of the total in the far right column.

There are 23 different reasons for which an individual can be denied registration in Georgia. 10 of those reasons lead to a pending status, 11 lead to cancelation and 2 lead to rejection. In many cases, an application is first pending and then canceled, so the status has more to do with the timing of when a list of individuals was pulled and less the final outcome. Some of the reasons are fairly self-explanatory, while others are more nuanced.

The 10 reasons for which an individual can be put in a pending status are: Citizenship Verification, DDS Verification, Pending Hearing, Incomplete DOB, Incomplete Address, Incomplete Name, No Signature, Pending Age, SSN Verification,

and Verification. For the majority of the pending reasons, the reason given represents a part of the DDS verification check that came back with a negative field. As previously mentioned, applications are checked against the DDS records for 6 fields: first name, last name, driver license number, DOB match, SSN and citizenship (Hallman 2017). If the individual was not a citizen when they submitted their information to DDS or SSA and the record has not been updated, the citizenship field will come back negative and it will prompt a pending-Citizenship Verification reason. Similarly, if the GA identification or Social Security number of that the individual provided on the form does not match the one on file, a pending-DDS Verification or pending-SSN Verification response will be generated (Hallman 2017).

If the name provided on the voter registration form does not *exactly* match the one on file, a pending-Incomplete Name response will be generated. Also if a number in the birthdate or address does not match then pending-Incomplete DOB or pending-Incomplete Address will be coded. If the applicant forgets to sign their application, they will be placed in a pending status for No Signature until they can send a signature in to verify their identity (or else will be canceled after the verification window elapses) (Rayburn 2017). According to the SOS office, a pending-Pending Age response will be generated if the individual filled out a voter registration application at the DMV before they turned 18 (Hallman 2017). This is allowed, but does generate a pending status until the voter can prove that she will be 18 by Election Day.

A pending-Hearing response will be generated if a third party has challenged an individual's eligibility he is awaiting the county hearing. This is only a three-day waiting period, so it makes sense that of nearly 650,000 people in the dataset, only 13 were

pending due to a hearing. Finally, according to the SOS office a pending-Verification code means that the individual was waiting to undergo the verification process and was most likely entered that day (Hallman 2017).

The 11 reasons that lead to a cancelation are: Deceased, Duplicate, Error, Felon, Hearing, Mentally Incompetent, Moved out of County, Moved out of State, No Activity for 2 General Election Cycles, Not Verified and Voter Requested. John Hallman, the Elections Systems Manager for the Secretary of State, said that the Secretary of State's office receives death records from the State, which is what they use to determine if an applicant is deceased (Hallman 2017). A cancelation with a Duplicate reason means that the individual's record was already in the system when it was sent for verification, though I was also informed that this can also be due to entry issues at the county level. If, for instance, county workers were to accidentally enter the same form twice, or forget to type in a "Jr.," or any other letter or digit that may match with anyone already in the system (Hallman 2017).

"Error" was one of the more ambiguous cancelation reasons, though it accounts for less than 1% of the total dataset. According to my interview with John Hallman, the Election Systems Manager of the SOS office, a person can be canceled due to an error if someone in the county enters something incorrectly and the system cannot process it. Some examples he provided were duplicates where the system does not recognize the duplicate but cannot find the file or if they mismatch addresses and names or accidentally do the same name for two different people (Hallman 2017).

The Georgia Department of Corrections and the federal Department of Corrections send current felon lists, which is how they determine if an applicant is a felon

for voting purposes.⁵ A hearing cancellation can happen for a variety of reasons, but generally it means that another citizen challenged the individual's voting eligibility. John Hallman said that in some cases an apartment complex will close, and someone will write in saying that all voters registered at that address should have a hearing. In some counties hearings are also held for all felons (Hallman 2017). It is also the legal right of any citizen in Georgia to challenge the eligibility of any other potential voter (GA Code § 21-2-230). A concern for voting rights activists in November of 2016 was the possibility of intimidation and profiling at the polls, given that any individual in line waiting to vote could challenge the eligibility of any other voter, and the challenged person would then have to vote provisionally.⁶

In the instance of a challenge—whether due to address or an in person—the county has a hearing within 3 days and it is the responsibility of the challenger to prove that the identified person is not eligible to vote. Fortunately, from my experience, in-person challenging happened rarely in the Metro-Atlanta area on Election Day 2016, and John Hallman from the SOS office confirmed that this type of hearing is infrequent. Much more often, he said, is the occurrence of a residential structure being torn down and someone calling to report all individuals who reside there.

A cancellation due to Mental Incompetence only occurs when a judge has sent a paper order to the SOS office ordering voting rights be removed due to mental incapacity. When the SOS office receives these orders, they send them to the county to process (Rayburn 2017). If DDS records show that the voter has moved out of the state, the

⁵ Those who have been convicted of a felony involving moral turpitude are eligible to vote again only after they have completed their entire sentence including prison, parole and probation (Uggen et al 2016). Voting rights are automatically restored but ex-offenders need to re-register to vote (Nonprofit VOTE).

⁶ Those in charge of the poll monitoring programs in which I participated expressed these concerns.

registration will be canceled. In the case of a county-to-county move, if a paper application is merely sent to the wrong county or a voter who previously lived in DeKalb County moves to Fulton, for example, and sends the updated form to DeKalb, the paper form itself will be sent to the correct county. Once a county-to-county move is in the electronic system it will appear with the old address on the left and the new one on the right. If the two registrations have two confirming features (name & birthday, birthday and Social Security number, Social Security number and driver's license number), the application will be manually processed as a change (Stuart 2017).⁷ It is my understanding that at that point the old record becomes canceled. If there are not two confirming features, the application is processed as a new applicant (Stuart 2017).

If a voter has not voted in two general election cycles (presidential elections), and has made no contact with an elections office in that time, they are eligible to be canceled due to No Activity. It was this practice that motivated Common Cause to sue Brian Kemp in February of 2016, though as mentioned the suit was later dismissed by a federal judge. The Common Cause suit claimed that the state was bumping people off the rolls after 3 years (not voting in 2012 and 2014, for example), but Brian Kemp responded that people are removed from the rolls only if they have not voted and had no contact with elections officials for a minimum of 7 years (Torres 2016 a).

Not Verified, as I have discussed, was the reason at the center of the lawsuit that provided this data, and means that an individual failed the verification process with DDS (or SSA if they gave their Social Security number on the registration application), were

⁷ This is the same process used when a voter changes their name.

contacted by the county, and the 40-day window passed. Finally, if a voter requests that their application be canceled the county will cancel it.

Of all those rejected, whites made up 56%, blacks made up 32%, Asians made up 2% and Hispanics made up 2%, which closely matches the current state demographics except for in the case of Hispanics, who were underrepresented.⁸ There are three reasons “No Activity,” “Moved out of County,” and “Hearing” that have racial distributions close to the state distribution—they are each highlighted. The rest of the reasons, comprising the other half of all rejections, are skewed by at least a margin of 10% for blacks or whites.

Table 1 shows the percentage of each race group made up by each reason—each column, in other words, adds up to 100%. Also, in Table 1 American Indian/Alaska Native, Unknown and Other all combined into one “Other” race group. This table clearly shows that the same nine reasons made up the vast majority of rejections for all races. It also demonstrates that there are some clear differences in the frequency of each rejection type for different races. For example, more than 1 in 10 of all blacks that were rejected were rejected due to being a Felon, whereas that falls to 1 out of 25 for whites.⁹ Table 1 allowed me to select the reasons upon which I ran regressions, which are all highlighted in the table. These reasons were chosen for the large percentage of each race group for which they accumulatively account.

⁸ As is discussed throughout this paper, the percentage of the GA population comprised by Hispanics varies depending on which estimate is used. In 2015 the Census Bureau estimated the ethnic Hispanic population (of any race) to be at 9.1% in GA, while the CDC Wonder data estimated the ethnic Hispanic population to be 9.4% of the total population of the state (US Census Bureau 2015; CDC 2015). Both of these include all reported races that also select Hispanic as their ethnicity, meaning that there is probably some overlap between the 9% that is Hispanic and the percentages that are black, white, and other races as well.

⁹ In 2016, 42.6% of inmates admitted into Georgia prisons were white, 54% were black, 2.4% were Hispanic, and 0.4% were Asian. Of the 50,542 total active inmates in 2016, 62% were black, 33% were white, 4% were Hispanic and 0.3% were Asian (GA DOC 2017 a; b).

I ran a logit regression using each of these nine reasons separately as binary dependent variables. Race groups were the primary independent variables but I also included control variables for gender, age, and the urban/rural index of the county of origin.

	Black	White	Hispanic	Other	Reason as a % of All Rejections
Citizenship Verification	0%	0%	1%	0%	0%
DDS Verification	1%	0%	2%	1%	0%
Deceased	20%	33%	5%	14%	26%
Duplicate	8%	4%	10%	13%	6%
Error	0%	0%	1%	0%	0%
Felon	11%	4%	3%	4%	6%
Hearing	1%	1%	1%	1%	1%
Incomplete Address	0%	0%	0%	0%	0%
Incomplete DOB	0%	0%	0%	0%	0%
Incomplete Name	0%	0%	0%	0%	0%
Mentally Incompetent	0%	0%	0%	0%	0%
Moved out of County	1%	1%	1%	1%	1%
Moved out of State	2%	5%	4%	6%	4%
No Activity for 2 General Election Cycles	42%	48%	51%	49%	46%
No Signature	0%	0%	0%	0%	0%
Non-Citizen	0%	0%	0%	0%	0%
Not Verified	11%	1%	19%	9%	5%
Pending Age	1%	0%	1%	0%	0%
Pending Hearing	0%	0%	0%	0%	0%
SSN Verification	2%	0%	1%	1%	1%
Under Age	0%	0%	0%	0%	0%
Verification	0%	0%	0%	0%	0%
Voter Requested	0%	1%	1%	1%	0%
Total	N=646,332	N=646,332	N=646,332	N=646,332	N=646,332

The values for age and gender came directly from the dataset, and the urban/rural codes were indexed on a 1-9 scale, with nine being the most rural. The index comes from the US Department of Agriculture's Economic Research Service. The codes used were from 2013, and form a classification system that distinguishes metropolitan counties by the population size of their metro area, and nonmetropolitan counties by degree or

urbanization and adjacency to a metro area (USDA “Rural-Urban Continuum Codes” 2013). These codes are included in Appendix 2.

Once selected, I ran logit regressions for each reason, using white as the baseline category to test for the likelihood of rejection for each other race and control compared to whites.

Explanation of Reasons Selected for Analysis

For all years, of the 23 possible reasons for rejection, in every one but three (accounting for about 52% of all those rejected) either whites or blacks are misrepresented by a margin of at least 10 percent (Table 9 in Appendix 1). The most skewed reason was Not Verified, which again was the section at the center of the lawsuit that produced this data set. Of the 34,874 people who were rejected for being "Not Verified", only 14% were white, while 64% were black, 8% were Latino and 5% were Asian or Pacific Islander.

Based on frequency, the eight reasons I initially identified to analyze were: Deceased, Duplicate, Felon, Hearing, Moved Out of County, No Activity for 2 General Elections, Not Verified and SSN Verification. Following an initial logit regression, I decided to add in DDS Verification, because the odds ratios from Not Verified and SSN Verification were so staggering. All together the 9 reasons comprise 98% of the entire data set. Those individuals with Deceased, Duplicate, Felon, Hearing, Moved out of County, No Activity, and Not Verified reasons were all in a canceled status, while those with SSN and DDS Verification were in a pending status. The only difference is that most (93 and 89%, respectively) of the SSN and DDS Verification individuals had recently registered to vote in the June or July of 2016, so their 30 day windows had not

all completed. Once 40 days passed, they would have been moved to canceled-Not Verified, presuming they did not send in additional information.

I selected these reasons to analyze mostly because of the percentage of the dataset they comprise, but also because based on the interviews I conducted, some, such as Duplicate, Hearing, and those having to do with verification seemed vulnerable to abuse by county officials and the registration process in general (Erin 2017).

Findings

Using the nine previously identified reasons I ran logit regressions with gender, age, and the urban/rural code of the county as controls. I condensed the race groups into those of the CDC Wonder data for significance purposes, which left White not Hispanic, Asian/Pacific Islander, Black not Hispanic, Hispanic and Other. The CDC Wonder data is population based data similar to what the Census Bureau produces, but it is bridged-race, meaning that only one race is given to each individual. This helps make the data more whole as it eliminates “other” and “unknown” categories. Each rejection reason was run separately as a dummy dependent variable. In the gender variable, a positive coefficient means that women were more likely than men to be rejected for that given reason. The age variable is broken into age groups, so the coefficient correlates with an increase of 1 age group. I split the age groups into the following categories, which are the same as those used by the Census Bureau: 0-17, 18-24, 25-34, 35-44, 45-54, 55-64, 65-74, 75-84, 85+. The rural variable is based on the US Department of Agriculture’s 1-9 urban-rural index, which, again, is available in Appendix 2. In the index, a 1 represents a metro-urban location with a large population, while a 9 represents a rural location with a small population.

Table 2 shows the results of the logit regression as well as the logit regression with the odds ratios. Older people are more likely to be deceased and women slightly less likely. This makes sense given that on average, women live longer than men (CDC 2015). Another example is that blacks are significantly more likely than whites (127% more likely) to be canceled due to being a Felon, which, again, makes sense given known incarceration rates of black men in particular (GA DOC 2017).

As indicated by the asterisks, many of these findings were significant at the .05-level and nearly all were significant at at least the .10-level. Given that this is essentially a one-tailed test with a direction, measuring if a group is more likely than whites to be given any reason, a finding significant at the .10-level does not need to be disregarded. That said, it is somewhat of a null issue given that only 4 coefficients in the whole table are not significant at the .05-level (Black-Deceased, A/PI-Duplicate, Other-Hearing, Female-DDS Verification), two of which are not significant at all.

The odds ratios in the table are probably most helpful in understanding the magnitude of the differences between the different independent variable groups. If the outcome is the same for both the independent variable and baseline category (whites), the ratio will be 1. Anything less than 1 means that the independent variable is less likely than whites to experience that outcome (reason) measured in percent—for example, .85 means that the independent variable is 15% less likely than whites to produce that outcome. An odds ratio of 1.5 means that the independent variable is 50% more likely to experience the dependent variable outcome than whites.

Every race group but blacks was significantly less likely to be canceled due to being deceased than whites. Blacks were 1% more likely, but the value was not

significant at the .10-level. As mentioned above, women were less likely and older people more likely to get canceled for being deceased, and as counties got more rural they were 10% more likely to be canceled due to being deceased. Given that whites made up 70% of this category, and that 33% of all rejected whites were rejected due to this reason, these findings make sense.

Minorities were significantly more likely than whites to be canceled due to being a duplicate, and all were significant at the .05-level, except Asian/Pacific Islander, which was significant at the .10-level. Women were also 137% more likely than men to be canceled due to being a Duplicate. This is interesting as research has shown that particularly in the South men are more likely to be named after their fathers than are women after their mothers (Pappas 2013). This category presents some of the most surprising findings, as there is no obvious explanation as to why someone's race or gender should have anything to do with whether or not they have a duplicate application. The "Other" race category was 250% more likely than whites to have a cancellation due to a duplication, Hispanics were 87% more likely and blacks were 53% more likely.

TABLE 2: REGRESSION RESULTS OF CANCELLATION AND PENDING REASONS, 2013-2016

	Deceased		Duplicate		Felon		Hearing		Moved out of State		No Activity		Not Verified		SSN Verification		DDS Verification	
	Co-eff./SE	Odds Ratio	Co-eff./SE	Odds Ratio	Co-eff./SE	Odds Ratio	Co-eff./SE	Odds Ratio	Co-eff./SE	Odds Ratio	Co-eff./SE	Odds Ratio	Co-eff./SE	Odds Ratio	Co-eff./SE	Odds Ratio	Co-eff./SE	Odds Ratio
Race (comp to whites)																		
Asian/Pacific Islander	-1.39 (.045)	.25**	.08 (.045)	1.08*	-1.47 (.093)	.23**	-.68 (.120)	.51**	-.34 (.047)	.72**	.06 (.021)	1.06*	2.28 (.032)	9.77*	1.12 (.152)	3.06*	2.32 (.100)	10.13**
Black Not Hispanic	.01 (.000)	1.01	.43 (.012)	1.53*	.82 (.011)	2.27*	-.25 (.026)	.79**	-1.09 (.017)	.34**	-.57 (.006)	.57**	1.79 (.017)	5.98*	2.39 (.056)	10.86**	1.57 (.061)	4.79*
Hispanic	-1.34 (.044)	.26**	.62 (.029)	1.87*	-.84 (.052)	.43**	-.35 (.078)	.70**	-.62 (.044)	.54**	-.35 (.017)	.71**	2.29 (.027)	9.92*	1.78 (.094)	5.93*	2.20 (.087)	9.05*
Other	-.38 (.016)	.68**	1.25 (.015)	3.50*	-.06 (.024)	.94**	.08 (.040)	1.08*	-.10 (.021)	.91**	-.34 (.010)	.71**	1.15 (.024)	3.17*	1.52 (.076)	4.59*	.86 (.096)	2.35*
Controls																		
Gender (1=Female)	-.36 (.008)	.70**	.86 (.011)	2.37*	-1.27 (.012)	.28**	.23 (.022)	1.26*	.31 (.012)	1.36*	.10 (.005)	1.10*	.08 (.012)	1.08*	-.27 (.030)	.77**	.046 (.042)	1.05
Age (by each group increase)	.91 (.002)	2.48*	-.26 (.003)	.77**	-.52 (.003)	.65**	-.28 (.006)	.76**	-.16 (.003)	.85**	-.26 (.001)	.77**	-.53 (.004)	.59**	-.68 (.013)	.51**	-.52 (.016)	.60**
Urban/Rural	.10 (.002)	1.10*	.10 (.003)	1.10*	.13 (.003)	1.13*	.14 (.005)	1.15*	-.12 (.004)	.89**	-.09 (.001)	.91**	-.18 (.004)	.83**	-.12 (.011)	.90**	-.055 (.014)	.95**
N	644, 210	644, 210	644, 210	644, 210	644, 210	644, 210	644, 210	644, 210	644, 210	644, 210	644, 210	644, 210	644, 210	644, 210	644, 210	644, 210	644, 210	644, 210
Mean SE	(.017)	(.017)	(.016)	(.016)	(.016)	(.016)	(.043)	(.043)	(.021)	(.021)	(.009)	(.009)	(.018)	(.018)	(.061)	(.061)	(.059)	(.059)

*p<.1; **p<.05

In contrast, age and urban/rural status made only a 23% decrease and 10% increase in the odds of being a duplicate, respectively. This category is one of the most interesting because it is one of the hardest to explain. One possibility is that voter registration drives play a role, especially as voter registration drives and campaigns tend to be aimed at registering minorities in Georgia. It could be that people forget they registered or accidentally do it again at a drive, thus creating a duplicate. But as I mentioned in the explanations of each reason, duplicates can also occur due to clerical errors or system errors. Thus it is possible that these findings represent another part of the registration protocol, in addition to the matching system that was found to be problematic via the lawsuit that is creating duplicates and cancelling the registration applications of women and minorities disproportionately. An analysis of the types of names in the different categories, which will be elaborated upon later in this section, suggested that clerical errors and typos may be responsible for the racial disproportions in the duplicate category.

Whether or not the Felon coefficients represent an issue with the registration process or a reflection of the magnitude of racial inequalities in incarceration rates is difficult to say, but the coefficients clearly represent a systematic problem. Blacks were 127% more likely than whites to be canceled due to being a Felon, and women 72% less likely. Compare that to Hispanics and Asians who were 57% and 77% less likely than whites, respectively, to be canceled for this reason.

In 2013, 9,940 African American men were committed to prison in Georgia, compared with 5,986 white men, and 62% of all inmates in state prisons in Georgia were black (Hong 2013). Of the 50,542 total active inmates in 2016, 62% were black, 33%

were white, 4% were Hispanic and 0.3% were Asian (GA DOC 2017 b). The Georgia Constitution strips of the right to vote those individuals serving a sentence for the conviction of a felony offense involving moral turpitude (GA Const. Art II, Section 1, Paragraph 3). It does not, however, define a list of offenses that involve moral turpitude, and as the state has not defined them either, any person serving a felony is effectively disenfranchised. Upon the completion of their sentence (prison, parole and probation), however, any convicted felon in Georgia theoretically has their right to vote restored, though any ex-offender needs to re-register following their sentence (Uggen et al 2016; Nonprofit VOTE).

In 2016, 3.2% of all Georgians were disenfranchised due to a felony conviction—6.3% of all African Americans (Uggen et al 2016). In 2014 the Georgia Justice Project conducted a study to determine whether their constituents (low-income individuals involved in the criminal justice system) understood Georgia felony disenfranchisement laws and whether any lack of knowledge is effectively disenfranchising individuals. More than 60% of their survey respondents with a felony conviction were registered to vote though only 3 out of 10 with a felony conviction reported having been told about voting rights restoration in Georgia. Of the same group, 65% said they *had* been told they could not vote because of a felony conviction but *had not* been told about voting rights restoration. Of those who were registered, however—most of whom registered in Fulton and DeKalb—only 3% reported having to provide criminal history documentation in order to register (“2014 Felony Disenfranchisement Study Report” 2014).

Based on the results of the survey, there is more evidence to suggest that any effective disenfranchisement occurs more due to lack of information rather than local

registration office policies. There is no way to check whether the 41,099 individuals in the rejected applicant data set who were canceled due to being a felon were actually still serving out their sentences or if their prevalence in the data set (6%) represents a systematic processing failure. I checked the voter registration numbers of 5 random individuals who were in the canceled-Felon category against the GA voter file, and only one of the five came up with a match.

Given that there is a possibility for the restoration of voting rights for felons in Georgia it seems as though there is a need for more information else there should be far fewer rejections. Further, these rates are of those applying to register vote, not who have been convicted of a felony, so even if the quantity of individuals in this category is representative of simple information problems, that would not alone explain the racial disparities in rejection rates.

As earlier discussed, voting rights activists were worried in the November 2016 election and prior elections about the possibility of citizen to citizen voting eligibility challenges occurring at the polls. If these types of challenges were occurring at large rates and disproportionately affecting any minority group, we would see it in the Hearing category. But the data shows that all minority groups except for Other were less likely than whites to be canceled due to a hearing. Women were 26% more likely to be canceled due to a Hearing, though those canceled due to a Hearing, women comprised 55% and men comprised 45% . Knowing that John Hallman from the Secretary of State's office informed me that the majority of Hearing cases come from buildings being torn down, it is interesting to me that Whites are almost all across the board more likely to be canceled due to this reason.

A quick tabulation showed that Laurens County, Cobb County and Chatham County combined had 48% of all the cancellations due to Hearing. Laurens had 1,270 which was nearly half of their 2,681 total rejections, Cobb had 1,376 and Chatham had 1,358. All three counties are majority white, though none of them overwhelmingly so (Cobb 65%, Chatham 62% and Laurens 55%). If it is true that hearings mostly come from large housing developments or apartment buildings being torn down, it could be that these three cases represent one or two large residence structures in each county that happened to be torn down within the time frame. I reached out to Julie Houk of the Lawyers' Committee and the counties themselves to see if anyone had any explanations as to why these counties made up the bulk of the hearings. A representative from Chatham County replied and told me that hearings are held each month and that I could attend. Interestingly, a representative from Cobb County responded saying that in 2016 Cobb County had 2 hearings and in 2015 they had 5, which is not consistent with the data. It could be that there are different types of hearings, and the hearings referred to in the data are different from those of which the staff member informed me.

The number of those canceled due to No Activity for 2 General Election cycles is overwhelming, though there is no apparent racial bias against minorities based on the data. As you can see in Table 9 in Appendix 1, the racial composition of all of the individuals who were canceled for this reason closely resembles the racial breakdown of the state. Further, whites were more likely than all other racial and ethnic minority groups to be rejected due to this reason. Nonetheless, the fact that 300,326 people in a span of just 3 years were removed from the rolls due to inactivity is significant, though as the Common Cause law suit demonstrates, there are those who believe this is a NVRA

violation and those who believe it necessary to maintain state voter rolls. In either case, 300,326 people represent 5% of the entire 2014 Georgia electorate and more than the difference in most major recent races in the state. For example, in the 2016 presidential election, Donald Trump took the state of Georgia with a margin of 211,141 votes over Hillary Clinton (“Georgia Results” 2017).

By far the most staggering results are the coefficients in the Not Verified and SSN Verification sections. For a baseline, women were 8% more likely to be Not Verified, older people 41% less likely and more rural people 17% less likely. In contrast, Asians/Pacific Islanders were 8.8 times more likely, Hispanics were 8.9 times more likely, and Blacks were 5 times more likely than whites to be canceled due to not being verified. These coefficients support everything the lawsuit was alleging, and at significant levels.

Social Security Verification was also used to reject racial and ethnic minorities at much higher rates than whites. Women were 23% less likely to be canceled for this reason, older people 49% less likely and those in rural counties 10% less likely. Again in contrast, Asians were twice as likely, Hispanics 5 times more likely and blacks 9.9 times more likely to be rejected because their Social Security number could not be verified. It is interesting that Hispanics and Asian/Pacific Islanders were more likely to have an issue with not being verified while blacks were more likely to get trapped in SSN verification, especially as Hispanics and Latinos were more likely to get caught in DDS verification than blacks.

One possible explanation for these differences is that people are able to essentially pre-register to vote at DDS before becoming citizens, and become active voters once their citizenship status comes through. As Asians and Hispanics are more likely to be

immigrants than blacks in Georgia, it is possible to see why the DDS coefficients are different than those from SSN. For all three reasons all three minority groups, the coefficients are incredibly significant in their magnitude.

The lawsuit surrounding the verification process argued that the exact-match system affected people of color disproportionately in large part because non-white names typically are either unfamiliar to the average elections worker (and consequentially more likely to be entered incorrectly), or contain some sort of character or characteristic that makes them more prone to typos (The Campaign Legal Center 2016). For example, names with apostrophes, hyphens and unusual spellings would be more likely to be entered incorrectly or to not match in one system.

To briefly test this hypothesis in the data, I created a variable that flagged first names with hyphens, apostrophes and spaces and tabulated each of the 9 selected reasons based on frequency and expected frequency. There were 5,960 individuals in the dataset with first names containing these characteristics, 46% of whom were white, 38% were black, 2% were Hispanic, and 9% were Asian. The findings of the tabulation were statistically significant ($P=0.000$), and of the 9 reasons analyzed, Not Verified, SSN Verification and DDS Verification were the only ones in which the flagged name variable made up more than its expected percentage (Table 3 in Appendix 3).

First names with spaces, apostrophes, and hyphens make up about 1% of all names in the dataset, but they made up 2.3% of the names in Not Verified, 2% of the names in SSN Verification and 4.6% of the names in DDS Verification. Names with these characteristics made up 1% of all the other reasons combined (the 14 not individually analyzed).

Another way to consider the findings is that those rejected due to being Not Verified made up 5.4% of the total dataset, but encompass 14% of the first names with hyphens, apostrophes and spaces. SSN Verification rejections comprise 0.73% of the dataset and 1.53% of the name characteristic variable, while DDS Verification rejections comprise 0.37% of the dataset but 1.8% of the name characteristic variable.

This was a simple test that could be made much more robust by flagging specific names and other symbols and characters, and searching for specific names, but already it shows that last names with a space, hyphen or apostrophe were more likely to be cancelled due to a verification reason. This brief analysis supports the explanation provided by the Lawyers' Committee and other plaintiffs as to why minorities are disproportionately affected by the exact-match system used, and also suggests that those individuals canceled due to being a duplicate may be being disenfranchised in the same patterns.

Analysis and Conclusion

The findings support the hypothesis that race influences how an individual's voter registration application is processed and the particular code used to reject them. The data also make it apparent that an exceedingly large number of Georgians of all races are being purged off of the roles due to general inactivity. Given that the data on rejections came directly from the Secretary of State's office, there is no reason to believe it contains many inaccuracies. This eliminates most clerical limitations or sources of error in this, making the findings more legitimate.

There is, however, plenty of room for further investigation. The challenge of identifying the actual system that creates each reason still persists. For example, the Not

Verified reason was tied to the exact-match process, but for Duplicate, for example, the actual process used remains somewhat unknown. As noted above, there may be some anthropological reasons, such as a tendency for Southerners to name their children after themselves, or a prevalence of names with special characters, that might explain why there are so many duplicates, but it remains difficult to know what is going on on a large scale. Answering how and why each of these reasons may be skewed would probably require extensive interviews and observation of the actual process from start to finish, but could illustrate where the gray areas are in the process.

The controls included in this analysis and the interviews I conducted do try to address this issue of providing explanations by accounting for factors such as gender, age, and the urban/rural index of the county in which each individual resides. The resource argument provided by Brady, Verba and Schlozman might also provide further insight into the patterns in each rejection reason (Brady et al 1995). Rather than just controlling for socioeconomic factors, their study asked why people do not participate in politics. They found that people either can't, they don't want to, or nobody asked them to (Brady et al 1995). They argue that voting (and here registering by extension) is driven primarily by interest, though civic skills and education also are influential (Brady et al 1995). Thus, in the future it could be informative to add in the variable for free time as well as for civic skills, which is different from just general educational attainment. These are essentially more nuanced understandings of resources that could be correlated with specific reasons for rejection.

With the quantity of responses (individuals in the data set) as well as counties in the state, one limitation of this analysis is the lack of ability to track the exact parts of the

process that differ across counties. One piece of further investigation that would be helpful is to compare the basic rates of rejection in Georgia to those in other states to see if what is happening here is concurrent with or an aberration to patterns across the country.

In the following chapter, I try to weed out some of the possible factors that could make the registration process different in each county. This both provides a more in depth picture of the process, as it exists in all 159 counties in the state, and identifies patterns in counties with high minority rejection rates. Though I use a variety of controls, I aim to answer the question, does having a majority white elections board make a county more likely to reject high rates of minorities?

Chapter 3: Elections Boards and Minority Rejection—County-Level Analysis

Introduction

In the United States elections are incredibly decentralized. The Federal Elections Commission is responsible for monitoring campaign and election finance, and the Election Assistance Commission monitors the Help America Vote Act compliance, but in general, the task of administering and monitoring elections is left largely up to states and localities. In Georgia, that means that each of the 159 counties is able to create its own protocols and procedures in elections administration, in addition to the general guidelines that the state provides. In my interview with John Hallman of the Secretary of State's office, he noted that there are essentially 159 different ways to conduct registration in Georgia (Hallman 2017).

The body in each county that is responsible for conducting elections, registering voters, maintaining registration records and outlining elections protocols is the Board of Elections (other names include the Board of Elections and Registration or the Board of Registrars). If variation in elections administration and registration procedure occurs across the counties, it occurs theoretically because the Boards are creating separate protocols. I say theoretically because it is not always the Board members who actually work in the elections offices, which creates the possibility that it is the discretion of the actual election workers that creates variation in practice. However, protocols are supposed to be outlined by the Boards, and in many cases the elections office workers also serve on the Board of Elections.

In the preceding chapter I found that across the state of Georgia, the reasons why people were rejected from registering to vote were skewed by race. Stated differently, the

process used to register voters in the state of Georgia contains methods of rejection that affect minorities at higher rates. In this chapter I conduct a county-level analysis and identify patterns across counties that correlate with higher rates of minority rejection. As there are differences across counties in minority rejection rates, the goal is to try to identify any patterns, practices or procedures occurring in those counties with higher rejection rates, to try and understand why and how there is variation across the state.

This chapter focuses first on the racial composition of the Boards of Elections. As the Boards are responsible for protocol, any differences in the composition of the boards may be correlated with registration outcomes. As the boards vary in size from 3 individuals to 7, I use a majority white dummy variable as my independent variable and the rates of minority rejections as my dependent variables. The first question this chapter poses is, do majority white Boards of Elections reject minorities at higher rates? For controls, I consider other county-level demographics that could impact the process of voter registration. Does the per capita income in a county have any correlation with rejection rates? What about educational attainment or the region of the state?

Even if majority white Boards correlate with higher minority rejection rates, that information alone is not enough to link a difference in registration procedure with higher minority rejection rates. The theory would suggest that a majority white Board is implementing some policy which in turn is rejecting minorities at a higher rate. In order to really show that, however, it would be necessary to compare the actual procedures used in different counties to register voters.

This would be relatively easy to do if each county had a written protocol outlining every step of the voter registration process. Though some counties do have some written

protocols that they were able to provide, none could or would send me a complete process in writing. Further, the Secretary of State's office provides manuals for registrars but not a written process of each exact step of the process of voter registration. As a result of this lack of written protocols, I spend the final part of this chapter describing interviews that I conducted with four counties, in which I tried to extract any differences in how the counties conduct voter registration. In order to argue that it is administration, and not necessarily state law that has the greatest impact on registration, it is necessary to demonstrate that there is variation in how registration is administered.

The proceeding literature review covers theories of descriptive representation as they relate to institutions such as elections boards. I then present the data and methods used to analyze the county-level data, followed with the analysis and findings of this quantitative model. Finally, I describe the methodology and findings of the interviews I conducted and conclude with overall findings and limitations.

Literature Review

Differences both in demographics and electoral administration have empirically been found to alter the registration and voting processes. For example, a study from 1963 on the correlation of economic and social factors on black registration in the south found that counties with a higher percentage of urban population had higher rates of black registration, and that a higher average white median income in the county was positively correlated with black registration rates (Matthews and Prothro 1963, 29). In this chapter I will control for demographic factors such as per capita incomes, educational attainment levels, urban-rural indices, size of county and region of the state.

Though all of these represent important controls, my main independent variable is a binary variable that measures whether or not the majority of members of each county's elections board are white. For this variable, it becomes useful to employ theoretical backgrounds of descriptive representation.

Jane Mansbridge outlines four contexts in which disadvantaged groups may want to be represented by descriptive representatives, or representatives who "in their own backgrounds mirror some of the more frequent experiences and outward manifestations of belonging to the group" (Mansbridge 1999, 628). At least two of the four contexts apply to the situation of a county Board of Elections:

- (1) creating a social meaning of "ability to rule" for members of a group in historical contexts where that ability has been seriously questioned
- (2) increasing the polity's de facto legitimacy in contexts of past discrimination (Mansbridge 1999, 628).

Given that Georgia is a state with a history of electoral discrimination, as is evidenced by the entire state being placed under initial VRA preclearance, there is no doubt that it is a case where the historical context includes discrimination and racial exclusion from positions of political power. The first scenario, which argues essentially that descriptive representatives demonstrate, for a minority group, an ability to rule, is relevant not just for those people of color serving on the boards, but also for voters of color in general.

The right to vote is fundamentally the right to make decisions about how society and the community are run and ruled. Thus in any context in which a group's ability to rule is questioned, it is not far fetched to extrapolate that the same group's capability to make decisions for the community at large—to vote—may also be doubted. If this is true, boards that lack minority representatives should be less likely to treat all groups as equal

voters, and potentially more likely to allow registration procedures that disenfranchise minorities. Conversely, those boards with more members of color (or in this case, a majority of minority members) should be more likely to impose practices that facilitate equal access to registration, consequentially registering more minorities.

Having more minorities on an elections board may also increase that minority's de facto legitimacy. This concept of legitimacy can be important both for the dominant group in acknowledging, again, the capability of minorities to be autonomous and equal decision makers, but also may increase levels of perceived efficacy across minority groups. In the context of registration, having a minority on a county's Board of Elections may make other members of the community feel as though they actually have a role to play in politics. As continued exclusion from political systems can lead to feelings of political inefficacy, it is possible that newfound inclusion could lead to feelings of political efficacy (Atkeson et al 2010, 68; Gaventa 1980).

The role of partisanship would typically be another reason to focus on the Boards of Elections. Issues of voter rights and restrictions have become partisan issues—with Democrats arguing for more relaxed and less costly regulations and Republicans arguing for tighter restrictions. We would thus expect that a Board run by Democrats would take efforts to ensure the inclusion of as many people on the rolls as possible, with less concern for cleaning or purging records, while a Republican-led board would be more focused on verification and maintaining stricter rules. These stances are both ideologically and practically based: a broader, more diverse electorate is likely to benefit the Democratic Party in GA. After all, policy efforts to ease the costs of voting are thought to advantage the Democratic Party (Berinsky et al 2001, 185). Conversely, a

smaller, whiter electorate would most likely benefit the Republican Party. In the case of the Georgia Boards of Elections, however, partisanship is controlled for because the boards are all appointed in a way that balances Democrats, Republicans, and non-partisan members.¹⁰

Because partisanship is controlled for, the focus ultimately returns to the role of race and of descriptive representation in the Boards of Elections and how it impacts the administration of voter registration and elections in the counties.

Hypothesis

I expect the data to show that variations in county elections boards across *county* elections offices correlate with variations in whose registration applications are rejected and accepted. I collected data on the proportion of each county elections board that is white. For this model I hypothesize that for counties in which white members make up the majority of the county elections board, the rejection rate of minorities will increase disproportionately. The elections boards are a good, measurable proxy for county variation because they are supposed control the voter registration administration and protocol of the county.

Data and Methods

For the county level analysis, the unit of analysis is each county, and the independent variable is a binary variable that codes for whether the majority of members of each county's elections board is white. The dependent variable is the rejection rate (in percent) of minorities in each county compared to their percentage of the voting age

¹⁰ The only county I encountered that does not have an explicitly partisan balanced board is McIntosh county, which awards 4 seats to the party that received the most votes in the past general election, and 3 to the party that received the second most votes.

population and registered electorate in each county. For this model, unlike the individual level model, I used data for 2014 and 2015 only.

The reason for using only 2014 and 2015 is twofold. First, they are the only two complete years in the rejected data set (it contains July-December 2013 and January-July 2016). Second, 2014 accounts for 66% of all the rejections, most likely because it was an election year. Being a non-election year, 2015 serves as a good comparison to see whether registration or rejection practices change during an election year. Further, using a cross-sectional analysis simplifies this model, as the Elections Boards were constantly changing throughout the 3-year span.

I collected the names of each county's elections board members for 2013-2016, and later only used those from 2014-15. Those members from 2014 were compared only with rejections, Voting Age populations and registered voter counts from 2014—the same, respectively, for 2015. To collect the names of elections board members, I first sent an e-mail to the Secretary of State's office asking if they had a current list of the Elections Boards for the counties. I followed this request up in-person with an elections assistant on the phone, but was told that they "would look for it," and never heard back.

I then e-mailed every county elections director and chief registrar using the contacts provided on the Secretary of State's office website. In that e-mail I expressed that I was a student and resident of Georgia and requested the names of the board members from 2013-2016, as well as information on the appointment or elections process through which people end up on the board. From that initial e-mail I heard back from about 70 counties. It is worth noting that the information I was requesting is simply the names of current or recently serving public officials. I was not asking for any information

that is not public or for anything that would compromise the positions of any of the board members.

Following the initial round of e-mails, I sent out another set of e-mails to the counties who did not respond, and called those without e-mail addresses. After multiple rounds of attempted contacts, I had received complete information for the boards of 109 counties in 2014 and 111 in 2015 out of the 159 counties. Part of the difference between years is that some counties only adopted a Board of Elections in 2015. One county also only sent me information for 2014. Some counties refused to give me the information unless I attended a board meeting (up to 4.5 hours away in some cases), and others never responded. One county elections officer informed me via e-mail that her hesitancy to help me was due to “being accused of fraud and suppression at the same time.” Due to time constraints, I had to use the sample I had to run my analysis.

	Missing Counties	All Counties
Population		
0-9,999	35%	21%
10,000-24,999	39%	33%
25,000-49,999	14%	20%
50,000-99,999	4%	10%
100,000-199,999	6%	9%
200,000+	2%	7%
Rural/Urban Continuum		
1	2%	18%
2	8%	9%
3	24%	19%
4	0%	5%
5	4%	2%
6	29%	23%
7	12%	10%
8	14%	9%
9	8%	5%

It is worth noting here that I ran descriptive statistics of the 51 counties for which I am missing information for at least one of the years (Table 4).

The vast majority was unresponsive to my information requests. A more thorough overview of the counties is provided in the

conclusion of this chapter, but in general, there were no overwhelming patterns of location in the state or racial composition of those counties, but more rural counties and smaller counties made up larger percentages of the nonresponsive group than they do of all counties in Georgia. Similarly, of the 51 different counties, 29 fell in the poorest 1/3 of all counties in Georgia for per-capita income.

Once I compiled the master list of all the names I had, I created separate lists for 2014 and 2015 and then respectively matched them against the GA Voter File which contains the names, addresses, reported races, genders, birthdays and voting histories of all Georgia voters and is publically available for purchase. I also created a duration term to code for the proportion of the year each member served, as some transitions happened throughout each year. For instance, if a board member served January-July they received a weight of (.5) in the ultimate composition of the board. The duration term for each individual was coded as either 1, .75, .66, .5, .33, or .25, rounded to the nearest interval. In this way, a 5-member board that had 6 members over the course of 2014 would still have a total of 5 individuals coded for, rather than 6, which would impact the proportion of white members.

The GA Voter File used was from December of 2016. About 65% of the names for 2014 initially matched automatically using first and last names and county codes. I was able to manually match nearly all the rest of them, getting the matching rate to 97%. For 2015, using the same process I was able to match 97% as well. The reason why I was unable to match all individuals is that, in some cases, there were multiple people with the same name in the same county, but with different races. If I was unable to use other resources such as newspapers to find a middle name or other descriptive characteristic of

the specific board member, and there were two individuals with of different races with that name, I was unable to determine which was the correct individual and consequently the name remained unmatched.

For 2014, this meant that of 551 individuals I was able to match 536. The remaining 15 unmatched individuals were from 13 different counties. Of those 13 counties, 4 had boards that had the same racial majority regardless of the race of the last individual, while 9 had compositions where the majority would be dependent on the last individual. For 2015, of 569 individuals whose names I collected I was able to match 554. The remaining 15 were from 13 different counties, 8 of which had compositions dependent on the last individual. I had initially planned on using the white proportion of each board as my independent variable, thinking that a continuous variable may help demonstrate correlation, but given that 13 in each year of the already reduced number of counties would be skewed, using the majority white variable, in which fewer counties were affected, was a better measure. Using majority white rather than proportion white eliminated some of the variation, but there was still enough to justify the variable. 76% of boards in both 2014 and 2015 were majority white.

Using the Georgia Voter File was the best way to measure the race of each county board member because it was self-reported. The alternative would have been trying to find a picture online on news clippings or sites like LinkedIn, but assuming a person's race based on a photo can be problematic, as they may not identify with the race you assign based on phenotype. Using the GA Voter file meant that I used the self-identified race, eliminating the problematic task of assigning people races based on pictures.

The data on the electorate composition comes directly from the Secretary of State's office and is collected at each election. For 2014 I used the registered voter list from the November 2014 elections, capturing nearly the whole year. For 2015 I used the numbers from elections in March 2016, as there was not an election in November of 2015 and though a few months from 2016 are included it was important to make sure all of 2015 was included.

The data for the voting age population (VAP) in each county comes from the Center for Disease Control Bridged-Race population estimates from 2014 and 2015. The U.S. Census Bureau, in collaboration with the National Center for Health Statistics, produces these estimates annually by county and state. I submitted queries by race and ethnicity, and then merged them, to get a better sense of the Hispanic and non-Hispanic populations. One advantage of using these estimates rather than the Census Bureau population estimates alone is that the CDC measure places everyone into a race or ethnicity group—in other words, there is no “other” category.

The justification for this is first that research has shown when Hispanic is given as a race rather than an ethnicity Hispanic people tend to select “other.” However, when it is presented as a separate ethnicity they report that they are Hispanic (Ingram et al 2003, 2). Further, data suggests that even when individuals are allowed to select multiple races, the prevalence of multiple race reporting is very low (about 3% in the 2010 Census), so the “other” category tends to be people who do not fit into a single racial category (Ingram et al 2003, 4; US Census Bureau 2010).

It was important to compare the rejection rate to both the electorate composition and the voting age population because, in keeping with my theory, if registration really is

the main barrier to voting, comparing rejection rates to the electorate may not be an all-encompassing measure. If the hypothesis is that it is more difficult for minorities to register, than it would not be surprising if minorities make up a smaller percentage of the electorate. Further, the issue of felon disenfranchisement is prevalent in the US and in Georgia, as it affects black men in particular. In 2010, it was estimated that 7.47% of the black voting age population in Georgia were disenfranchised felons or ex-felons, compared with 3.83 percent of the total voting age population (Uggen and Shannon 2012). Due to this, comparing the rejection percentage to each race's percentage of the total VAP may give a clearer picture of the electorate as it is, compared to what it could be.

I use race as my primary independent variable in this model because each county election's board has balanced Democrats, Republicans and non-partisan members, thus controlling for partisanship. As race and partisanship tend to be correlated, voter disenfranchisement debates tend to pivot on partisan lines. However, with partisanship controlled for, the county elections boards of Georgia provide an opportunity to focus on the impact of race.

My initial control variables in the county-level model were educational attainment levels, urban vs. rural status of the county, and average household income. The data on education attainment are from 5-year American Community Survey data for 2009-2013, 2010-2014, and 2011-2015, accessed via Social Explorer, a library database. The rural-urban continuum used comes from USDA's Economic Research and are coded on a 1-9 scale, where 9 represents the smallest and most rural counties.

Income levels in each county were coded using the median household income and per capita income in 2015 inflation adjusted dollars. This data comes from the US Census Bureau American Community Survey. The data on population sizes for both years came from the CDC Wonder Data. I created a region dummy variable (1=North, 2=Metro Atlanta, 4=South) based on media markets and Internal State Regions (ISRs), which are assigned by Polidata. A list of the regions can be found in Appendix 5. I later added in a weight for the population size of each county, a region variable coded as a dummy variable (North, South, Metro Atlanta) and an interaction variable between the majority white variable and the registered voter percentage for each race.

Lower education levels may make individuals less familiar with civic processes and therefore more likely to fill a registration application in incorrectly. The urban/rural status of the county may have an impact on the resources in the county. Counties with more resources may be able to provide more registration locations and be more thorough in following up on flawed applications. The size of the county may also be correlated with resource availability, though it could also be significant in trying to determine if there are different effects between larger and smaller counties when minorities make up a significant portion of the electorate.

Because each county is subject to the same state election laws, I can control for the influence of election laws, which means that any variation patterns in rejection rates across counties must be the result of different implementation or application of registration procedures. With these controls, I ran individual linear regressions, with subsamples of each of the three main minority groups (blacks, Asian/Pacific Islanders

and Hispanics), to determine which variables are most strongly correlated with higher rejection rates of minority applicants.

Findings

First Controls

The initial regression run for the County level model includes—along with the majority white elections board code, the active voter percentage and the voting age population percentage—controls for the 1-9 urban/rural code, the mean household income in 2015 inflation adjusted dollars, and the percent individuals in each county with at least a high school degree (Table 5). The only independent variable that was significant for all three minority groups was the percentage of the active voters, or the electorate, that the group made up. In other words, for each Hispanics, Blacks and Asian/Pacific Islanders, as their percentage of the electorate increased in the county, their rejection rates also increased.

This was an interesting finding, given in practice it was not observed for all counties. DeKalb County in 2014, for example, had an electorate that was 34% white and 54% black, and whites and blacks were rejected at rates of 31% and 55%, respectively. This is slightly off—white people were rejected at a rate that is less than their composition of the electorate and black people rejected at a rate that is slightly higher than their portion—but in general blacks make up the majority of the electorate and are rejected at nearly the same percent as their portion of it. In order to try to explain this finding I added different controls.

TABLE 5: RELATIONSHIP BETWEEN MAJORITY WHITE ELECTION BOARD AND MINORITY REJECTIONS RATES BY COUNTY, 2014 & 2015 (First Controls)						
	2014			2015		
	Hispanic Rejection Rate	Black NH Rejection Rate	Asian/PI Rejection Rate	Hispanic Rejection Rate	Black NH Rejection Rate	Asian/PI Rejection Rate
Majority White Board	-0.001 (0.001)	-0.001 (0.009)	0.000 (0.001)	-0.000 (0.001)	0.003 (0.012)	-0.001 (0.001)
Hispanic Percentage of VAP	-0.011 (0.021)			0.026 (0.020)		
Hispanic Percentage of Electorate	1.473*** (0.122)			0.803*** (0.097)		
2015 County Per-Capita Income	0.000 (0.000)			-0.000 (0.000)		
Rural Index	0.001* (0.000)	0.002** (0.004)	-0.000 (0.000)	0.000 (0.000)	0.001 (0.002)	0.000 (0.000)
Percent of County with at least HS Degree	-0.000* (0.000)	-0.001 (0.001)	-0.000 (0.000)	0.000 (0.000)	-0.000 (0.001)	-0.000 (0.000)
Black NH Percentage of VAP		0.141 (0.113)			0.552*** (0.106)	
Black NH Percentage of Electorate		0.799*** (0.109)			0.387*** (0.102)	
Asian/PI Percentage of VAP			-0.070 (0.081)			-0.022 (0.089)
Asian/PI Percentage of Electorate			1.484*** (0.229)			1.045*** (0.239)
Observations	108	108	108	111	111	111
R-squared	0.80	0.968	0.859	0.700	0.930	0.770
Standard errors in parentheses, *** p<0.01, ** p<0.05, * p<0.1						

The urban/rural code was significant for blacks and Hispanics in 2014. Given that the most significant variable had to do with percent of the electorate, I replaced the urban/rural codes with a size variable, thinking that maybe the impact of having more minorities in the electorate is correlated more with the size of the county than whether or not it is urban or rural. To make the population variable I took county populations from 2015 from the CDC Wonder dataset, and then weighted the regression based on the size of each county. As explained in the data and methods section, I used Internal State Regions to create four separate dummy variables for the four regions of Georgia.

In an initial regression, the majority white variable was not significant for any of the minority groups for either year. Due to the results from the electorate variable, I made an interaction variable between the majority white variable and the electorate variable, to see if when minorities make up a greater percentage of the electorate, the white majority boards have a different impact. To do this, I created a dummy variable for the electorate, coding a one in counties where each minority group respectively made up a percentage of the electorate that was greater than the median percentage for all counties. So, for half the counties in both years, the value of this variable is a one and for half it is zero. I then interacted this with the majority white election board dummy variable.

The only other significant coefficient (at the .10-level) from the first round of regressions was for percent of the county with at least a high school diploma for Asian/Pacific Islanders, but it was a very small, negative coefficient that was only significant in 2014, not 2015.

Second Controls

Due to the lack of statistical significance from the variables in the first regressions, I ran each year again using slightly different controls (Table 6). I made three region dummy variables for North Georgia, Metro Atlanta and South Georgia. I also weighted the whole regression for population rather than including a size variable. Finally, I included the same interaction variable between the median electorate dummy variable and the majority white dummy variable and added in a column for Whites to make comparisons more obvious. In general, the findings from the second regressions were not all that different from the first.

The active voter, or percent of the electorate, variable continued to be the most consistently significant variable. Interestingly, in this regression the electorate variable was not significant for blacks for either year but the Voting Age Population variable was significant blacks for both years.

For Hispanics, Asians, and Whites all of the electorate coefficients that were significant were positive, meaning that rejections of each group respectively increased as their percentage of the electorate increased. For 2014, the coefficients for Asians and Hispanics were larger than for Whites, but this switched in 2015. This could represent some relationship between minorities being rejected at higher rates in election years.

The interaction variable was significant for blacks in 2014, and all minority groups in 2015. Interestingly, the interaction variable had a positive coefficient for blacks in 2014, but a negative coefficient for all three minority groups in 2015. This means that the combination of a white board and higher rates of each group in the electorate lead to higher rates of black rejection in 2014, but lower rates of rejection for each respective group in 2015. For 2015, these negative coefficients are unexpected because if the larger minority percentage of the electorate represented a threat to a majority white elections board, you would expect it to lead to higher rates of minority rejection.

	2014				2015			
	Hispanic Rejection Rate	Black NH Rejection Rate	Asian/PI Rejection Rate	White Rejection Rate	Hispanic Rejection Rate	Black NH Rejection Rate	Asian/PI Rejection Rate	White Rejection Rate
Majority White Board	-0.003** (0.001)	-0.016 (0.010)	-0.001 (0.001)	-0.007 (0.009)	0.000 (0.001)	0.018 (0.020)	0.000 (0.001)	-0.012 (0.017)
Percentage of VAP (By respective race)	0.061** (0.024)	0.747*** (0.137)	-0.293*** (0.050)	0.001 (0.087)	0.050* (0.026)	1.300*** (0.226)	-0.0361 (0.051)	-0.479*** (0.174)
Percentage of Electorate (By respective race)	1.047*** (0.085)	0.141 (0.126)	2.195*** (0.117)	0.934*** (0.082)	0.712*** (0.083)	-0.307 (0.218)	1.173*** (0.118)	1.307*** (0.162)
White Board Above Median of Percentage of VAP (By respective race)	0.001 (0.001)	0.045*** (0.008)	-0.001 (0.001)	-0.012 (0.012)	-0.002* (0.001)	-0.042** (0.016)	-0.003** (0.001)	0.036 (0.022)
North Georgia Region	-0.001 (0.001)	0.023*** (0.008)	-0.001 (0.001)	0.000 (0.011)	0.001 (0.001)	0.014 (0.019)	-0.000 (0.001)	0.012 (0.022)
Metro Atlanta Region	0.004*** (0.001)	0.076*** (0.006)	-0.001 (0.001)	-0.086*** (0.009)	0.008*** (0.000)	0.022 (0.014*)	0.002** (0.001)	-0.083*** (0.019)
South Georgia Region	-0.001 (0.001)	0.028*** (0.008)	-0.001 (0.001)	-0.019* (0.010)	0.001 (0.001)	0.021 (0.019)	0.001 (0.001)	-0.038* (0.022)
Constant	0.003** (0.001)	-0.011 (0.015)	0.001 (0.001)	0.083*** (0.016)	-0.002* (0.001)	-0.052* (0.029)	-0.002* (0.001)	0.140*** (0.033)
Observations	108	108	108	108	111	111	111	111
R-squared	0.952	0.984	0.969	0.979	0.946	0.911	0.955	0.909

Standard errors in parentheses, *** p<0.01, ** p<0.05, * p<0.1

The region with the most significant findings was Metro Atlanta, which was correlated with higher rates of rejection for Hispanics and blacks in 2014, and Hispanics and Asians in 2015. It was also correlated with lower rates of White rejection for both years. This finding is notable though not surprising, as Fulton County (the largest in the Metro Atlanta region) rejected disproportionately high rates of minorities between 2013-2016. Blacks notably had significantly higher rejection rates in all three regions in 2014 but only significantly higher rejection rates in Metro Atlanta in 2015. Again, this may be related to 2014 being an election year.

Overall, these regressions do not support the hypothesis that a majority white elections board will be correlated with a higher rejection rate of minorities. Similarly, the findings from the white board interaction term were inconclusive and cannot be linked to any general pattern. The electorate percentage finding, including that the VAP percentage was more significant for blacks, however, is very interesting and worth potential further investigation.

Appointment Processes

Following the null finding for the majority white board variable, I also went back and coded for how each board was appointed. I was able to gather the data for 117 counties. I found over 20 different permutations for the board appointment process, but the main appointing bodies are parties, elected officials, judges and juries. When parties were involved, it was most commonly the case that each party head would get 1 or 2 appointments, depending on the size of the board, but each would get the same number.

I created four separate dummy variables to account for these different appointing bodies: elected officials, judges and juries, parties, and “other.” These codes were created to test if the involvement of particular types of political figures has a relationship with registration rejection rate. Counties received a 1 for each different type of appointing figure, so there is some overlap in the dummy variables across the counties. 63 of the 117 counties coded had some party involvement. I then ran a linear regression using the same control variables as the second regression from the county analysis, except I did not use the interaction term. I also weighted the counties by size and included dummy variables for the following regions of Georgia: North Georgia, Metro Atlanta, and South Georgia (Appendix 5).

	2014			2015		
	Hispanic Rejection Rate	Black NH Rejection Rate	Asian/PI Rejection Rate	Hispanic Rejection Rate	Black NH Rejection Rate	Asian/PI Rejection Rate
Elections Board Appointment Figures						
Elected Officials	0.001 (0.001)	0.010* (0.006)	-0.004*** (0.001)	-0.001* (0.001)	0.036** (0.012)	-0.003*** (0.001)
Judges & Juries	-0.000 (0.001)	-0.006 (0.007)	-0.002* (0.001)	-0.001 (0.001)	-0.007 (0.015)	-0.005*** (0.001)
Parties	0.000 (0.001)	0.001 (0.007)	0.000 (0.001)	0.002** (0.001)	-0.001 (0.015)	-0.002** (0.001)
Others	0.005** (0.003)	0.008 (0.018)	-0.002 0.002	0.020*** (0.003)	0.046 (0.036)	-0.004* (0.002)
Georgia Region						
Northern Region	-0.001 (0.001)	0.018* (0.009)	-0.000 (0.000)	0.001 (0.001)	-0.000 (0.019)	0.001 (0.001)
Metro Atlanta Region	-0.004*** (0.000)	0.069*** (0.007)	0.001 (0.001)	0.007*** (0.001)	0.047** (0.014)	0.005*** (0.001)
Southern Region	0.000 (0.001)	0.036*** (0.009)	-0.001 (0.001)	0.003** (0.001)	0.022 (0.019)	0.001 (0.001)
Hispanic Electorate Percentage	1.040*** (0.077)			.620*** (0.085)		
Hispanic VAP Percentage	0.062** (0.023)			0.076** (0.027)		
Black Electorate Percentage		0.202 (0.147)			-0.069 (0.183)	
Black VAP Percentage		0.739*** (0.155)			0.987*** (0.189)	
API Electorate Percentage			2.048*** (0.114)			1.243*** (0.107)
API VAP Percentage			-0.282*** (0.050)			-0.146** (0.048)
Observations	117	117	117	117	117	117
R-squared	0.962	0.976	0.973	0.947	0.904	0.967

Standard errors in parentheses, *** p<0.01, ** p<0.05, * p<0.1

The appointment variables had some interesting findings. Boards appointed by elected officials were correlated with higher rates of black rejection in both years, but lower rates of Asian and Hispanic rejection—with 2014 not being significant for Hispanics. Boards appointed by judges and juries were correlated with lower rates of

Asian rejection, but were not significant for blacks or Hispanics. Boards appointed with local party input were not correlated with any significant findings in 2014, but were correlated with higher rates of Hispanic rejection and lower rates of Asian rejection in 2015. The Metro Atlanta region was correlated significantly with higher rejection rates for all minorities in 2015. In 2014, it was actually correlated with lower Hispanic rejection rates but higher black rejection rates. It was not significant for Asians in 2014. Given that Fulton County rejected minorities at higher rates, this finding is not very surprising. Otherwise, the electorate variable continued to be significant for Hispanics and Asians. Interestingly, the electorate variable was not statistically significant for blacks, but the Voting Age Population variable was for both years. This duplicated the pattern noted in the second regression I ran for the county boards.

The appointment variable could be made more robust in future research, coding for all the different variations of appointment processes and weighting for how many members each appointing body is responsible. The findings from the regressions for the appointment variable were not overwhelming, but they do suggest that there may be more that can be under covered from a closer analysis into the appointment processes.

Interviews

In this study, the theory and motivation that drives these interviews is largely to add information that is unavailable in a quantitative context. There are, additionally, some empirical findings from interviews that suggest that different information can be extracted than would ever be available quantitatively. Interviews can be seen in the theoretical framework of naturalism, which contains an emphasis on the qualitative tools of observation, questioning, and description. The interviews, in other words are aimed

more at discovering new themes and explanations rather than discerning more overarching patterns (Rubin and Rubin 2005). And interviews have been found to illustrate information that goes deeper than quantitative methods would be able to, finding out how people frame their views, explaining why they hold those views, and mapping how people create connections and chose among different opinions (Hochschild 2009).

For example, racial attitudes have been identified in interviews that most likely would not be observed if the interviewee were asked to merely fill out a paper survey. In 1988, Barbara Anderson, Brian Silver and Paul Abramson found that blacks interviewed by Whites were much more likely to express warmth and closeness toward Whites than were blacks interviewed by blacks (Anderson et al 1988). Though these types of findings are not the motivation for my interviews, the possibility exists that certain attitudes will be displayed in the interviews that would not be immediately obvious from an e-mail or otherwise written correspondence.

I selected counties to interview specifically because of their characteristics and their rejection rates of minority groups based on the data used in the quantitative analyses. I conducted the interviews in order to unveil more of the mechanisms and theory behind the patterns I see in the data. The data can show me that certain reasons are assigned disproportionately, or that a higher rate of white people on the board of elections is correlated with higher rejection rates of minorities, but it cannot how or why those occurrences happened. Interviews may shed light on specific parts of the process where forms are handled differently, or generally some of nuances behind each individual elections office.

In addition, in one of my interviews with an elections assistant from the Secretary of State's office whom I'll call Erin, I asked about specificities of the registration process, such as what happens if there are issues and what the difference is between being canceled, rejected and pending, and she deferred again and again to the counties, saying, "I would strongly go based on the information you receive from [county] registrars" (Erin 2017).¹¹ The sense was that while there is a general centralized registration process, the protocols and procedures vary—159 times over. A second SOS office employee told me, "everything kind of varies between counties—there are 159 counties doing things 159 ways" (Hallman 2017).

Selecting Counties

At the state level, I conducted interviews with three representatives of the elections office in the Secretary of State's office. At the county level, I matched counties with similar demographics (size, rural/urban code and racial composition) but different minority rejection rates. I also tried to select pairs that represented different sizes and urban/rural statuses. Ultimately I interviewed 2 pairs of elections directors from the following counties: Fulton & Gwinnett and Troup & Thomas (Table 8). It is worth noting that I had originally hoped to interview Evans and Seminole as well, but the elections representative from Evans county who I spoke with informed me that she was the only person in the office and that she did not want to be interviewed. By the time I spoke with her, I did not have time to select and contact two replacement counties.

¹¹ The elections representative from the SOS office that I initially spoke with asked that their name be removed from this work and replaced with a pseudonym unless I wanted to send them the work first.

Fulton and Gwinnett were paired as they are both large counties (1,010,562 and 895,823 in 2015, respectively) and have urban rural codes of 1, meaning they are counties in metro areas of 1 million people or more (Metro Atlanta for both, in this case). In 2014, Fulton County had a Voting Age Population of 766,131, 44% of which was white and 43% of which was black (6% was Latino and 7% Asian). The electorate was 41% white, 41% black, 2% Asian, 1% Latino. Meanwhile, in 2014, whites made up only 36% of rejected voters while blacks made up 49%, and Latinos and Asians made up a combined 4%. I flagged Fulton because Latinos and Asians make up 13% of the VAP but only 3% of the electorate and blacks were rejected at a rate that was 6 percentage points more than their portion of the VAP, whereas whites were rejected at a rate that was 8 percentage points less.

	Fulton	Gwinnett	Troup	Thomas
Population 2015	1,010,562	895,823	68,867	44,824
Urban/Rural	1	1	4	4
Rejections 2014 (White/black/Latino/Asian percentages)	36/49/2/2	49/26/6/7	66/29/1/1	57/37/1/1
Voting Age Population (White/black/Latino/Asian percentages)	44/43/6/7	45/25/18/12	61/34/2/3	61/35/3/1
Electorate (White/black/Latino/Asian percentages)	41/41/2/1	53/35/5/5	62/32/0/1	61/33/0.5/0.5

Gwinnett County provided a good comparison because despite having similar white and non-white demographics, there was far less discrepancy between rejection rates and VAP percentages for blacks and whites. A similar pattern exists in Gwinnett for Asians and Latinos as does in Fulton, however. In 2014, Gwinnett's VAP was 45% white, 25% black, 18% Latino and 12% Asian. The electorate was 53% white, 35%

black, 5% Latino and 5% Asian. There is clearly an issue with Latino and Asian registration in Gwinnett as well, as combined they make up 30% of the VAP and only 10% of the electorate. The rejections reflect this challenge but are not skewed completely against people of color. 49% of those rejected in Gwinnett were white (less than their share of the electorate but more than their share of the VAP), 26% were black, 6% were Latino and 7% Asian. In summation, Gwinnett was paired with Fulton due to the counties being similar sizes, the same urban-rural index, and having similar white compositions but different rates of rejection of minorities.

Troup and Thomas Counties both have urban rural codes of 4, meaning they are urban populations of 20,000 or more, adjacent to a metro area. In 2014, Thomas County had a Voting Age Population of 34,179, 61% of which was white and 35% of which was black—3% was Latino and 1% was Asian. Of the electorate, 61% was white and 33% was black. The Asian and Latino populations combined made up 1% of the electorate. In comparison, whites only made up 57% of the rejections in 2014, blacks made up 37% and Asian and Latinos made up 1% each. In short, whites made up 4 percentage points less of the rejections than they did the electorate and VAP. Meanwhile blacks made up 4 percentage points more of the rejections than they did the electorate, and similarly Latino and Asian voters not made up a higher percentage of the VAP than they did the electorate.

Troup County in the same year had a VAP of 51,900. Of the VAP, 61% was white, 34% black, 2% Asian and 3% Latino. The electorate was 62% white, 32% black, 0% Asian and 1% Latino. Of those rejected, 66% were white, 29% were black, 1% was Asian and 1% was Latino. Interestingly in Troup, whites were overrepresented in

rejections while blacks were underrepresented, based on their proportions of the electorate and the VAP. This thus provides an interesting comparison to Thomas, whose rejection rates exhibited the opposite pattern.

As discussed in the introduction, an interview can illustrate some of the individual biases and procedural patterns that are invisible in quantitative data. As such I asked the representatives from the Secretary of State's office to provide me with all of the information they could about the process of voter registration (explained in Chapter 2). The process provided by the SOS representatives was useful both in explaining how different rejection codes are generated as well as providing a baseline against which I could compare the county processes.

To schedule these interviews, I first called the SOS Elections Office, asking if someone could answer my questions. I was directed to an elections assistant, and first had an interview with him. After answering my questions, he directed me to two other colleagues, John Hallman, the Systems Director, and Kevin Rayburn, the Assistant Counsel. Both Hallman and Rayburn were very responsive to the e-mails I sent following the initial interview, and I was able to set up interviews with each of them in the following days. All of the SOS interviews were conducted over the phone and I include interview scripts in Appendix 4. Though all those I interviewed were public officials and had the opportunity to decline the interview, to be sure I sent in a protocol to the Emory IRB Board and received exempt status.

I also asked the counties about their voter registration process, as well as the type of support they receive from the Secretary of State's office. A script for the county interviews is also in Appendix 4. I used e-mail and phone calls to set up the county

interviews. I conducted phone interviews with Peter Combs, an Elections Coordinator from Gwinnett County on March 24, and the elections director from Thomas County, Frank Scoggins on March 17. The representative I spoke with from Troup County did not provide his name, but he assented to the interview and is an appointed public official.

There were two questions I included in the interviews that were intended to serve as a survey test. They both are derived from the only written regulations on voter registration for the counties that I was able to find (Georgia Secretary of State 2009). The regulations state that it is the job of the SOS office to provide counties with registration manuals and that the SOS office encourages the counties to open additional registration locations to increase convenience for potential voters. Consequently I asked what materials if any the counties get from the SOS office that contain registration guidelines, how often the materials are sent, and if additional voter registration locations exist in the county. Because these are written regulations, if there is wide variation across the counties in the responses, it would demonstrate that a variation in registration administration probably does exist.

In general, I was looking to see if differences in how counties process registration applications, as described by county staff, were correlated with differences in patterns of rejections across counties. This, to me, would be the clearest way of demonstrating causality between county discretion and registration rejections, beyond any correlation that the data could present.

Findings

Fulton and Gwinnett

A member of the staff at Fulton County Voter Registration, whom I'll call Stuart, was able to answer the county interview questions in writing. It is worthwhile to compare the process they outlined to the one described by the Secretary of State's office representatives as well as that described to me by Peter Combs from Gwinnett County during a phone interview. In general, the steps to register and the ways to register described by the Fulton and Gwinnett representatives match those explained by the SOS office.

One large difference is that Fulton County allows Election-Day registration by allowing voters to vote provisionally on Election Day and then fill out a registration form with the appropriate identification information, much like anyone else voting provisionally would have to provide (Stuart 2017). Fulton County also sends out notices to inactive voters and they are able to register to vote using the confirmation notice. Both of these processes were not described by the SOS or Gwinnett County representatives but are logical practices for a county of Fulton's size and significance.

Steps of the process were also elaborated upon throughout the interviews. For instance, each form is dated and stamped either at the SOS office or else directly at Fulton County if they receive it in their own offices. Gwinnett County does not copy the forms but keeps the actual hard copies in a file once they are entered into the online system. Fulton County also double-checks all of the information that is manually entered from a paper form, so as to try to avoid errors due to typos or inaccurately entered information. Both counties explained that once an application comes back from the verification system, the county office prints out the letters, which are automatically generated by ENet based on the feedback from DDS, and sends the letters individuals.

All of the individuals I interviewed from the SOS office expressed their excitement for the registration process to be moving exclusively online. Hard-to-read handwriting and confusion about the fields on the form were cited as being challenges both for the counties and those applying to vote. At voter registration drives in particular, the SOS office is looking forward to registrars carrying tablets rather than paper forms. They explained that typically given higher volumes of forms registrars have a more difficult time double checking each application as it is filled out.

Stuart from Fulton County specifically mentioned the issue of handwriting, noting that, “paper voter registration applications that are intended for another county, have bad addresses or are illegible are tagged with a printed form describing the problem and Fulton County Voter Registration tries to resolve those issues in order to register that applicant” (Stuart 2017). Peter Combs from Gwinnett County also noted that addresses are sometimes very difficult to make out when handwritten, or that people frequently forget or mix up numbers, which can generate issues (Combs 2017).

The final different piece of the process in Fulton County is that if a voter tries to update their information—either through DDS or through the online system—the change to the existing voter registration appears on the screen with the older registration. They then confirm that both entries are the same voter by matching at least one of the following pairs of fields: name and birthday, birthday and Social Security number, same Social Security number and driver’s license number. If they cannot match the two entries, the new one is processed as a new applicant. This system seems like it may lend to duplicates being created, and given that duplicates made up a significant portion of rejected voters, it could be a way in which the system is losing voters.

This process was not described by Peter Combs from Gwinnett County, though he mentioned that only new applicants go through the online DDS verification system, whereas voters who are changing their addresses or names but are already in the system get their existing records manually updated by someone in the Gwinnett County elections office. In both cases a change to an existing record is dealt with and updated manually, which lends itself to mistakes and typos due to human error.

Both counties reported having large numbers of deputy registrars (in Gwinnett, every school has one), receiving manuals and training materials from the SOS office and having good relationships with their SOS liaisons. Interestingly, Phillip Anderson from Fulton (the county with worse minority rejection rates) described feeling like every county would probably say they could use more resources to administer voter registration and elections, whereas Peter Combs from Gwinnett said that he felt he was supported by the county and he's never felt any issues were left lingering due to a lack of resources.

This could be coincidental, but it is nonetheless interesting that the Fulton County representative said every county would probably want more resources, but none of the other counties interviewed expressed a desire or need for additional resources. Fulton County has had complaints brought against it due to issues with registration and poll management, so it is unsurprising that they would say more resources would be helpful. In 2012, the over 100 complaints brought against Fulton County cost the county \$180,000 in fines (Kass 2016).

Troup and Thomas

Given the rejection rates, I would have expected both that there may be some part of Thomas' procedure that was different from Troup's that could be potentially

problematic, and that the elections representative from Thomas would have been less willing to talk than the representative from Troup. In fact, the opposite was true.

I had to call the Troup County office because I did not get a response to my e-mail requesting an interview (though I did originally get an e-mail response to my elections board data request). When I called, the man who picked up, whose name I was not able to get, responded in short answers and repeatedly deferred to the Secretary of State's office. When I asked about the procedure the county uses, he said they go exactly by what the SOS office sets out. He did say that the county has 3 deputy registrars, they are trained exactly according to SOS guidelines, and that the county receives the codebooks from the SOS office that inform them of registration protocol. He noted that the process of voter registration worked as it was and that he had no desire for additional resources. In general, the representative answered my questions briefly, without providing any unsolicited information and deferred to the SOS office.

Frank Scoggins, the Thomas County elections director, responded right away to my initial e-mail request. When we talked, he discussed the procedures at length and was patient with all questions. He confirmed that the county had one additional deputy registrar besides him—the only other person who works in the elections office. He also confirmed that they receive manuals from the SOS office on registration procedures and noted that they had direct lines of communication with the SOS office and that his liaison was very helpful.

As far as procedure, he confirmed that applications get entered into the online system and are then verified, and that those that do not get matched in verification come back with automated letters that the county sends out. He stressed that he tells all those

affiliated with his office that their role is not to make any determinations of adjudications as to anyone's eligibility, but rather just to process people based on the system set out for them. He did admit that he has created no written protocol for the aspects of registration controlled specifically on the county level.

Some other interesting comments he made were that he enjoys speaking with other elections directors because he likes to see "how they may be conducting their day to day affairs" (Scoggins 2017). When asked if there were any ways he felt the system of voter registration could be improved, he said that he focuses on internal improvements and feels that Brian Kemp has done a good job. He mentioned one online tool that could be improved slightly that has to do with early voting and having to manually enter those people back into the online system, but overall did not see any gaping areas in need of improvement. He also said that while he feels he has plenty of resources and support from the commissioners, if he had more resources he would probably just hire another person for the office.

It is worth pointing out that he described his funding as coming from the commissioners, not from the state at large. Also that both Troup and Thomas essentially said they had no problem with the amount of resources they receive whereas Phillip Anderson from Fulton said he believed most counties would probably say they could use more resources. Both counties confirmed that they have deputy registrars and that they receive manuals from the SOS office, which were the two questions I was asking to check for compliance with what is posted online.

Analysis and Conclusion

Based on this data, white majority boards were not correlated with higher rejection rates of minorities. Neither the size of the county, its urban rural status, the average household income of the county, the educational attainment rates of the county, or the combination of a majority white board and a high percentage of minorities had any consistent influences, either. The only consistent finding was that as a particular minority group made up a higher percentage of the electorate, they were also rejected at higher rates—except for blacks. Interestingly, in the 1963 study mentioned in the introduction of this chapter, the percent of blacks in the county population in 1950 was the most strongly correlated factor with a decrease in black registration rates (Matthews and Prothro 1963, 28).

The most obvious limitation to this model is the lack of a complete data set given that about 50 counties in each year are missing. The missing counties limit the power of the model and may distort findings. Though, to be sure, some of the unresponsiveness can be explained by underfunded and understaffed county offices, the frequency of the unresponsiveness coupled with the Secretary of State's office inability (or perhaps unwillingness) to provide a list of current county board members illustrates a concerning lack of transparency. All of the county elections board members are public officials—either elected or appointed—whose names should be available following a basic public information request.

As mentioned in the data and methods section of this chapter, there were some patterns in the 51 unresponsive counties—mostly that poorer, smaller and more rural counties were more prominent in this group than they are compared to all counties. 74% of the unresponsive counties had populations of less than 25,000 people. Out of the 159

total counties, only 54% have populations of less than 25,000. 65% of the unresponsive counties had urban-rural indicators of 6-9, whereas of all of the counties only 47% have urban-rural codes 6-9. Also, 29 of the 51 counties came from the bottom 1/3 of poorest counties in Georgia, as measured by per-capita income in 2015. These patterns suggest that resource limitations may be responsible for some of the unresponsiveness.

Geographically, there were no major patterns of the unresponsive patterns being from any particular region of the state.

Racially, the unresponsive counties had a wide range of compositions. Many were majority white but few overwhelmingly so (only nine were over 70% white). In six of the counties, whites made up less than half of the Voting Age Population. One noticeable pattern was that in counties where Latinos made up at least 5% of the Voting Age Population, they were vastly underrepresented in the electorate, but this was true across the whole dataset, and not just the unresponsive counties. Possible explanations for this include some discrepancies in population estimates due to the fact that the CDC data puts everyone in a single race category, and the previously discussed effects of immigrant disenfranchisement that in Georgia would especially impact Latinos. In general, data from the missing counties suggests that fewer resources—for example, no one hired to answer phones or e-mails—may have been cause for unresponsiveness.

Though the matching system I used had some limitations, it was still the most accurate and least problematic way to determine the race of each board member given the resources and time available. Further investigation of the Elections Boards could also analyze whether different combinations of race and partisanship amongst the individuals has any influence. There is empirical work on judges that finds differences in how white

and black Democratic judges approach race discrimination cases (see Scherer 2004). It could be that it matters whether a majority white board—two out of three members, for instance—acts differently if the two white members are the non-partisan and Democratic member versus the non-partisan and Republican member.

This quantitative analysis was aimed at trying to explain some of the variation in registration processing and rejection reasons discovered in Chapter 2. Comparing demographic factors across counties—including the composition of the elections board—is a primary step in differentiating counties and identifying some sources of possible deviance. What this quantitative county model did not and could not do was compare the specific nuances of the process of voter registration in each county. As mentioned in the introduction of this chapter, these small variations are currently not available in any quantifiable way as many counties do not have a complete written protocol, or, at least, were unwilling to provide it. Thus this task of weeding out variation is left for the following section, in which I describe findings of interviews that I conducted with county elections officials aimed at understanding completely each county's registration process.

The interviews helped illustrate that there are differences in in how the county elections offices operate as well as some of the different systems they use, but that the general process of receiving and verifying registration applications is the same across counties and that there are no obvious connections between specific processing practices and rejection of minority voters. All counties also reported having deputy registrars and receiving training materials and manuals from the SOS office.

Some of the variation provided by the interviews is that Fulton County has Election Day Registration, Troup County goes directly by the SOS guidelines while

Thomas County defers to the process but has been pushing for better technology. It is worth noting that it could be that Troup County does not defer to the SOS nearly as much as the representative was expressing, but that it was merely a way to answer my questions in an uncontroversial manner. Another process uncovered by the interviews was that, at least in Fulton and Gwinnett, any person who is updating their registration and not submitting a new one is entered manually and not processed through the typical verification system.

Even these small differences across counties, in their approach to voter registration and election administration, represent a small snapshot of the type of differences that could be across the state. Further, that a representative of the SOS office expressed feeling like there were 159 different ways to conduct registration in Georgia, while another SOS representative referred me to the county elections directors to answer questions, suggests that there are areas where discretion is allowed and that different counties do have varying processes.

Conclusion

Findings

The question of this work is: what impact do the processes of voter registration have on the composition of the electorate in Georgia? Based on the numbers of those who are eligible and unregistered, those who are rejected and the margins in elections, these issues are not only civil rights issues in the state of Georgia, but also perhaps have the capacity to influence outcomes. On the county level, having a majority white elections board was not found to have any significant effect on minority rejection rates. However, for both 2014 and 2015 for all minority groups, as the minority group made up a larger percentage of the electorate in each county, their rates of rejection also increased. On the individual level, blacks, Hispanics and Asian/Pacific Islanders and women were all significantly more likely than whites to have a cancellation due to a duplicate. The odds ratios for all minority groups in the Not Verified and SSN Verification categories were by far the most overwhelming, which is congruent with the allegations of the lawsuit from the fall of 2016. Further, the number of people being removed or never allowed onto the voting rolls in Georgia is overwhelming. From the interviews with the SOS office and counties, it is apparent that there are steps in the voter registration process—what to do when someone updates their information, or even how hard county officials try to make out bad handwriting, for example—at which county discretion may be making the process different in each county, and potentially for different races.

Discussion

As previously discussed, as a result of the lawsuit that provided the data used in this study, the Secretary of State's office stopped using the exact match system with DDS that was disproportionately affecting people of color. Further, in September of 2016

everyone who had been canceled by this system since October 1, 2014 was put back in a pending status indefinitely and was allowed to vote in the November 2016 election provided that they produce the same photo ID every other voter in GA is required to bring to the polls. Also in September, the 40-day clock that an individual has to correct any errors or reply to the letter the county sends if there is a verification problem got essentially turned off, and everyone was pending perpetually.

However, on February 22nd, as I was writing this paper, HB 268 was introduced in the Georgia Assembly. The Bill, in addition to making many other small clerical changes in elections statute, would re-implement the “clock”, creating a 26-month deadline for voting applicants to correct discrepancies in what they submit to the state when they register (Torres 2017 c). Supporters of the Bill argue that 26 months—one full election cycle plus 2 months—represents plenty of time for anyone to correct errors, and that in any case someone can vote provisionally. Opponents argue that any clock is unnecessary, and that if the 40-day clock was found to be discriminatory and that it has been established that typos and human error does happen, there should be no reason to limit the amount of time someone has to correct an issue. On March 24th, the Bill passed a second House vote after getting amended in a Senate Committee. The 26-month limit on clarification was not amended in the Senate and remains part of the now-passed Bill that is awaiting Governor Deal’s signature.

The fact that these issues are being currently debated in the Georgia Assembly only makes this study and the issues of registration processes more important and relevant. Ultimately the concerns brought up by a deadline such as the one in HB 268 are similar to those when large numbers of people are purged off of the rolls each year: if

even one eligible person is removed, is it worth it? What is the state interest in these policies? In Georgia, administrative concerns of dealing with a large system are often cited, as well as a desire to keep rolls current and up-to-date.

But these arguments are compared to cases in which deliberate purging of minority voters continues to occur. On March 8, 2017, a settlement was announced between the NAACP & the Lawyers' Committee for Civil Rights and Hancock County in Georgia over allegations that the Board of Elections and Registration had removed black voters from the rolls ahead of a highly contested local election. The Board of Elections and Registration had held hearings to challenge an estimated 174 of the 988 registered voters in the city of Sparta. Nearly all of those challenged were black. As part of the agreement, the county will no longer allow third-party challenges (like those in the Hearing category). It also agreed to restore to the rolls all voters affected by these challenges and to make reports on voter challenges to the Lawyers' Committee for the next five years (Torres 2017 d).

This study is also not only relevant to Georgia. If the processing procedures vary for every county in every state, then the number of ways to register to vote in this county and the potential for discrimination is high. The issues of voter suppression and voter fraud have become hot button in today's political climate. The result of this, at least in Georgia, is county elections officials who were hesitant to speak with me, which makes it difficult to address systematic issues that the data present.

On a foundational level, this research deals with the issues of decentralization and federal and state oversight. Elections in the US are highly decentralized, in part to protect the autonomy of local jurisdictions and in part by administrative default. The Voting

Rights Act, in part, implemented a certain level of central power over elections administration. Without it, counties and precincts that have a history of discrimination are again allowed to administer voter registration and elections as they see fit. The empirical data so far suggests that new ID laws are not having the disenfranchising effects on voter turnout many thought they would, but in procedure and process, the possibility remains that local discretion allows for abuse and political exclusion (Rocha and Matsubayashi 2014; Gillespie 2014).

Further areas of research in Georgia would include investigation of all county voter registration processes to further our understanding of the skewed proportions of some reasons like Duplicate and Felon. An analysis of the power structures of county elections offices to determine if it is indeed the Board of Elections that dictates the protocol could also be illustrative. Across the country, further research should consider the process of registration and local discretion, rather than focusing on laws directly. A cross-state analysis using states with different registration procedures might also present systematic differences.

Appendix 1: Rejection Reason Distributions by Race, 2013-2016

	American Indian or Alaskan Native	Asian/PI	Black not of Hispanic Origin	Hispanic	Other	White not of Hispanic Origin	Total	Reason as a % of All Rejections
Citizenship verification	0%	19%	41%	19%	10%	11%	100%	0%
DDS verification	0%	6%	61%	10%	8%	15%	100%	0%
Deceased	0%	0%	25%	0%	4%	70%	100%	26%
Duplicate	0%	1%	38%	4%	18%	39%	100%	6%
Error	0%	2%	48%	4%	10%	35%	100%	0%
Felon	0%	0%	57%	1%	6%	37%	100%	6%
Hearing	0%	1%	30%	2%	9%	58%	100%	1%
Incomplete Address	1%	2%	56%	4%	11%	27%	100%	0%
Incomplete DOB	0%	3%	42%	0%	50%	5%	100%	0%
Incomplete Name	0%	0%	83%	0%	17%	0%	100%	0%
Mentally Incompetent	0%	0%	22%	0%	2%	76%	100%	0%
Moved Out of County	0%	2%	33%	2%	9%	55%	100%	1%
Moved Out of State	0%	2%	17%	2%	11%	69%	100%	4%
No Activity For 2 General Election Cycles	0%	2%	29%	2%	8%	58%	100%	46%
No signature	0%	1%	57%	8%	12%	23%	100%	0%
Non-Citizen	1%	22%	42%	15%	11%	10%	100%	0%
Not Verified	0%	5%	64%	8%	10%	14%	100%	5%
Pending Age	0%	2%	50%	6%	5%	36%	100%	0%
Pending Hearing	0%	8%	15%	0%	23%	54%	100%	0%
SSN verification	0%	1%	79%	4%	8%	8%	100%	1%
Under Age	0%	0%	50%	0%	17%	33%	100%	0%
Verification	0%	2%	79%	1%	6%	11%	100%	0%
Voter Requested	0%	2%	14%	3%	10%	71%	100%	0%
(blank)	1%	3%	57%	10%	20%	10%	100%	0%
Grand Total	0%	2%	32%	2%	8%	56%	100%	100% N=646,332

Appendix 2: Urban/Rural Codes

US Department of Agriculture Rural-Urban Continuum Codes

Note: The codes were first developed in 1974 and have been updated each decennial since; the ones used in this study were updated in 2013

Metropolitan Counties
Code Description

- 1 Counties in metro areas of 1 million population or more
- 2 Counties in metro areas of 250,000 to 1 million population
- 3 Counties in metro areas of fewer than 250,000 population

Nonmetropolitan Counties

- 4 Urban population of 20,000 or more, adjacent to a metro area
- 5 Urban population of 20,000 or more, not adjacent to a metro area
- 6 Urban population of 2,500 to 19,999, adjacent to a metro area
- 7 Urban population of 2,500 to 19,999, not adjacent to a metro area
- 8 Completely rural or less than 2,500 urban population, adjacent to a metro area
- 9 Completely rural or less than 2,500 urban population, not adjacent to a metro area

For more information on the continuum codes see:

<http://www.ers.usda.gov/data-products/rural-urban-continuum-codes.aspx#.UYJuVEpZRvY>

Appendix 3: First Name Variable Tabulation

Key:

Frequency

expected frequency

row percentage

column percentage

TABLE 3: TABULATION OF FIRST NAME SPECIAL CHARACTER VARIABLE			
=1 if First Name includes space, hyphen or apostrophe			
Status Reason	0	1	Total
Deceased	167,547	1,412	168,959
	167,401.60	1,557.40	168,959.00
	99.16	0.84	100
	26.18	23.72	26.16
Duplicate	41,583	256	41,839
	41,453.30	385.7	41,839.00
	99.39	0.61	100
	6.5	4.3	6.48
Felon	40,900	202	41,102
	40,723.10	378.9	41,102.00
	99.51	0.49	100
	6.39	3.39	6.36
Hearing	8,256	23	8,279
	8,202.70	76.3	8,279.00
	99.72	0.28	100
	1.29	0.39	1.28
Moved Out of State	27,535	158	27,693
	27,437.70	255.3	27,693.00
	99.43	0.57	100
	4.3	2.65	4.29
No Activity	297,606	2,723	300,329
	297,560.70	2,768.30	300,329.00
	99.09	0.91	100
	46.5	45.73	46.5
Not Verified	34,062	812	34,874
	34,552.50	321.5	34,874.00
	97.67	2.33	100
	5.32	13.64	5.4
SSN Verification	4,617	91	4,708
	4,664.60	43.4	4,708.00
	98.07	1.93	100
	0.72	1.53	0.73
DDS Verification	2,270	109	2,379
	2,357.10	21.9	2,379.00
	95.42	4.58	100
	0.35	1.83	0.37
Other	15,603	168	15,771
	15,625.60	145.4	15,771.00
	98.93	1.07	100
	2.44	2.82	2.44
Total	639,979	5,954	645,933
	639,979.00	5,954	645,933.00
	99.08	0.92	100
	100	100	100
Pearson chi2(9) = 1.4e+03 Pr = 0.000			

Appendix 4: Interview Materials

Interview questions

Pseudonym Erin used in text (Interviewed via phone February 17, 2017) Elections Assistant, Georgia Secretary of State

1. Can you give me an overview of the voter registration processing procedure from start to finish?
 - a. Why would an online application go through initially and then fail the overnight verification process?
 - b. Is the county doing extra verification?
2. Is everyone's form verified in some way?
3. Is anyone rejected before being entered in to ENet at all?
4. What are all the reasons someone may be rejected?
5. If there are issues, what happens?
6. What do the action codes in the data mean?
7. What is the difference between being rejected, canceled or pending?
8. Why do only some individuals in the have three letter reason codes?
9. Do you have a compiled list of all of the Board of Elections and Registration members in the counties?

John Hallman (Interviewed via phone February 22, 2017) Election Systems Manager, Georgia Secretary of State

1. Can we go through all of the possible reasons why someone could be rejected, pending or canceled?
2. How does the SOS office obtain information on citizenship and felon status? Does DDS have that information?
3. What does the action code mean?
4. What is the difference between rejected, pending and canceled?
5. Why would someone be pending from 2014?
6. Do all applicants who register to vote at DDS when they get their license or update their address get automatically approved?
7. What is the difference between being rejected due to being a non-citizen and being pending due to citizenship verification?
8. Who is entering the codes? DDS or the counties?

Kevin Rayburn (Interviewed February 23, 2017) Assistant General Counsel, State Elections Division

1. Given your familiarity with the recent lawsuit, can you explain to me what the pending status means as it relates to the litigation? Could those individuals who were marked pending vote in November?
 - a. Can someone be pending if they registered online or at DDS?
2. What is the difference between user action and system?

3. What happened as a result of the lawsuit from this fall?
 - a. What changes, if any, have been made to the process?
4. What exactly did DDS send to the counties when the exact match system was used during the verification process? Is it a yes/no for the match? Or broken down by reason?
 - a. Does the same hold true if the form is send to SSA?
5. What does the mental incompetence cancellation reason and how does the SOS office acquire information about mental incompetency?

County Elections Officers

Fulton County: In contact with Pamela Coman, Fulton County Registration Manager

- Questions answered via e-mail (I sent the complete list) by a member of the staff at Fulton County Voter Registration on February 3, 2017
- Pseudonym Stuart used in text

Troup County: Called the elections office number listed online (706) 883-1745 after not receiving an e-mail response asked questions on March 20, 2017

- Pseudonym Harrison used in text

Thomas County: Conducted a phone interview with Frank Scoggins, Elections Director on March 17, 2017

Gwinnett County: Conducted a phone interview with Peter Combs, Elections Coordinator on March 24, 2017

Registration Processing

1. Can you walk me through the steps that occur to process each paper and online registration application that you receive?
 1. Are these steps written down somewhere?
2. Is anyone rejected outright (before even being entered into ENet)?
3. Does the county copy every paper application that it receives?
4. If an issue comes back from DDS or SSN, what happens?
5. Are there any reasons why a county elections official would manually put an application through the verification process?
6. Approximately how many paper forms would you estimate per year are unable to be processed due to the writing (handwriting) being illegible? What happens with these forms?

Deputy Registrars

7. Are there any deputy registrars in this county?
 - If yes, it is my understanding that some amount of training is required for deputy registrars. In your county, what does the training look like?
8. How many people work at this county office? Is everyone a deputy registrar?

Resources

9. Do you feel your county has adequate resources to carry out its duty of registering voters?
10. Based on your expertise, how would you describe the county elections board's relationship with the Secretary of State's office?
11. Is there anything you feel you could do better if you had more resources? As an example, it is my understanding that the SOS office permits and even encourages counties to open additional registration locations beyond the one elections office within the county. Are these expensive to open and operate? Do you feel like potential voters would benefit from additional locations, even if you do not have the resources to open them now?
 - If the county has additional voter registration locations, why are there additional places? What hours are they open? Were they requested or did the board/county take the initiative to create them?
12. Does the Secretary of State's office provide you with any materials that contain guidelines for the proper conduct of voter registration?
 - If yes, did you receive any materials this year?
13. Based on your expertise, are there any ways by which you think the process of voter registration could be improved?
14. Thank you!

Appendix 5: Region Variable

North Georgia (1)	Metro Atlanta (2)	Central Georgia (3)	South Georgia (4)
BANKS	CLAYTON	BALDWIN	APPLING
BARROW	COBB	BIBB	ATKINSON
BARTOW	DEKALB	BURKE	BACON
CARROLL	FULTON	BUTTS	BAKER
CATOOSA	GWINNETT	CHATTAHOOCHEE	BEN HILL
CHATTOOGA		CLARKE	BERRIEN
CHEROKEE		COLUMBIA	BLECKLEY
DADE		COWETA	BRANTLEY
DAWSON		CRAWFORD	BROOKS
DOUGLAS		CRISP	BRYAN
ELBERT		DECATUR	BULLOCH
FANNIN		DOOLY	CALHOUN
FLOYD		EMANUEL	CAMDEN
FORSYTH		FAYETTE	CANDLER
FRANKLIN		GLASCOCK	CHARLTON
GILMER		GREENE	CHATHAM
GORDON		HANCOCK	CLAY
HABERSHAM		HARRIS	CLINCH
HALL		HEARD	COFFEE
HARALSON		HENRY	COLQUITT

HART JACKSON LUMPKIN MADISON MURRAY PAULDING PICKENS POLK RABUN STEPHENS TOWNS UNION WALKER WHITE WHITFIELD		HOUSTON JASPER JEFFERSON JENKINS JOHNSON JONES LAMAR LINCOLN MACON MARION MCDUFFIE MERIWETHER MONROE MORGAN MUSCOGEE NEWTON OCONEE OGLETHORPE PEACH PIKE PUTNAM RICHMOND ROCKDALE SCHLEY SPALDING STEWART SUMTER TALBOT TALIAFERRO TAYLOR TROUP TWIGGS UPSON WALTON WARREN WASHINGTON WEBSTER WILKES WILKINSON	COOK DODGE DOUGHERTY EARLY ECHOLS EFFINGHAM EVANS GLYNN GRADY IRWIN JEFF DAVIS LANIER LAURENS LEE LIBERTY LONG LOWNDES MCINTOSH MILLER MITCHELL MONTGOMERY PIERCE PULASKI QUITMAN RANDOLPH SCREVEN SEMINOLE TATTNALL TELFAIR TERRELL THOMAS TIFT TOOMBS TREUTLEN TURNER WARE WAYNE WHEELER WILCOX WORTH
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Appendix 6: Georgia Voter Registration Application

STATE OF GEORGIA APPLICATION FOR VOTER REGISTRATION

Fill out the bottom half of this application by following these directions. Print clearly and use blue or black ink.

- LEGAL NAME.** Your full legal name including any suffix such as Sr., Jr., III, is required on this form.
- ADDRESS.** Provide residential address. This information is required.
- MAILING ADDRESS.** If mailing address is different from residential address, complete the mailing address section.
- PERSONAL INFORMATION.** A telephone number is helpful to registration officials if they have a question about your application. Gender and race are requested and are needed to comply with the Voting Rights Act of 1965, but are not mandated by law.
- VOTER IDENTIFICATION NUMBER.** Federal law requires you to provide your full GA Drivers License number or GA State issued ID number. If you do not have a GA Drivers License or GA ID you must provide the last 4 digits of your Social Security number. Providing your full Social Security number is optional. Your Social Security number will be kept confidential and may be used for comparison with other state agency databases for voter registration identification purposes. If you do not possess a GA Drivers License or Social Security number please check the appropriate box and a unique identifier will be provided for you.
- OATH.** Federal law requires that you answer the citizenship and age questions. Read the oath and sign your name. If you cannot complete this application unassisted because of physical disability or illiteracy, you must either sign or make your mark on the signature line, and the person assisting you **MUST** sign the signature space for person assisting voter.
- POLL OFFICER QUESTION.** Your willingness to be a poll worker will have no bearing on your application for registration.
- NAME/ADDRESS CHANGE.** Complete these sections to change the name or address of your current voter registration.
- MAP/DIAGRAM:** If you live in an area without house numbers and street names, please include a drawing of your location to assist us in locating your appropriate voting precinct.
- DELIVERY INSTRUCTIONS:** Verify that you have completed and signed the application. Enclose a copy of your ID if you are submitting this form by mail and registering for the first time in Georgia. Fold the application in half, remove the tape at the top, and press the edges together. The application is ready for you to mail (postage is prepaid) or deliver to your county voter registration office.
- You are NOT officially registered to vote until this application is approved.** You should receive a voter precinct card in the mail. If you do not receive this acknowledgement within two to four weeks after mailing this form, please contact your county voter registration office. You can find your poll location and other election information on the Secretary of State's website at www.sos.state.ga.us/elections.



REQUIREMENT: If you are submitting this form by mail and you are registering for the first time in Georgia, enclose a copy of one of the following with your application: A copy of a current and valid photo ID, a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and address. Those who are entitled to vote by absentee ballot under the Uniform and Overseas Citizens Absentee Voting Act are exempt from this requirement.

Place copy of ID in pocket

Trim copy of ID to size

COUNTY PRECINCT	MUNICIPAL PRECINCT	DISTRICT COMBO	DDS APPLICATION NO.	REGISTRATION NO.	CHANGE OF ADDRESS <input type="checkbox"/> CHANGE OF NAME <input type="checkbox"/> OTHER <input type="checkbox"/>
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1	LAST NAME	FIRST NAME	MIDDLE OR MAIDEN NAME	SUFFIX <input type="checkbox"/> Jr. <input type="checkbox"/> Sr. <input type="checkbox"/> II <input type="checkbox"/> III <input type="checkbox"/> IV <input type="checkbox"/> V
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2	RESIDENCE ADDRESS: House No. and street name	APT. NO.	CITY	COUNTY	STATE GA.	ZIP CODE
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3	MAILING ADDRESS (If different from residence address): Post-office box or route	CITY	STATE	ZIP CODE
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4	TELEPHONE NUMBER ()	DATE OF BIRTH: MM/DD/YYYY / /	GENDER Male <input type="checkbox"/> Female <input type="checkbox"/>	RACE/ETHNICITY: <input type="checkbox"/> Black <input type="checkbox"/> White <input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> Asian/Pacific Islander <input type="checkbox"/> American Indian <input type="checkbox"/> Other
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5	VALID GA. DRIVER'S LICENSE OR GA. I.D. NO. <table border="1" style="width: 100%; height: 20px;"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table>											If no GA Driver's License or GA. I.D. No., must provide last 4 digits of your Social Security Number <table border="1" style="width: 100%; height: 20px;"><tr><td> </td><td> </td><td> </td><td> </td></tr></table>					FULL SOCIAL SECURITY NUMBER (OPTIONAL) Last 4 Digits (Required) <table border="1" style="width: 100%; height: 20px;"><tr><td> </td><td> </td><td> </td><td> </td></tr></table>					<input type="checkbox"/> Check if you do not have a GA Driver's License, GA. I.D. No. or Social Security No.

6	<p>I SWEAR OR AFFIRM: (Your answer is required under federal law)</p> <p>Are you a citizen of the United States of America? Check One: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Will you be 18 years of age on or before election day? Check One: Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p style="text-align: center;">If you checked "No" in response to either of these questions, do not complete this form.</p> <p>I SWEAR OR AFFIRM THAT:</p> <p>I reside at the address listed above.</p> <p>I am eligible to vote in Georgia.</p> <p>I am not serving a sentence for having been convicted of a felony involving moral turpitude.</p> <p>I have not been judicially declared to be mentally incompetent.</p>	<p style="text-align: center;">WARNING: Any person who registers to vote knowing that such person does not possess the qualifications required by law, who registers under any name other than such person's own name, or who knowingly gives false information in registering shall be guilty of a felony.</p> <p style="text-align: center;">O.C.G.A. § 21-2-561</p>			
<table style="width: 100%;"> <tr> <td style="width: 30%;"> <p>_____ Date</p> </td> <td style="width: 30%; text-align: center;"> <p>X Signature</p> </td> <td style="width: 40%; text-align: right;"> <p>_____ Signature of person helping illiterate or disabled voter</p> </td> </tr> </table>			<p>_____ Date</p>	<p>X Signature</p>	<p>_____ Signature of person helping illiterate or disabled voter</p>
<p>_____ Date</p>	<p>X Signature</p>	<p>_____ Signature of person helping illiterate or disabled voter</p>			

7	<p>May we contact you about working as an Election Day poll officer? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If you would like to receive additional information by email, please provide your e-mail address:</p>	8	<p>CHANGE OF NAME: If you are changing your name, list the name under which you were previously registered: Last Name _____ Suffix _____ First _____ Middle or Maiden Name _____</p> <p>CHANGE OF ADDRESS: If you are changing your address or if you were previously registered to vote, list your previous address: _____</p> <p>CITY _____ COUNTY _____ STATE _____</p>	<p>Military Active Duty?</p> <p>Yes <input type="checkbox"/></p> <p>No <input type="checkbox"/></p>
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