



U.S. Election Assistance Commission
1201 New York Ave. NW – Suite 300
Washington, DC 20005

August 15, 2013

Honorable Brian P. Kemp
Secretary of State
214 State Capitol
Atlanta, GA 30334

Dear Secretary Kemp:

Thank you for your correspondence dated August 1, 2013 to this office requesting modification of instructions relative to Georgia on the national mail voter registration form (Federal Form).

You requested that EAC revise the Georgia state-specific instructions by making the following changes:

1. Insertion of an additional bullet after the last bullet in the “Signature” section with the following text:

- Be found eligible to vote by supplying satisfactory evidence of U.S. citizenship

2. Revision of the mailing address as follows:

Elections Division
Office of the Secretary of State
2 Martin Luther King, Jr. Drive
Suite 802 Floyd West Tower
Atlanta, GA 30334

EAC staff is authorized to approve the change related to mailing address and will accordingly make the change to the Georgia instructions on the Federal Form. However, as you know, EAC currently has four vacancies on the Commission. EAC staff is authorized to process State requests to modify state-specific instructions on the Federal Form but according to current procedures must defer any requests that raise “issues of broad policy concern to more than one state” until EAC has a quorum. I have attached a copy of the memo to former EAC Commissioners Donetta Davidson and Gineen Bresso from former Executive Director Thomas Wilkey, November 9, 2011 which delineates the process EAC staff must follow when receiving State requests to modify their state-specific instructions on the Federal Form.

Your correspondence states that

Upon receipt of an application without satisfactory evidence of citizenship, the board of registrars shall accept the application and notify the applicant in writing of the requirement to provide satisfactory evidence of citizenship. *Failure to respond to such request will result in the rejection of the application.*

(Emphasis added).

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Thus the result would be that the Federal Form would be rejected in Georgia without the proper citizenship documentation. Failure to "accept and use" the Federal Form has broad policy impact that could affect more than one State.

In addition, citizenship documentation is not addressed in the National Voter Registration Act of 1993 or the Help America Vote Act of 2002 and the inclusion of such information with the Federal Form constitutes a policy question which EAC Commissioners must decide. EAC staff has no authority to establish policy for the EAC.

The requested modification to the state-specific instruction on the Federal Form regarding citizenship documentation appears to raise issues of broad policy concern to more than one state. EAC staff is therefore constrained to defer the request until EAC has a quorum.

If you have any questions on this matter, please do not hesitate to contact me.

Sincerely,



Alice Miller,
Acting Executive Director &
Chief Operating Officer