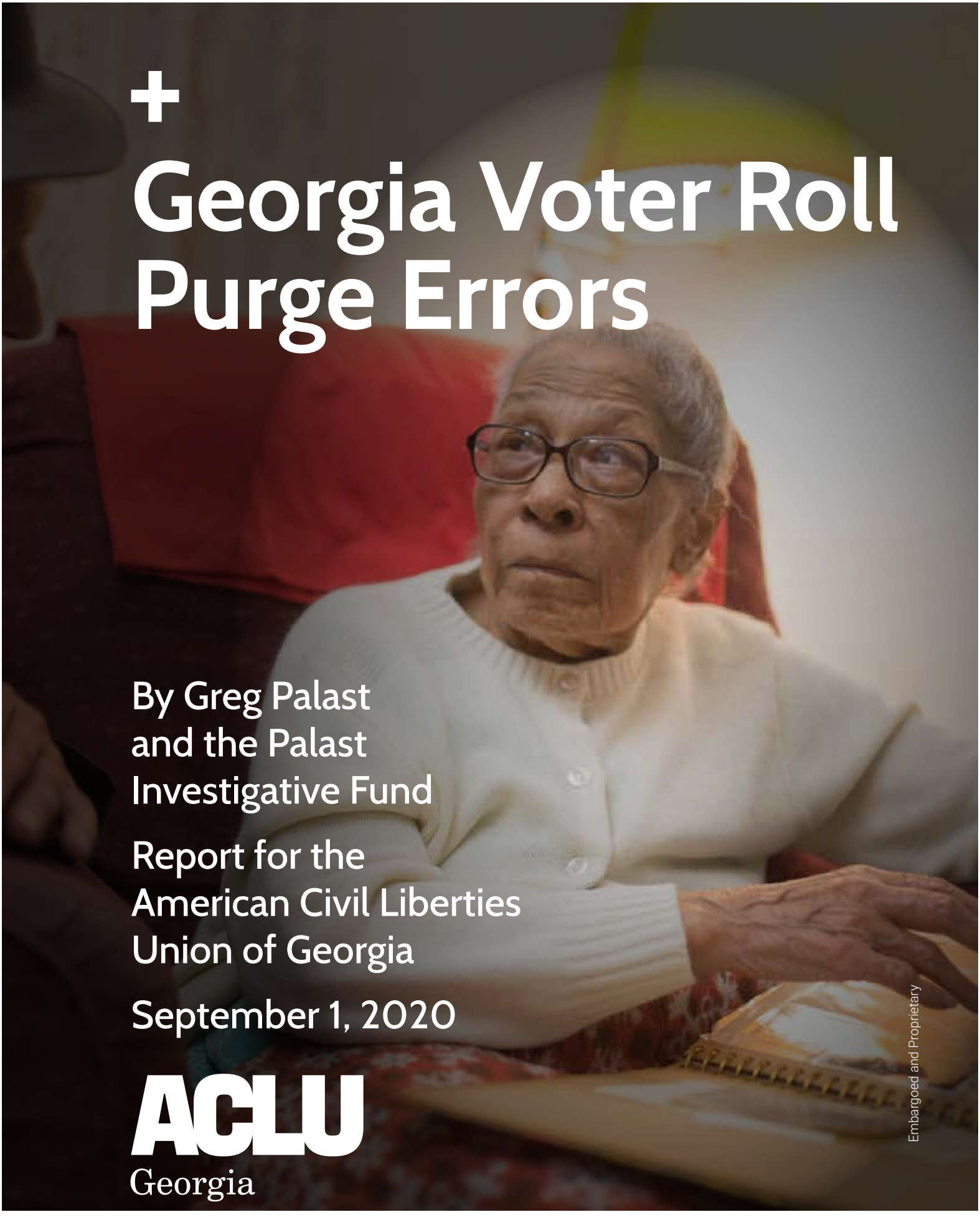

+ Georgia Voter Roll Purge Errors

By Greg Palast
and the Palast
Investigative Fund

Report for the
American Civil Liberties
Union of Georgia

September 1, 2020

ACLU
Georgia

Embargoed and Proprietary

Front Cover:
Ms. Christine Jordan of Atlanta, cousin to Martin Luther King, Jr. telling her story of being purged from the voter rolls in Atlanta—after 50 years of voting in the exact same polling place.

Proprietary, not be used without citation to "The Greg Palast investigations team."
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GREG PALAST
THE PALAST INVESTIGATIVE FUND
3357 Cahuenga Blvd West, #13, Los Angeles CA 90068

September 1, 2020

Andrea Young, Executive Director
American Civil Liberties Union of Georgia
P.O. Box 77208
Atlanta, Georgia 30357

Re: Georgia Voter Roll Purge Errors

Ms. Young,

The Palast Investigative Fund is a project of the 501c3 non-partisan, not-for-profit Sustainable Markets Foundation, New York.

For seven years, since 2013, as principal investigator I have directed an inquiry into a series of voter purges in Georgia, that is, removals of several hundred thousand citizens from Georgia's registration rolls.

In addition to our team of investigators, database specialists, and attorneys, we have retained five consulting firms expert in the field of Advanced Address List Hygiene which, as we will explain, is crucial to this analysis.

My team and I were originally retained by Al Jazeera America, Rolling Stone Magazine and Salon.com for a series by-line print and film reports on the voter purges in Georgia and elsewhere.

Given our findings of what appears to be large-scale disenfranchisement of legitimate voters, our foundation has chosen, in the public interest, to make our findings available to the ACLU of Georgia for review in preparation for making our findings public. We have also created a website where Georgians may look up their names to check if they have been wrongly disenfranchised.

Yours,

Greg Palast, *Principal Investigator*

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VOTE
HERE

+ Executive Summary

In October 2019, the Georgia Secretary of State published a list of 313,243 citizens purged from the state's voter rolls on grounds they had moved from their registration address.

The Palast Investigative Fund hired the top five expert firms in address verification to scrutinize the list, name by name. To do so, they applied Advanced Address List Hygiene, the industry standard for residential address verification, calling on over 240 data sources, in addition to our Postal Service licensee who accessed the deep history files of the Postal Service, a process required by the Post Office for commercial enterprises such as Amazon and Ebay.

We found 198,351 Georgia voters who supposedly moved from their registration addresses who, in fact, have not moved at all, and therefore were wrongly purged, a 63.3% error rate.

Again, this is not a "sampling" of the list, but a detailed name-by-name review of the addresses of the citizens that the Secretary of State eliminated from the state's voter rolls.

The conclusion is conservative, because the 63.3% error rate does not including the of tens of thousands of other citizens who have moved within their neighborhood, some within their buildings. (The National Voter Registration Act prohibits cancelling the registration of those who move within their voting jurisdiction.)

To allow these wrongly cancelled registrants to re-register and restore their ability to vote, the Palast Investigative Fund has created **a website where Georgians can look up to see if they are on the purge list at SaveMyVote2020.org.**

One likely source of state error: 3 of 4 voters cancelled who were marked "NCOA" by the Secretary are, in fact, not on the NCOA (National Change-of-Address) list. Counsel informs us that federal law permits cancellations using NCOA lists only available to specialized Postal Service licensees as on our expert team.

For reasons explained herein, the cancellations concentrate among younger citizens and citizens of color.

Introduction: A Seven Year Investigation

The Palast Investigative Fund is a project of the 501c3 non-partisan, not-for-profit Sustainable Markets Foundation, New York.

For seven years, since 2013, principal investigator Greg Palast has directed an inquiry into a series of voter purges in Georgia, that is, removals of several hundred thousand citizens from Georgia's registration rolls.

In addition to our team of investigators, database specialists, and attorneys, we have retained five consulting firms expert in the field of Advanced Address List Hygiene which, as we will explain, is crucial to this analysis.

Greg Palast and team were originally retained by Al Jazeera America, *Rolling Stone Magazine* and Salon.com for a series by-line print and film reports on the voter purges in Georgia and elsewhere.

Given our findings of what appears to be large-scale disenfranchisement of legitimate voters, our Foundation has chosen, in the public interest, to make our findings public and to provide a site where Georgians may look up their names to check if they have been wrongly disenfranchised.

Our findings have been given to the American Civil Liberties Union of Georgia in light of the ACLU's expertise and commitment to this issue.

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+ Palast Investigation

The Palast Investigations team used over 200 data sources to verify each voters' address including subscriptions, mortgage payments, deliveries, credit card activity, DMV records, property tax on primary residence, etc. Oddly, the state failed to check its own records: income and local tax payments, etc.

Advanced Address List Hygiene

While we cannot identify every cause of the state's large error rate, our experts point to the state's use of very few, inaccurate ,and unverifiable data sources as explained below.

Our experts clients include Ebay, Home Depot, Google, American Express, and most of the large commercial mailers who cannot afford errors in deliveries or billings.

By contrast, the State of Georgia supposedly uses three sources: a form of the National Change of Address registry (NCOA) of the U.S. Postal Service, returned mail, or a failure to vote in two federal elections cycles combined with a failure to return a "confirmation" postcard (often called the "use-it-or-lose it" process). These methods violate commercial industry standards and the U.S. Post Office requirements for address verification and lead, as we discovered, to substantially inaccurate, "unreasonable" results that deprive U.S. citizens of their constitutional right to vote.

Moved/Not Moved

Counsel informs us that under the National Voter Registration Act of 1993, no citizen may be removed from voter rolls unless there is "reasonable" evidence the voter has moved their residence from their registration jurisdiction. 52 U.S. Code § 20507 Requirements with respect to administration of voter registration; Husted v. APRI 584 U. S.____(2018.)

Therefore, the Palast team set out to answer a simple question: Did these voters move from their registration address?

If the answer is 'no,' the state is prohibited from cancelling the citizen's voter registration.

Even if a voter moved, so long as they moved nearby within their jurisdiction, the State is also prohibited from cancelling the citizen's voter registration.

Therefore, beginning in 2018, the Palast Investigative Fund retained five of the nation's leading firms expert in residential address verification to answer the question regarding whether U.S.

The Palast team set out to answer a simple question:
Did these voters move from their registration address?

citizens move from the address on their voter registration.

Swedlund Assoc—Mark Swedlund, Founder: Direct Marketing/mailing expert

American Fifth Act—John Lenser, CEO: mailing, address hygiene consultant

Merkle Inc.—Licensee to the US Postal Service with special access to historic NCOA files

Computec—Experts in address list data analysis; creator of the attached "waterfall" of results

Deconcatenation specialist (conforming databases to standard form)

The Palast Fund would like to thank Mr. Lenser and Mr. Swedlund for working *pro bono* for these past three years.

Commercial Address Verification

According to John Lenser, CEO of the firm that conducts the address verification and hires the USPS NCOA licensees for Home Depot and others, advanced address list hygiene, the industry standard, "can verify a resident's address with 96%+ accuracy for a cost that is a fraction of the State of Georgia's principal method," that is, sending a postcard to confirm if a person has moved.

Over the seven years of our investigation that included the address list hygiene experts, the Palast Investigative Fund team of a dozen investigators, attorneys, specialists, and production team spent substantial time in Georgia speaking with and filming state officials and local experts in voting issues as well as with voters whose registrations the state government eliminated.

Regarding cost: The fee for the postal and proprietary data bases runs about 5¢ per address—versus a postcard, printed, mailed, postage-paid return plus processing for half million cards that can run into the millions of dollars – to obtain substantially inaccurate results.

Note on *Palast v Kemp*

To obtain information regarding the reasons that the state cancelled the voter registration of the 313,243 citizens, the Palast Fund, for *Rolling Stone*, filed several Open Records Requests with the Georgia Secretary of State. To enforce compliance, we filed suit in federal district court. On February 4, 2020, Judge Eleanor Ross

+ Palast Investigation

handed down a decision *sua sponte* that the Court would declare a Summary in favor of Palast in *Palast v. Kemp.*

Palast was represented by Jeanne Mirer of Mirer Mazzocchi & Julien PLLC, New York and G. Brian Spears PC of Atlanta.

The current pandemic has stalled the entry of final judgment—but the data since made available by the state is sufficient for this analysis.

Analysis of 313,243 individual voter records

This year, the Palast Investigative Fund retained Swedlund Assoc. and American Fifth Act, Inc. to process the addresses of the 313,243 citizens whose voter registration the Georgia Secretary of State confirmed it had cancelled from government rolls alleging that these citizens had moved from the address on their voter registration.

The United States Postal Service requires this processing prior to mailing to assure that mailing lists are accurate, have the current address of the recipient, and are deliverable. While state and county governments are not required to follow this procedure, it is good, standard practice to do so.

As a byproduct of such processing, detailed reports are generated as to the those who still live at the address submitted, those who have moved (including their new, current addresses), and deliverability of addresses. A report of this processing is presented below. The purpose of this processing is so that the Palast Fund can mail a survey to a statistically valid subset of the file of those residing at their address of registration and request the post office apply a 'do not forward'/ 'return to sender' service. Besides providing information from the survey, this mailing will further validate the results of this processing.

Two address list hygiene firms, Merkle and CompuTech Direct, provided the data regarding the 313,243 U.S. citizens whom the secretary of state's office removed from the voter rolls. Those companies' clients have included Google, Amazon, Ebay and American Express.

John Lenser, CEO of American Fifth Act, Inc, analyzed the list. Lenser has had extensive experience in list hygiene, circulation planning, and modeling for catalog and e-commerce companies.

Information from the mailing of our survey will be presented at a later date.

Processing of Voter Records

To determine whether a purged voter continued to reside at the address indicated on their voter registration or had moved, the Palast Investigative Fund utilized the same advanced list hygiene technology that is used to ensure the accuracy and deliverability of direct mail for many national commercial mailers. For direct mailers, this inexpensive technology either validates that the customer still lives at their current address or provides a new address for mailing.

The National Change of Address (NCOA) database provided by the United States Postal Service and Proprietary Change of Address (PCOA) advanced address hygiene tools provided by specialized vendors were used to process the list of Georgia voters.

The United States Postal Services NCOA maintains a change of address file of moves submitted by individuals for the prior 48 months which can be accessed only by a limited number of licensees.

For this list processing, Merkle, Inc., a USPS licensee, also provided the 200+ data sources of PCOA which virtually eliminates undeliverable mail by either updating the address or identifying those addresses that are unable to be otherwise resolved.

PCOA identifies significantly more change of addresses than can be identified through NCOA although NCOA is one component of Merkle's processing. Merkle's PCOA proprietary "knowledge base" consists of over 240 million individuals for whom there are over 200 contributing sources such as commercial billing entities that corroborate the identity and present location of each individual. This additional information would tend to identify far more movers than the

NCOA alone.

Counsel informs us that the National Voter Registration Act of 1993 makes such purges voluntary for each state. According to NVRA, a state may establish a voter removal program under which change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed.

Results

Applying the NCOA and PCOA to the Georgia file confirmed conservatively that 198,351 voters, or 63.3% of the total file, still reside at their original address.

We left out of this list those voters whose addresses we were unable to confirm. Therefore, the 198,351 is a conservative number.

In County Moves

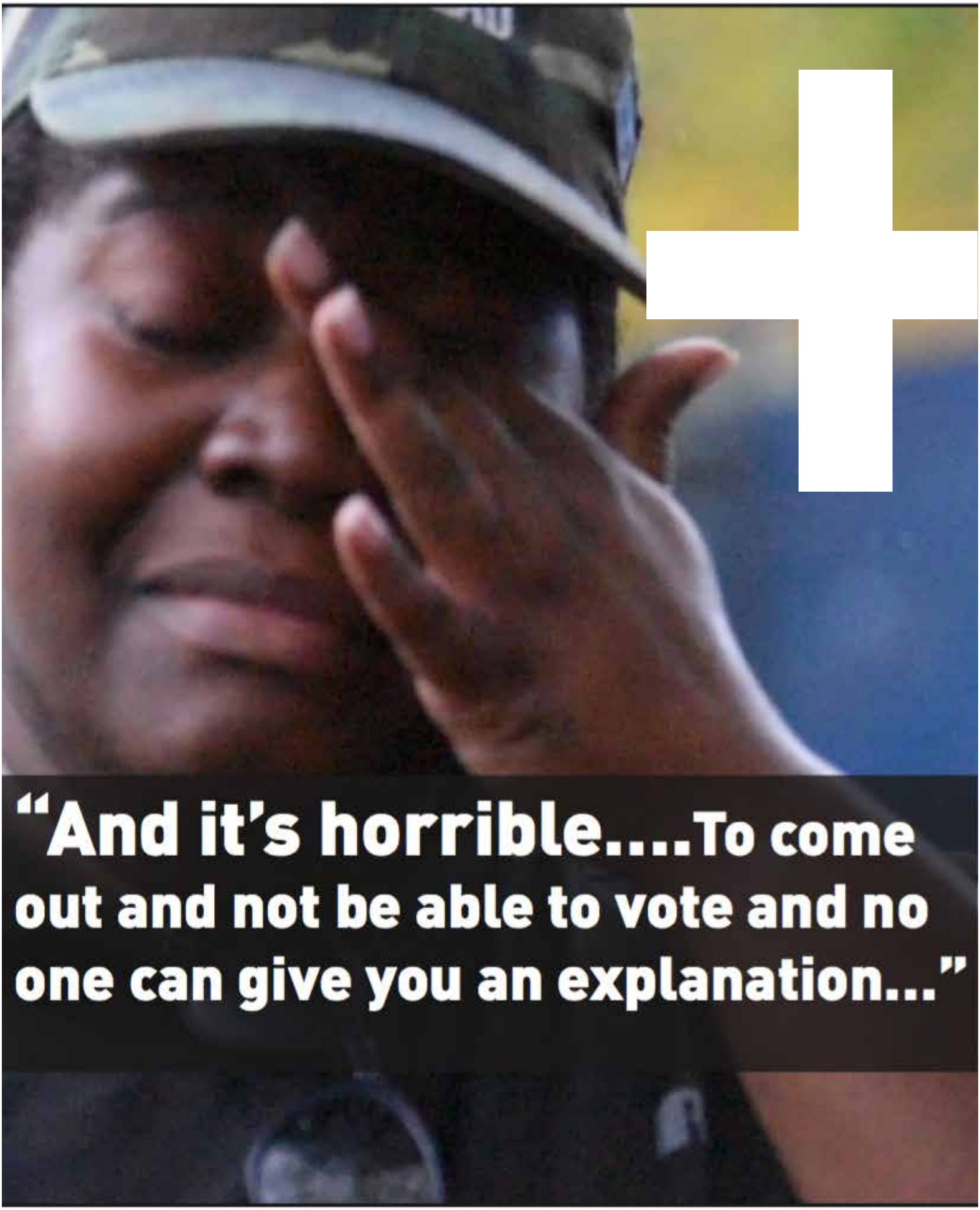
The Fund is in the process of analyzing the list for those citizens who may have moved within their county of registration. Our counsel has informed us that those citizens should also have remained on the state's voter rolls and the state should never have cancelled their registrations on that basis. Including these in-county moves could increase the error rate significantly above the 63.3% found so far.

The state provided many unreadable or unverified files. As a result, we can only confirm that 65,411, or about one in three citizens, moved from their county of registration. Looking at the data another way: two out of three – 2/3 or 66% -- of the state's list remained at the address where they are registered.

Website Listing of Wrongly Purged Voters

Given that most citizens whom the state has cancelled their voter registrations have no idea that they have lost their registrations, the Palast Fund has created a website: **GregPalast.com | SaveMyVote2020.org.**

As a public service, we have created this website to allow voters to look up their address with links for these voters to re-register online.



"And it's horrible....To come out and not be able to vote and no one can give you an explanation..."

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Consistent with prior findings

This is the Palast team's second review of the Georgia voter registration cancellation lists. In 2018, we obtained a list of over half a million Georgians removed from the voter rolls by order of the Secretary of State in 2017.

Again, we hired address list hygiene experts to analyze the list. **We found and named 340,134 voters who had not moved from their registration address** but, whom the Secretary of State nevertheless had canceled their voter registration based on erroneous information these citizens had moved their residence.

Others had moved locally—meaning within the same voting jurisdiction, yet the secretary of state wrongly cancelled their voter registrations.

Commissioned by Salon.com, the Palast Fund contacted several of these voters including Ms. Christine Jordan of Atlanta, who, in 2018, at age 92, entered the polling station where she had voted for 50 years.

Ms. Jordan was turned away, because the state had cancelled her voter registration alleging that she had moved from her registration address. To verify the state's assertion claim, Palast and team visited Ms. Jordan at the where she has lived for more than half a century which she proved by showing us photos of her having dinner at that home with her cousin, the late Martin Luther King Jr.

What is the source of Georgia's error rate?

How could the state of Georgia produce a list of "moved" voters that is so extraordinarily wrong?

The explanation, according to experts on our team, is that, first, the state sent out address confirmation postcards to hundreds of thousands of voters without first applying Advance Address List Hygiene methods. Notably, the Postal Service requires applying address list hygiene for mass mailings. Non-governmental enterprises must obtain a "cast certification" from the Postal Service for mass mailings because the Postal Service wants to avoid huge undeliverable and returns.

There is a deeper concern. The Secretary of State's records indicate that 108,306 voters were purged because they were allegedly identified by the Postal Service's National Change of Address (NCOA) registry.

However, three out of four voters identified as "NCOA" are not, in fact, found on the official, licensed NCOA list. We must note that there are two NCOA lists—one available to any member of the public that goes back 24 months; one that goes back at least 48 months, a list only available to licensees such as Merkle.

We used the more comprehensive licensee list. And we found that 80,408 of the voters listed by the state as NCOA are not, in fact, found on the NCOA list.

The National Voter Registration Act 52 USC Ch. 205(c) states under the heading, "Voter removal programs,

> "(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—
>
> "(A) change-of-address information supplied by the Postal Service **through its licensees** is used to identify registrants whose addresses may have changed..."

Emphasis added. The Secretary of State's office has not responded to our queries about their massive inconsistency with official postal licensee records. Their error rate suggests the state did not use a USPS licensed specialist or they included names not on the licensed NCOA list.

The state cancelled the voter registrations of an additional 84,376 citizens, because postcards sent to their residences were returned to the state or a county as undeliverable. Again, this is surprising as 51,785 of these voters have mailable addresses recognized by the Post Office. Again, the Georgia Secretary of State provided no explanation of this extraordinary deviation from Postal and other records.

Our experts note that a card returned as undeliverable does not, in and of itself, indicate that a voter has permanently moved residence. Many cards were returned because they were missing apartment addresses. Again, this is no indication the voter has made a registration-cancelling move. For this reason, the Wisconsin Board of Elections, for example, has refused to use returned undeliverable mail as grounds for disenfranchisement.

"Use it or lose it"–so-called "inactive" voters

Instead of industry standard practice for verifying address moves, Georgia's principal method of identifying voters who have moved is by sending an "address confirmation" postcard to voters who have failed to vote in two federal elections.

This is the main source of the state's extreme error rate.

First, all mailing experts on our team and beyond, unanimously agree that failure to vote is not any indication of a voter having moved residence. Of the hundreds, even thousands of data points used in the industry, no one uses voting frequency. There are many reasons why voters may choose not to vote. Moving a residence is not the major reason.

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Moreover, counsel advises us that the "Failure to Vote" clause of the National Voter Registration Act explicitly prohibits using non-voting as a reason to cancel a citizen's voter registration. However, under the recent June 2018 Husted decision, the U.S. Supreme Court allowed for using failure to vote as one piece of evidence that a voter has moved. Thus, the "confirmation" card mailed to "inactive" voters. However, this combination of non-voting and failure to return a postcard cannot be used if it is not "reasonable" information. As the Georgia confirmation-by-postcard purge captures voters who did not move, Georgia's method is, on its face, unreasonable.

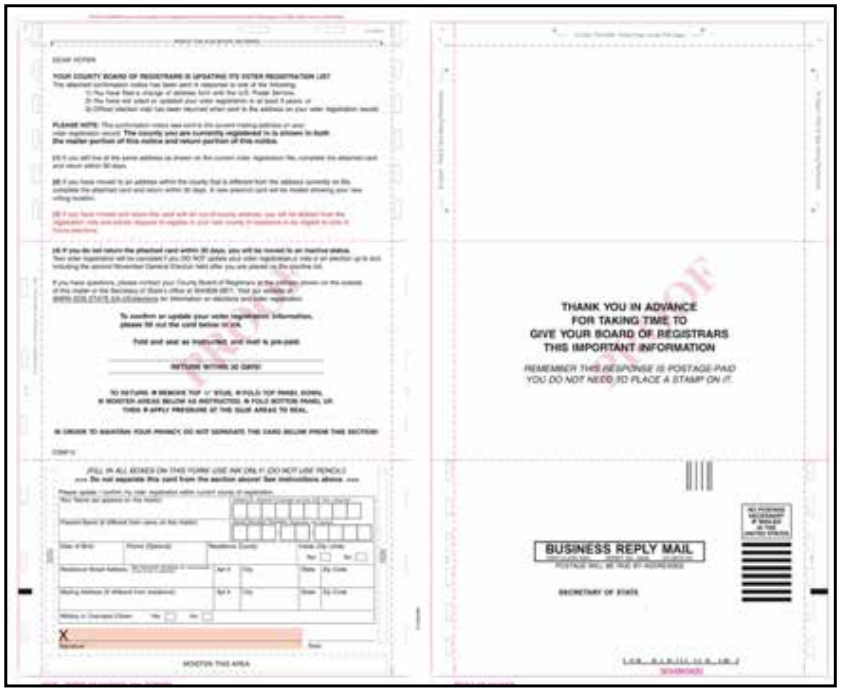
As Lenser of AFA tells us, [Georgia's system] certainly isn't a methodology to determine whether somebody has moved given that the list is no less than 65% wrong. There's a problem with using that methodology.

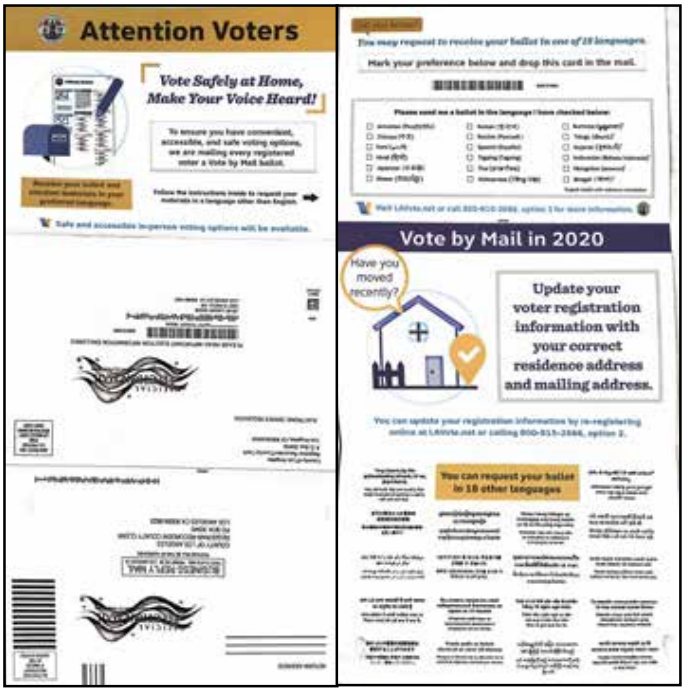
While non-voting is a suspect trigger for sending a card, failure to return a card, says expert Swedlund, is completely meaningless with regard to whether an individual has moved. The overwhelming majority of recipients will ignore or throw away the postcard as "junk mail."+

The Cards

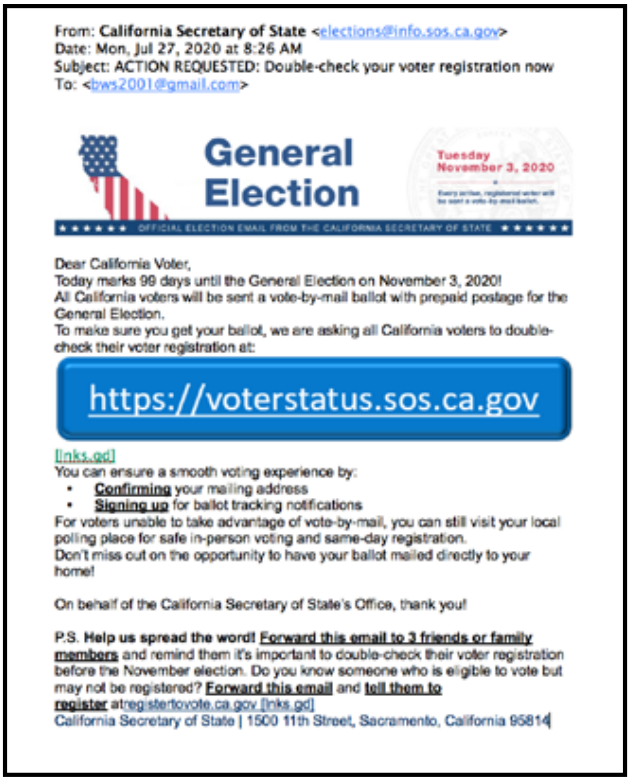
Indeed, our experts inform us that postcards are the measurably least likely form of communication to obtain a response. According to Mike Wychocki, another expert who specialized in designing mail for maximum response, the cards that the Georgia Secretary of State designed , violate the basic rules of the industry.

Georgia, ***left*** v. California, ***right***





In addition, the California Secretary of State also sends an e-mail to voters. >>



From: **California Secretary of State** <elections@info.sos.ca.gov>
Date: Mon, Jul 27, 2020 at 8:26 AM
Subject: ACTION REQUESTED: Double-check your voter registration now
To: <bws2001@gmail.com>

General Election

Tuesday November 3, 2020

OFFICIAL ELECTION EMAIL FROM THE CALIFORNIA SECRETARY OF STATE

Dear California Voter,
Today marks 99 days until the General Election on November 3, 2020!
All California voters will be sent a vote-by-mail ballot with prepaid postage for the General Election.
To make sure you get your ballot, we are asking all California voters to double-check their voter registration at:

https://voterstatus.sos.ca.gov

[lnks.gd]
You can ensure a smooth voting experience by:

- **Confirming** your mailing address
- **Signing up** for ballot tracking notifications

For voters unable to take advantage of vote-by-mail, you can still visit your local polling place for safe in-person voting and same-day registration.
Don't miss out on the opportunity to have your ballot mailed directly to your home!

On behalf of the California Secretary of State's Office, thank you!

P.S. **Help us spread the word! Forward this email to 3 friends or family members** and remind them it's important to double-check their voter registration before the November election. Do you know someone who is eligible to vote but may not be registered? **Forward this email** and **tell them to register** at registertovote.ca.gov [lnks.gd]
California Secretary of State | 1500 11th Street, Sacramento, California 95814

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Bias:
Age, Income, Urban, and Race

Our experts also warn that the Georgia purge-by-postcard methodology will substantially, disproportionately impact young voters, low-income, urban, and voters of color.

Racial, income, age, and location bias is endemic to the process. Whether conducted deliberately or unintentionally, we are unable to say.

The first problem is that Georgia's Secretary of State assumes that all recipients will read and return postcards—measurably wrong, and that postcard response rates are equal across demographic groups.

The Census Bureau says otherwise. According to the US Census Bureau's Mail Response/Return Rates Assessment (Decennial Statistical Studies Division), there a huge difference in official government postcard return rates: far lower for young, urban (renting), low-income, and citizens of color and those for whom English is a second language.

Age bias:

There are two problems that wrongly capture younger voters. First, younger voters are itinerate, far more likely to move (dorm room to dorm room, apartment to apartment).

Second, young voters are very unlikely to respond to a post card—it is not how younger citizens communicate as noted by Census studies. As AFA's Lenser states:

"The system where you save your vote by sending in a postcard would be detrimental or prejudicial against younger people. And we found in Georgia that the mailing lists skewed toward younger people. There was probably a 30 or 40% greater likelihood of younger people being on the list against other age groups."

Income/Urban:

One little-mentioned fact is that, according to Wychocki, the Post Office fails to deliver 4% to 20% of mail to large buildings in low-income urban centers. And renters are movers, though, as we found in one Atlanta case, a voter was purged for moving apartments in a building. And even if received, as mentioned, the probability of low-income, urban renters returning official mail is slim.

Racial bias:

All the other factors of bias create a racial bias as well. African-American and Hispanic voters tend to be more urban, more likely to be renters, have lower income and are, measurably, a younger registration demographic. Not surprisingly, all-English text is also a major barrier to returning the cards, especially among Asian-Americans according to registration organizations in Georgia.

Our final report, which will include both county-level data and identification of local movers wrongly purged, will provide additional details of racial bias, in particular the overwhelming concentration of wrongly-identified movers in counties of the Atlanta Metro area.

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Summary of Findings:
Georgia Voter Registration Purge

Registrations cancelled by Sec. of State	
Source of "move" information	
NCOA*	108,306
Returned mail	84,376
No vote / no contact 2 elections	120,561
Total "Mover" registrations cancelled by Sec. of State	**313,243**
Move verified by USPS NCOA & PCOA	65,411
Not verified as moved	247,832
Unverifiable records	33,526
Deceased	8,727
Not deceased, not verified as moved	205, 579
"Edit drops"**	10,398
Not moved, addresses verified & mailable	195,181
Secondary address (apt. #) missing	3,170
Not moved, address verified	**198, 351**
Georgia Purge List Error Rate	**63.3%**

*NCOA - While the Ga. Sec. of State lists these voters as having been identified by the USPS' NCOA (Nat'l. Change-of-Address) registry, NCOA licensees could locate only 27,898 on the NCOA list.
**Edit drops: Addresses the post office does not accept as "mailable."
Source: Computech Direct and Merkle, Inc USPS licensee.

About Greg Palast and the Palast Investigative Fund

For 20 years, Greg Palast has investigated racial voter suppression as a reporter for The Guardian, BBC Television Newsnight, Rolling Stone, Harper's, Salon, and elsewhere. His film and print exposé of mass purges in Georgia and elsewhere won Al Jazeera the Global Editor's award for data journalism.

Palast is a Puffin Foundation Fellow in Investigative Reporting and, among his awards, was last year named International Reporter of the Year by the Association of Mexican Journalists for his multi-nation investigations of vote suppression.

For two decades, before turning to journalism, Palast was an investigator and expert witness in major corporate racketeering, fraud and regulatory cases for several US state attorneys general, the US Justice Department and governments on four continents.

Palast, who earned his degree in economics from the University of Chicago, is author of the United Nations guide to industry regulation, based on his lectures at the Department of Applied Economics at Cambridge University and the University of Sao Paolo. Palast taught statistics at Indiana University.

Palast's popular writings included a 5-year series of investigative reports for The Guardian, Inside Corporate America, and five bestselling books including The Best Democracy Money Can Buy and several documentary reports for BBC, Channel 4 UK, and ARTE Europe.

With proceeds from his bestsellers, Palast founded the non-partisan, not-for-profit Palast Investigative Fund, now a project of the 501c3 non-partisan not-for-profit Sustainable Markets Foundation. The Fund is supported by the Puffin, Park, Cloud Mountain and other foundations dedicated to journalism. The Fund's purpose is to support long term, often multi-year, technically complex investigations in alliance with major news outlets.

The Fund fields a team, currently 20 strong, of investigators, researchers, technical experts, and a production crew.

The team is also completing a series of television PSAs and longer form broadcasts for one of America's premier production companies on protecting the right to vote in 2020.

Palast, 68, has recently returned to live in Los Angeles, where he was born.

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By Greg Palast
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American Civil Liberties Union of Georgia

September 1, 2020

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