



## The Office of the Secretary of State

*Brian P. Kemp*  
SECRETARY OF STATE

January 31, 2014

*Via U.S. Mail*

The Honorable Saxby Chambliss  
416 Russell Senate Office Building  
Washington, D.C. 20510

Re: Voting Rights Amendment Act of 2014

Dear Senator Chambliss:

My office has reviewed Representative Sensenbrenner's proposed bill, and I am writing to register my serious concerns with it.

I have taken the consistent position that any federal laws regarding elections should be uniform throughout the United States. Our Constitution and Section Two of the Voting Rights Act prohibit any form of racial discrimination within the democratic process and apply equally to all states. The Voting Rights Act is still intact and it is my sacred duty to uphold it. I have full faith that the State of Georgia will continue to abide by it. The proposed legislation ignores the tremendous progress that Georgia and the rest of the nation have made in the past 50 years and seeks to reinstate an outdated and obsolete formula that would cost Georgia taxpayers a significant amount in time, resources, and money.

Georgia would be subject to pre-clearance under the proposed bill due to previous "voting rights violations" of Section 4 of the Voting Rights Act—the section that was struck down as unconstitutional in *Shelby County v. Holder*. However, these "voting rights violations" are not limited to findings of discriminatory intent. They include any instance where the Department of Justice—under the old, unconstitutional formula—interposed an objection that was not later overturned by a court. Basing pre-clearance off of past objections with no findings of discriminatory intent attempts to resurrect an unconstitutional system. The proposed bill also enshrines the controversial "disparate impact" standard, meaning that states or localities could find themselves under federal control even when there is no evidence of discriminatory intent.

Our research indicates that the "violations" that would place Georgia back under pre-clearance are not state laws that were found to be discriminatory. Rather, the "violations" refer almost exclusively to city or county redistricting plans or other minor changes. To subject an entire state to the administrative and financial burdens of pre-clearance based on these objections is a remedy in search of a wrong.

I also understand that the proposed bill drastically lowers the standard for litigants seeking a preliminary injunction, allowing political interest groups to control whether our state can implement its own laws and costing our taxpayers significant time, money, and resources.

Pre-clearance was an extraordinary remedy for an extraordinary time. Putting Georgia back under pre-clearance will subject our state to significant financial and administrative burdens, and these burdens are not necessary to prohibit racial discrimination in our democratic process. As Georgia's chief elections official, it is my sacred duty to uphold secure, accessible and fair elections. Pre-clearance does not help us achieve that goal.

Sincerely,

  
Brian P. Kemp

cc: The Honorable Nathan Deal, Governor of Georgia  
The Honorable Rick Perry, Governor of Texas  
The Honorable Nandita Berry, Texas Secretary of State  
The Honorable Tom Schedler, Louisiana Secretary of State  
The Honorable Delbert Hosemann, Mississippi Secretary of State