

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, *et al.*

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

**STATE DEFENDANTS' RESPONSE TO COURT'S QUESTIONS
REGARDING VOTER REGISTRATION SYSTEM SECURITY RULE**

Defendants Secretary of State Brad Raffensperger (“Secretary”), State Election Board (“SEB”), and State Election Board Members (collectively, “State Defendants”) file this response to the Court’s August 1, 2019 Order directing State Defendants to identify whether Rule 590-8-3-.01 of the Office of the Secretary of State (the “Rule”) was adopted by the SEB and, if so, the date of such approval and enactment, and to provide appropriate documentation of the same.

The Rule is not an SEB rule but was promulgated by the Secretary’s office. The General Assembly granted the Secretary rulemaking authority to “establish security protocols for voter registration information maintained and developed by the Secretary of State pursuant to Code Section 21-2-211 and 52 U.S.C. Section 21083,” and that is the subject the Rule addresses. *See* O.C.G.A. § 45-13-20(14.1).

The new Code Section empowering the Secretary to create the Rule became effective on July 1, 2019 with other state laws. *See* H.B. 392 (no specific effective date). The Rule was adopted the same day (i.e., July 1, 2019) and filed with the Administrative Procedures Division on July 24, 2019. As a result of this filing date, the rule becomes effective on August 13, 2019. Copies of the Rule; certification of the Rule; letter transmitting the Rule to the Administrative Procedures Division of the Secretary's Office; and correspondence from the Administrative Procedures Division confirming receipt of the Rule and the Rule's effective date collectively are attached as **Exhibit A**.

Respectfully submitted this 2nd day of August, 2019.

/s/ Alexander Denton

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Counsel for State Defendants

CERTIFICATE OF COMPLIANCE

Pursuant to L.R. 7.1(D), the undersigned hereby certifies that the foregoing **STATE DEFENDANTS' RESPONSE TO COURT'S QUESTIONS REGARDING VOTER REGISTRATION SYSTEM SECURITY RULE** has been prepared in Times New Roman, 14 pt., a font and type selection approved by the Court in L.R. 5.1(B).

/s/ Alexander Denton
Alexander Denton
Georgia Bar No. 660632

CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing **STATE DEFENDANTS' RESPONSE TO COURT'S QUESTIONS REGARDING VOTER REGISTRATION SYSTEM SECURITY RULE** with the Clerk of Court using the CM/ECF system, which will automatically send counsel of record e-mail notification of such filing:

This 2nd day of August, 2019.

/s/ Alexander Denton
Alexander Denton