

October 28, 2021

[Sheriff Name]  
Sheriff  
[Street Address]  
[City, GA, Zip]

Dear Sheriff [Name]:

I am a law student working in the Youth Justice Clinic of the University of the District of Columbia David A. Clarke School of Law. The Youth Justice Clinic engages in public interest work and public education efforts related to system-impacted youths and adults. The purpose of this request is to gather information about voting procedures in Georgia jails for incarcerated individuals who are eligible to vote.

According to the Prison Policy Initiative and the Rainbow PUSH Coalition, of the estimated 746,000 persons in local jails nationwide, most are eligible to vote. However, large numbers of eligible voters are denied the fundamental right to vote because they are behind bars when ballots are cast.

Under the Georgia Open Records Act, “[a]ll public records shall be open for personal inspection and copying, except those which by order of a court of this state or by law specifically exempted from disclosure.” (O.C.G.A. § 50-18-71(a)). Furthermore, the Georgia Act requires that “[a]gencies shall produce for inspection all records responsive to a request within a reasonable amount of time not to exceed three business days of receipt of a request.” *Id.* If an agency that receives an open records request decides “to withhold all or part of a requested record, the agency shall notify the requester of the specific legal authority exempting the requested record or records from disclosure.” *Id.*

This request, made in the public interest pursuant to the Georgia Open Records Act (O.C.G.A. § 50-18-70 through 77), to expand the public’s understanding of voting practices in Georgia jails, includes, but is not limited to records, from 2018 to present that describe *any*:

1. Policies in place to support voting by incarcerated persons

- (e.g., access to free phone and internet time to check voter registration/ballot status; organized voter registries or ballot access; support for paper absentee ballot requests, provision of voter education materials and programming, etc.)
- 2. Procedures used to facilitate any stated policy supporting inmate voting
- 3. Policies and procedures that help incarcerated persons vote after absentee ballot request deadlines have passed
- 4. Any changes to voting policies and procedures for incarcerated persons due to COVID-19 pandemic
- 5. Policies or practices for tracking voter registration, ballot requests, and recorded ballots for incarcerated persons
- 6. Data on how many incarcerated persons have made voter registration or absentee ballot requests, if any
- 7. Data on how many requests were completed or fulfilled, and how many were denied, if any
- 8. Data on voter eligibility, and recorded ballots for incarcerated persons, if any

In this request:

- A. “Record” includes, but is not limited to, all records or communications preserved in electronic or written form, such as correspondences, emails, documents, data, videotapes, audiotapes, faxes, files, guidance, guidelines, analyses, memoranda, agreements, notes, orders, policies, procedures, legal opinion, protocols, reports, rules, or manuals.
- B. A “policy” is a formal statement of a principle that should be followed within the institution and sets direction, guides, and influences decision-making on a particular issue, aim, or objective.
- C. “Procedure,” “practice, or “process” refers to the detailed mandatory steps the institution follows to achieve a recurring task or comply with a policy. Procedures can include step-by-step instructions or can be statements about how a task needs to be done.
- D. The definition of an “eligible voter” is pursuant to Georgia Code § 21-2-216, where any person not “convicted of a felony involving moral turpitude may register, remain registered, or vote” if they are “1) registered as an elector in the manner prescribed by law; 2) a citizen of this state and of the United States; 3) at least 18 years of age on or before the date of the primary or election in which such person seeks to vote; 4) a resident of this state and of the county or municipality in which he or she seeks to vote; and 5) possessed of all other qualifications prescribed by law.”
- E. “Incarcerated person” means any individual, whether over age 18 or under age 18, detained in your county jail facility for any reason.

Please provide the requested information in electronic format, including but not limited to PDF format, and in the best quality that your office possesses, if possible. Alternatively, if delivery by electronic format is not possible, copies may be mailed to the Youth Justice Clinic at the address above.

We look forward to receiving all disclosable records or a decision about the requested records within three business days pursuant to O.C.G.A. § 50-18-71(b)(1)(A). If the production

of the records for this request will take longer than three business days, please let the UDC Youth Justice Clinic know when the Clinic may expect to receive the copies of the requested records.  
*Id.*

We kindly request a written statement of the grounds for the denial of all or any part of this request. Please provide us with the portions that can be disclosed, if your office determines that some parts of the requested records are exempt from disclosure in accordance with GA Code § 50-18-72.

We would like to request a waiver of all fees, as the disclosure of the requested information is in the public interest and will contribute significantly to the public's understanding of voting practices in Georgia jails. This inquiry is undertaken in the public interest, and not for any private commercial reason, to inform the public about the important issue of voting rights for incarcerated persons. If the waiver is not granted and there are any fees for searching or copying these records, please inform me if the cost will exceed \$10 before completing the request.

Please feel free to contact me by email (provided below) if you have any questions regarding this request. Thank you.

Sincerely,

[Name] , *Student, UDC David A. Clarke School of Law, Youth Justice Clinic*

[Email]