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FEDERAL JUDGE PROTECTS THE RIGHT TO REGISTER VOTERS IN GEORGIA

Court Blocks Law Creating New Obstacles to Voter Registration

ATLANTA, GA – SEPTEMBER 28, 2006 (*Modified February 5, 2007*) – Today, a federal judge in Atlanta blocked enforcement of Georgia state regulations that went into effect earlier this year that imposed needlessly restrictive administrative requirements on voter registration activities. The plaintiffs, civic organizations and voting rights groups, said the laws were in violation of the First Amendment to the U.S. Constitution and the National Voter Registration Act of 1993 (NVRA), and would severely limit the effectiveness of efforts to increase and encourage participation in the political process.

(To view the legal documents, go to: http://www.heardlawoffices.com/ACORN_v_Cox.htm)

“These regulations would have made the operation of an effective voter registration program nearly impossible by removing our ability to check applications,” said Dana Williams, Chairman of Georgia ACORN. “ACORN helped over 22,000 Georgia citizens register to vote in our 2004 registration drive. We knew we were doing that work with success and with integrity because we had a quality control system that checked the applications collected by our staff and volunteers.”

Today’s decision is one in a series of victories in the past two years arising from litigation in Florida, Georgia, Maryland, and Ohio blocking enforcement of state laws and regulations that severely burdened third-party voter registration activities and denied traditionally disenfranchised citizens assistance in registering to vote.

“This ruling is a victory for voter registration groups and historically disenfranchised low-income communities in Georgia,” said Elizabeth Westfall, senior attorney for the Advancement Project, a national civil rights and racial justice organization. “Voter registration organizations can now restart their operations in Georgia.”

The two new requirements challenged in the case, *ACORN vs. Cox*, were: 1) a mandate that all completed voter registration forms must be sealed prior to being handed to a private voter

registration organizer; and 2) a prohibition on copying completed voter registration forms. In both instances, third-party voter registration groups would no longer have had an opportunity to view and utilize information contained on the forms, which would have severely limited their ability to encourage voter registration and participation in traditionally underrepresented—minority, youth, and economically disadvantaged—communities. The copying and sealing restrictions would also interfere with the private groups’ ability to monitor election officials’ compliance with their obligations under the NVRA and other federal voting laws.

The ruling by Chief U.S. District Judge Jack T. Camp found that these regulations, which the Georgia State Election Board argued were put in place to prevent voter registration fraud and identity theft, were in violation of the plaintiffs’ First Amendment Rights, as they placed an undue burden on voter registration groups’ post-voter registration drive activities. “Moreover,” Judge Camp said, “Defendants have not offered any evidence that the Regulation is necessary to prevent voter fraud. In short, Defendants have failed to demonstrate that the Regulation is necessary to address a real rather than a conjectural problem (...) And Defendants must show more than the possibility of identity theft to warrant the burdens placed on Plaintiffs’ constitutional rights.” The Court also noted that Congress’ expressed policy in the NVRA of encouraging third-party voter registration drives was not served by Georgia’s restrictive third-party voter registration regulations.

“We are very pleased that the judge ruled in favor of civic participation—protecting the right of members of community groups to encourage our neighbors to participate in the democratic process, and to do so effectively,” said Brian Mellor of Project Vote.

“This ruling highlights both the importance of the First Amendment in protecting the right to vote in this country, and the continued need for the watchful eyes of the federal judiciary system to ensure that the right to vote is adequately protected – particularly for those youth, minority, elderly, and other citizens who have traditionally been under-represented in nation’s political process,” said Bradley E. Heard, Managing Attorney of The Heard Law Offices, LLC, who is serving as lead counsel for the plaintiffs in this lawsuit.

The state of Georgia has a long history of noncompliance with federal laws establishing voting rights. In a number of cases, the courts declared Georgia’s statutes to be in opposition to the provisions of the NVRA and upheld the federally protected rights of private groups to conduct organized voter registration activities.

The case was filed by Advancement Project, Bradley E. Heard of The Heard Law Offices, LLC, in Atlanta, and Project Vote counsel Brian Mellor, against the Georgia State Election Board (SEB) on behalf of the Association of Community Organizations for Reform Now (ACORN), Project Vote, the Georgia Coalition for the People’s Agenda, and the Georgia State Conference of NAACP Branches.

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