



**THE CHARLES H. WESLEY  
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**NEWS RELEASE**

**FOR IMMEDIATE RELEASE**

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**FEDERAL JUDGE ENTERS CONSENT DECREE  
IN GEORGIA VOTER REGISTRATION LAWSUIT**

**ATLANTA, GA — Saturday, March 4, 2006** — Senior U.S. District Judge William C. O’Kelley approved a Consent Decree on Thursday, March 2, resolving a lawsuit brought by a Georgia nonprofit charitable foundation to challenge the State of Georgia’s noncompliance with the National Voter Registration Act of 1993 (NVRA). The judgment upheld earlier federal court decisions in the case which found that private entities have a right under the NVRA to engage in organized voter registration activity in Georgia at times and locations of their choosing, without the presence or permission of state or local election officials. (To view a copy of the ruling, go to [http://www.heardlawoffices.com/Wesley v Cox.htm](http://www.heardlawoffices.com/Wesley_v_Cox.htm))

The lawsuit was filed in U.S. District Court in Atlanta in June 2004 by [The Charles H. Wesley Education Foundation, Inc.](#), the nonprofit charitable affiliate of the [Nu Mu Lambda Chapter of Alpha Phi Alpha Fraternity, Inc.](#) The Wesley Foundation’s Complaint alleged that the Georgia Secretary of State’s long-standing policy and practice of rejecting mail-in voter registration applications that were submitted in bundles and/or by persons other than registrars, deputy registrars, or the individual applicants, violated the requirements of the NVRA. The dispute arose after Secretary of State Cathy Cox’s office rejected several voter registration applications submitted by the Wesley Foundation and Nu Mu Lambda following a voter registration drive that they had organized in DeKalb County in June 2004.

In July 2004, Judge O’Kelley issued a preliminary injunction requiring Secretary Cox to accept and process the applications submitted by the Wesley Foundation and prohibiting state election officials from rejecting voter registration applications solely because they had been submitted in bundles or by persons other than registrars or deputy registrars. The U.S. Court of Appeals for the Eleventh Circuit affirmed Judge O’Kelley’s order in May 2005 and sent the case back to the district court for final resolution. Secretary Cox continued vigorously to defend her office’s voter registration restrictions in court until late last month, when her attorneys finally agreed to reach a settlement in the case.

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As part of the Consent Decree, the Secretary of State's policy has been declared invalid and unenforceable, and the Secretary of State's Office has been permanently enjoined from enforcing the policy in the future. In addition, Judge O'Kelley's order requires Secretary Cox to notify all 159 of Georgia's county boards of registrars that they are not authorized to reject applications submitted by private voter registration organizers in the future solely for the reasons stated in the Secretary's previous policy.

The decree also requires Secretary Cox to provide written acknowledgment to the Wesley Foundation and to the 63 voter registration applicants whose applications her office rejected that the Foundation, Nu Mu Lambda, and its volunteers and members did not engage in any improper conduct or violate any law in connection with their voter registration drives.

Judge O'Kelley also ruled that a recently-amended State Election Board regulation restricting the manner in which private entities may collect and submit voter registration applications cannot be interpreted in a manner that requires registrars and deputy registrars at private voter registration drives or that regulates the times, locations, and circumstances wherein private groups can organize registration drives.

Still unresolved is the question of whether the SEB's recent amendments (which were passed shortly after the Eleventh Circuit appellate court ruling in the case) unreasonably interfere with private entities' federal rights to engage in voter registration activity within Georgia. The Wesley Foundation and others continue to challenge these issues both in and out of court, with the hope that they will be resolved prior to the onset of major voter registration activities in advance of Georgia's statewide primary elections this summer.

Another issue not resolved in the Consent Decree is how much this 20-month-long battle that Secretary Cox's office has waged is going to cost the State of Georgia in attorneys' fees and costs to the Wesley Foundation and its counsel. The parties' attorneys are currently attempting to come to an agreement as to that issue by the end of the month, so as to avoid the necessity of having the Court make that determination.

Atlanta attorney Bradley E. Heard, a Foundation and Nu Mu Lambda board member who represented the plaintiffs in the lawsuit, said he is "gratified that the merits of this case have now been finally determined. The resolution of this matter by Secretary Cox and her office is a substantial and positive step in the effort to make voter registration accessible and available to all citizens. My only wish is that Secretary Cox and her attorneys would have come to this sensible decision back in the summer of 2004, when the court made its initial ruling, rather than choosing to

continue defending a clearly illegal policy. That would have saved everyone a lot of time, money, and needless aggravation.”

Jaru Ruley, Nu Mu Lambda’s vice president and one of the individually named plaintiffs in the lawsuit, said that the consent decree “absolutely vindicates the position that our organization and other like-minded organizations have taken with regard to this important voting rights issue.” Ruley, who is also a federal government attorney, said he is hopeful that the decisions in this case will cause the Secretary of State and the State Election Board to be more responsive and proactive in the future to citizens’ expressed concerns that Georgia’s voting and voter registration policies may violate provisions of federal law.

The State Election Board, which is chaired by Secretary Cox, meets on Wednesday, March 8. The Wesley Foundation has formally petitioned the SEB to make several necessary changes to its voter registration rules in light of the courts’ rulings in this lawsuit. ([Click here](#) to view a copy of the petition.) The Foundation has also petitioned the SEB to adopt a comprehensive set of rules and regulations that would provide for training of voter registration volunteers and for the secure and timely submission of voter registration applications by private voter registration organizers. ([Click here](#) to view of copy of the petition.) State Senator Gloria Butler (D–DeKalb Co.) and others have also introduced a bill, [S.B. 590](#), to adopt most of the Wesley Foundation’s proposals in this area.

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***ABOUT THE CHARLES H. WESLEY EDUCATION FOUNDATION, INC.***

*The Charles H. Wesley Education Foundation, Inc., is a public, non-profit 501(c)(3) charitable corporation affiliated with the Nu Mu Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. The Foundation’s namesake was a noted historian, educator, minister, and the longtime national General President of Alpha Phi Alpha, serving from 1932-1940. The Wesley Foundation supports virtually all of Nu Mu Lambda’s charitable and community service efforts. In particular, the Foundation focuses on: the advancement of educational opportunities for African-American youth; the fostering of responsible behaviors and awareness among African-American youth, in an effort to avoid teen pregnancy and sexually transmitted diseases; and the promotion of increased voter registration, education, and civic participation in disadvantaged communities. To that end, the Foundation is committed to offering scholarships, tutoring, mentoring, and youth development programs; promoting the elimination of illiteracy; sponsoring workshops, seminars, and community forums; organizing voter registration drives and other civic awareness programs; and promoting other related charitable activities.*