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NEWS RELEASE

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FOR IMMEDIATE RELEASE

FEDERAL JUDGE ORDERS GEORGIA TO COMPLY WITH NATIONAL VOTER REGISTRATION ACT

State Must Begin Accepting Mail-In Registration Applications From Private Voter Registration Drive Organizers

Atlanta, GA – Sunday, July 4, 2004 – Senior U.S. District Judge William C. O’Kelley issued a preliminary injunction last week requiring Georgia to immediately begin accepting mail-in voter registration applications from private voter registration organizers, as required under the National Voter Registration Act of 1993 (“NVRA”). This ruling likely spells the end for a nearly 10-year-old policy of Georgia’s Secretary of State which requires private voter registration drive organizers to obtain approval from local county elections officials before setting up a registration drive and collecting applications.

(To view a copy of the court documents, go to <http://www.heardlawoffices.com/nml-complaint.htm>)

The lawsuit was filed by the Charles H. Wesley Education Foundation, Inc., the charitable affiliate of the Nu Mu Lambda Chapter of Alpha Phi Alpha Fraternity, Inc., located in DeKalb County, Georgia. The Foundation alleges that Georgia Secretary of State Cathy Cox and Elections Division Director Linda Beazley failed to comply with the NVRA (more commonly referred to as the federal “motor voter” law) when they rejected 64 voter registration applications that the group had collected during its registration drive on June 12. Several members of the fraternity and one of the 64 voter registration applicants also are named as plaintiffs.

In addition to requiring voter registration at driver’s license bureaus, public libraries, and other government venues, the NVRA also established procedures for nationwide voter registration using a federally mandated mail-in registration form. Federal law requires states to accept NVRA registration forms and to register qualified citizens who submit such applications by the close of the registration deadlines established by state law. Only three states (New Hampshire, North Dakota, and Wyoming) are not required to accept the NVRA application, and each of those states has either same-day voter registration or no voter registration at all.

Secretary Cox contended that the applications sent in by the Foundation were invalid and would not be processed because the Foundation did not follow correct procedures under the Georgia Election Code for setting up a voter registration drive and for collecting applications. The Wesley Foundation insisted that it had complied fully with the federal NVRA and that, as a result, its drive did not have to comply with Georgia’s Election Code.

The Court's injunction order seemed to support the Foundation's position: "Here, it is undisputed that each of the applications submitted by the Wesley Foundation arrived at the Secretary of State's Office in an envelope postmarked by the appropriate date. . . . Because the applications were received in accordance with the mandates of the NVRA, the State of Georgia was not free to reject them," wrote Judge O'Kelley.

"We are extremely gratified that the Court has issued this injunction," said Atlanta attorney Bradley E. Heard, who is representing the plaintiffs in the lawsuit. "By rejecting those applications, Secretary Cox's office had violated clearly established federal law and had thereby denied vital and constitutionally protected voting rights to scores of Georgia citizens, as well as to organizations such as the Wesley Foundation, which are interested in maximizing voter registration and participation."

Jaru Ruley, one of the named plaintiffs, stated in a declaration filed in the case that the Wesley Foundation chose to use NVRA procedures, instead of Georgia's procedures, so that the group would be free to conduct cross-county and multi-state registration drives and because the federal procedures "provide the most convenient and least restrictive means for registering the greatest number of eligible voters, wherever they may live. . . ." (Georgia law allows only for county-by-county voter registration and does not provide for registration by out-of-state residents.)

The Foundation actively participates in several national voter registration and education programs sponsored by Alpha Phi Alpha, the National Coalition on Black Civic Participation, and the National Pan-Hellenic Council. While all of the Foundation's voter registration services are provided on an equal opportunity, nonpartisan basis, the primary goal of the Foundation's efforts is to increase voter registration, civic participation, and civic awareness in African-American communities. Indeed, part of the reason that the Foundation was so troubled by Secretary Cox's rejection of its 64 applications was that many of the people whose applications were adversely affected were African-American citizens who were registering to vote for the first time.

The Wesley Foundation has asked the federal court to issue a permanent injunction requiring Secretary Cox to follow the NVRA, not to interfere with private entities' rights to conduct organized voter registration drives, and to process all mail-in voter registration applications, regardless of the manner in which they are delivered to her office. The Court's preliminary injunction order grants that relief on an interim basis, until the case can be finally resolved. The Foundation also seeks compensatory and punitive damages and attorneys' fees against Secretary Cox and Director Beazley.

About the Charles H. Wesley Education Foundation: The Charles H. Wesley Education Foundation, Inc., is the non-profit 501(c)(3) charitable and education foundation of the Nu Mu Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. The Foundation supports virtually all of Nu Mu Lambda's charitable and community service efforts. Nu Mu Lambda (<http://www.numulambda.com>), founded in 1980, is the second-oldest alumni chapter of Alpha Phi Alpha Fraternity, Inc. in the metropolitan Atlanta area. From 2001 through 2003, Nu Mu Lambda held the coveted title of Alpha Phi Alpha's national alumni chapter of the year. Alpha Phi Alpha (<http://www.alphaphialpha.net>) was founded December 4, 1906, at Cornell University. It was the first intercollegiate Greek-letter organization founded by African-Americans and is one of the oldest non-religious African-American organizations in the United States.

About Bradley E. Heard: Bradley E. Heard is the founder and managing attorney of The Heard Law Offices, LLC (<http://www.heardlawoffices.com>) and an executive board member of the Nu Mu Lambda Chapter of Alpha Phi Alpha Fraternity, Inc. A magna cum laude and Phi Beta Kappa graduate of Morehouse College in Atlanta, Mr. Heard received his Juris Doctor degree from the Yale Law School in New Haven, Connecticut. He is currently licensed to practice law in Georgia and the District of Columbia. Mr. Heard practices primarily in the areas of general business litigation, employment, education, and juvenile law.

For More Information on the National Voter Registration Act: See the following web links from the U.S. Election Assistance Commission:

<http://www.eac.gov>

http://www.eac.gov/register_vote.asp?format=none

http://www.eac.gov/register_vote_faq.asp

For More Information on the Georgia Secretary of State's Elections Division: See the following web link: <http://www.sos.state.ga.us/elections>

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