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NEWS RELEASE

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FOR IMMEDIATE RELEASE

DeKalb Fraternity Foundation Seeks Injunction Against Georgia Secretary of State Cathy Cox, Challenging State's Alleged Violations of National Voter Registration Act

Atlanta, GA, — Thursday, June 24, 2004 — The charitable foundation of the Nu Mu Lambda Chapter of Alpha Phi Alpha Fraternity, Inc., located in DeKalb County, has asked a federal judge in Atlanta to issue an injunction against Georgia Secretary State Cathy Cox, after her Elections Division rejected 63 voter registration applications that the fraternity collected from Georgia residents during a recent voter registration drive on June 12. (To view a copy of the court documents, go to <http://www.heardlawoffices.com/nml-complaint.htm>.)

Secretary Cox maintains that Nu Mu Lambda did not follow correct procedures under the Georgia Election Code and that the voter registration applications are, therefore, invalid. Nu Mu Lambda insists that it complied fully with the National Voter Registration Act of 1993 ("NVRA"), a federal law more commonly referred to as the "motor voter" law. As a result, the fraternity claims, its drive did not have to comply with Georgia's Election Code. In addition to allowing 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.

"We are absolutely astounded and quite disappointed by the Secretary's actions," said Atlanta attorney Bradley E. Heard, who is representing the Charles H. Wesley Education Foundation and several fraternity members in the lawsuit. "By rejecting these applications, Secretary Cox's office has violated clearly established federal law and thereby denied vital and constitutionally protected voting rights to scores of Georgia citizens just days before the close of the registration deadline for the July primary elections." (The deadline for registering to vote in Georgia's primaries was June 21.)

The central dispute between Secretary Cox and Nu Mu Lambda concerns (1) the manner in which the fraternity conducted its registration drive and (2) the fact that the volunteers collected the completed voter registration applications and mailed them in a bundle to the Secretary, as opposed to having the applicants mail the forms in themselves. The Georgia Election Code requires private voter registration drives to be approved and advertised in advance by the local county Board of Registrars, and requires a

deputy registrar to be present at the registration site at all times. Only residents of the particular county where the drive is held are permitted to register with the local deputy registrar. Other Georgia residents are given a form that they must mail in to the Secretary of State. Non-Georgia residents cannot be accommodated at all under the Georgia Election Code. Finally, the Georgia Election Code allows only registrars and deputy registrars to collect completed registration applications and to return them to the county Board of Registrars for processing.

The NVRA, by contrast, allows for nationwide voter registration, regardless of a voter's county or state of residence. (Only three states are not required to accept the NVRA application, and each of those states has same-day voter registration.) Mr. Heard reports that about half of the individuals who completed applications in Nu Mu Lambda's registration drive did not reside in DeKalb County, where the registration drive was held. A few of the applicants did not reside in Georgia. (Apparently, those out-of-state residents' applications were accepted by their states' elections officials.) The NVRA contains no regulations requiring the deputization of voter registration drive volunteers, nor does it require privately organized registration drives to be pre-approved or pre-advertised. The two federal agencies responsible for administering the NVRA - the Federal Elections Commission and the newly-created U.S. Election Assistance Commission - have both specifically stated that private voter registration groups are authorized to collect, bundle, and mail completed NVRA voter registration applications to the relevant state elections officials.

"Given that the FEC and the EAC have both so clearly authorized the types of voter registration practices that we used in our drive, we simply cannot understand how or why Secretary Cox insists on denying these individuals their right to register with us," Mr. Heard said. "Secretary Cox, as Georgia's chief elections official, is required by the U.S. Constitution to follow the mandates of federal law, even if the Georgia Election Code is inconsistent with that law. However, her rejection of these 63 voters' applications shows that Georgia is obviously not in compliance with federal law."

Nu Mu Lambda is particularly troubled by Secretary Cox's ruling because many of the people whose applications were adversely affected are African-American citizens who were registering to vote for the first time. One of the fraternity's national community service priorities is a voter registration and education program called "A Voteless People is a Hopeless People." That program is principally designed to increase the voting strength and civic awareness and participation level of African-Americans, although the fraternity offers all of its voter registration services on an equal opportunity, nonpartisan basis. The fraternity's national office, along with the eight other predominantly African-American fraternity and sorority members of the National Pan-Hellenic Council, are also jointly participating in the National Coalition on Black Civic Participation's "Unity '04" Campaign, which has set a goal of registering 1.5 million new African-American voters nationwide in time for the November elections.

"One of the main reasons that our chapter decided to operate under the NVRA voter registration procedures, instead of the Georgia Election Code, is that the federal procedures provide the most convenient and least restrictive means for registering the greatest number of eligible voters, without regard to where they live," explains Mr. Heard. "We weren't interested in doing the type of piecemeal

county-by-county registration that is required under the Georgia Election Code. Those procedures are just too restrictive - particularly in the context of a major metropolitan area like Atlanta, where people regularly cross county lines to work, shop, and transact other types of business."

In its injunction motion, Nu Mu Lambda is asking the federal court to require Secretary Cox to follow federal law and to process the voter registration applications, regardless of the manner in which they are delivered to her office. The fraternity also seeks compensatory and punitive damages and attorneys' fees against Secretary Cox and Elections Division Director Linda W. Beazley. Mr. Heard reports that the fraternity is currently in the process of identifying other voter registration organizations that may wish to join with Nu Mu Lambda in this challenge. The parties anticipate that a ruling will be issued sometime after the July 4th holidays, in advance of the July 20 primaries.

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

About Bradley E. Heard: Bradley E. Heard is the founder and managing attorney of The Heard Law Offices, LLC (<http://www.heardlawoffices.com>). 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 Elections Division: See the following web link: <http://www.sos.state.ga.us/elections>

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