Voting Rights Communication Pipelines: Georgia after *Shelby County v. Holder*

By Jennifer L. Patin

On June 25, 2013, Georgia’s voters lost protection under Section 5 of the Voting Rights Act (VRA) due to the United States Supreme Court decision in *Shelby County v. Holder*. The Court’s ruling in *Shelby County* rendered Section 5 inoperable, leaving voters in Georgia and 14 other states without access to one of the VRA’s key provisions for preventing discrimination. Indeed, up to the time of the *Shelby County* decision, Section 5 was effectively protecting the right to vote by blocking the implementation of racially discriminatory voting changes. The U.S. Supreme Court opinion in *Shelby County* acknowledged that “voting discrimination still exists” and called on Congress to refortify the VRA. Three years later, Congress’s failure to act continues to be a substantial injustice for voters and their advocates across the country.

In Georgia, local and national voting rights advocacy groups are defending the right to vote while facing the void in resources and protections left by the *Shelby County* decision. To put it simply, in a state with 159 counties, they cannot be everywhere. Their experiences, and those of many other voting rights champions, underscore the need for communication pipelines that allow grassroots advocates, state leaders, and national voting rights attorneys to coordinate their efforts to protect the right to vote. Through collaboration, allies in advocacy can develop the infrastructure needed to bring immediate attention to discriminatory voting changes and to help hold those changes to appropriate scrutiny. Here we share snapshots of the communication pipelines in Georgia that have expanded since the *Shelby County* decision. These pipelines can be replicated in other parts of the country where voting discrimination persists, and in many cases, has increased in the last three years.

**Understanding the value of Section 5**

Fifteen states were fully or partially covered by Section 5 at the time of the *Shelby County* decision. Georgia was one of the nine states entirely covered by the provision because of its history of pervasive voting discrimination. According to the U.S. Census Bureau, Georgia's African American voting age population (VAP) is nearly 29%, which is more than double the national Black VAP of 11.6%. And at 15 counties, Georgia follows only Mississippi with having the
most counties in the U.S. with majority African American populations. Yet, Georgia’s historical and contemporary record of voting discrimination against African Americans, and racial and ethnic minorities in general, is substantial. Georgia did not abolish the poll tax or the white primary until the 1940s. The State “pioneered” a strict voter ID law in 2005 that was challenged in court and ruled an unconstitutional poll tax months later because it did not provide for a free form of voter identification. In a 20 year period, between 1992 and 2012, the U.S. Department of Justice issued 37 Section 5 objections to discriminatory voting changes proposed by officials in Georgia. It is clear why Georgia needed Section 5 protections and why Congress must take immediate action to stop the ongoing harmful impact of the Shelby County decision in Georgia and elsewhere.

Building Communication Pipeline Infrastructure

Georgia’s voting rights communication pipelines are products of existing advocacy infrastructure that expanded in the wake of the Shelby County decision. The work of the Georgia Coalition for the People’s Agenda (People’s Agenda), the New Georgia Project (NGP), the Georgia State Conference of the NAACP (Georgia NAACP), and ProGeorgia shed light on some of the replicable ways to maximize voter education efforts, build a volunteer base, and identify complementary strengths to facilitate coordinated strategies for detecting and stopping voting rights violations.

Educating voters in their communities

Although the People’s Agenda and the NGP take different approaches to voter education, they share the strategy of meeting community members where they tend to congregate. Both organizations connect voting with community concerns to open pathways of civic engagement.

As part of its work, the People’s Agenda helps people understand voting basics. Interacting with voters at town hall meetings forms a part of the organization’s strategy. Helen Butler, executive director of the People’s Agenda, considers those meetings voter education opportunities. Butler finds that some voters “know there is a voting process but don’t really know what that entails.” In response, the People’s Agenda has developed two strategies: giving “Election 101” presentations at town hall meetings and trying to find out the issues of concern in the communities they address. Butler’s presentations cover the types of elections in Georgia, the difference between a primary and a general election, the early voting process, where to find election resources and more. She has even taken a voting machine to meetings to give people a feel for the voting experience. In addition, the People’s Agenda frames electoral participation as taking action to address community concerns. For some voters, these connections can clarify the importance of voting in local elections and voting down ticket. “Sometimes we use minimum wage. We’ve used health care. We’ve used the environment. [F]or instance, down in Augusta we actually talked about the nuclear reactors and the health impact that [they] have on communities down there.” This way of connecting

I usually try to... find out what issue is a concern to the particular communities that I’m going to. A lot of it has to do with connecting the dots.

– Helen Butler, Georgia Coalition for the People’s Agenda
the dots can be replicated by voting rights advocates in any state. Every community has issues of concern that members can weigh in on by casting a complete ballot.

The NGP also employs thoughtful voter education strategies but with different targets and approaches. Due to its willingness to relate to young people and prioritize the work around their interests, the organization has strong relationships with college students and other youth voters. Nse Ufot, executive director of the NGP, explains, “[W]e are talking to [young] people regularly. We know what motivates them. We have figured out what gets them to the polls so we [can]...refine our priorities and topics that we bring up when we talk to young people.” The NGP organizes activities near college campuses and other places young people spend time. Ufot lists malls, public transportation stops and stations, and apartment complexes near universities as some of the places the NGP targets voter registration activities. Many NGP canvassers are college students, and the organization has managed to form meaningful relationships with students at higher education institutions like Mercer University and some of Georgia’s historically Black colleges and universities.

Building a volunteer base with limited resources

Effective voter education can lay the groundwork for successful volunteer recruitment. Some of the same people that attended Butler’s presentations at town hall meetings later become People’s Agenda volunteers. Likewise, some of the same young people that registered to vote via an NGP voter registration drive later become part of NGP’s staff or join the organization’s canvassing program.

The People’s Agenda, a coalition of more than 30 organizations, recruits volunteers in all of Georgia’s major metropolitan areas. Butler explains that they started heavily recruiting in Fulton County’s Atlanta and have “tried to branch out” from there. Although concerned citizens contact the organization from across Georgia, Butler admits it is difficult to recruit volunteers in Georgia’s rural areas. The general lack of transportation and inability of working rural residents to get to local election board meetings, which are usually held in the morning at considerable
distances from rural areas, are major factors. In the counties where the People’s Agenda does not have a strong volunteer base to attend local election board meetings, the group submits FOIA requests to gather information and relies on other volunteer bases, like the state and local branches of the NAACP. Where viable, Butler recommends that advocacy groups “recruit as many volunteers [and] cover as many election board meetings” as possible. Butler is actually a member of the Morgan County Board of Elections (BOE), but many states have open meeting laws that allow community members to attend county election meetings. These laws generally require local governing bodies to give public notice of their meetings. A county’s BOE website may have a list of meetings dates, and those who cannot find this information on their county’s website can call their local BOE. The People’s Agenda trains volunteers to observe local election board meetings and, when appropriate, participate in the comment period.

The NGP utilizes trainings to equip volunteers and canvassers with the tools they need to become effective advocates. In turn, those grassroots advocates are able to counterbalance some of the NGP’s staff and resource limitations. The organization prepares university students and members of the surrounding community with best practices and information that help to maximize grassroots advocacy efforts. Ufot recognizes that student organizing is “inherently difficult” because student populations tend to be transient. For this reason, the NGP tries to empower volunteers and canvassers to take what they have learned in trainings and continue to do advocacy work independently or with the NGP in an advisory role. On volunteers and canvassers, Ufot says, “[W]e provide them with best practices and training materials...so when we sa[y] voting rights are under attack in your backyard, they know how to respond and they know what they can do.”

**Coordinating local and national efforts**

Educating voters and recruiting volunteers is effective when part of a coordinated campaign between local and national groups. National organizations can best support local advocacy when they are attentive to the on-the-ground efforts. Being attentive includes being accessible to local allies in order to build the level of trust that leads to open communication.

“I don’t think you have to be from Georgia in order to be committed to victory in Georgia, but you have to be around and need to be able to trust in your intentions and trust in your ability.” Ufot considers allies like the national Lawyers’ Committee, the national NAACP, and the Georgia NAACP and its local affiliates, instrumental in supporting the efforts of groups like the NGP. For example, Ufot points out, “if there is a crisis happening, [we] get that information over to 1-866-OUR-VOTE so that [voters] don’t have to wait for the media to report to them about a crisis happening at one of the polling locations.” Ufot refers to the 1-866-OUR-VOTE voter protection hotline that the Lawyers’ Committee runs as leader and organizer of Election Protection, the nation’s largest nonpartisan voter protection coalition, now celebrating its 15th year.
[T]he Lawyers’ Committee has done a lot of great work in Georgia over a number of years...and there is a trust in the Lawyers’ Committee’s ability to deliver on its promises over a number of years and a number of wins that they’ve achieved with groups on the ground in Georgia.

– Nse Ufot, NGP

Illustrating Communication Pipelines

Since the Shelby County decision, instances of voting discrimination have traveled through these trusted communication pipelines to the Lawyers’ Committee and other national groups. These groups have investigated these claims, and in some situations, filed suit on behalf of Georgia voters and organizations. The ability of national groups to take action in the formerly covered jurisdictions is largely dependent on the capacity of the local groups to be vigilant. The level of vigilance necessary since the loss of Section 5 protections is difficult to maintain with limited resources, making effective communication pipelines critical. Some examples that illustrate the flow of information through the pipelines are below.

Communication Pipeline Example 1: Precinct Relocation in Macon-Bibb County

This example ended in a win on May 16 when the Macon-Bibb County, Georgia Board of Elections (Macon-Bibb BOE) reversed its February 18, 2016 decision to temporarily relocate a polling location from a community gym to the Macon-Bibb Sheriff’s Office. The story behind the eventual reversal of the BOE’s decision shows an effective communication pipeline in action.

Nearly 68% of Macon-Bibb’s population is African American, and the County Sheriff’s Office has been the focus of racial profiling and discriminatory conduct claims. The Macon Telegraph newspaper reported a panel discussion entitled “Our Lives Matter” at the end of 2014 to facilitate dialogue among Macon-Bibb residents and Sheriff’s Office representatives about “race and policing.” Despite this history and the precinct’s majority African American registered voter population, the Macon-Bibb BOE decided to relocate the polling place to a location that might deter Black voters from casting ballots during the May 24, 2016 primary and November 8 general elections and subsequent runoffs.

In early 2016, Gwenette (Gwen) Westbrooks, president of the Macon-Bibb chapter of the NAACP, called Helen Butler and Dr. Francys Johnson, state president of the Georgia NAACP, for help. Westbrooks was concerned that relocating the Macon-Bibb polling location to the Sheriff’s Office could suppress the African American vote in the upcoming state and congressional primary elections. Butler and Johnson reached out to the Lawyers’ Committee for help with creating a legal strategy and building a rapid-response team.
We knocked on the door of every registered voter in that precinct at least three times until we got to the 400 signatures.

– Nse Ufot, NGP

The advocates persevered. They decided to conduct a petition drive under a seldom-used Georgia law that gives voters an opportunity to prevent a local BOE from moving forward with a polling location change if 20% of the precinct’s registered voters sign a petition against it. For the Macon-Bibb precinct, this meant gathering almost 400 signatures before the next BOE meeting. Time was short, so the groups enlisted the help of their advocacy networks. They reached out to Ufot of the NGP for help with organizing the petition drive. As Butler puts it, the NGP has a “great [on-the] ground game…they actually go and do canvassing in the neighborhoods.” Ufot tapped into the NGP’s student advocacy resources and mobilized students at Mercer University in Macon to sign up as and recruit neighborhood canvassers. Ufot and the Mercer University student organizers recruited 15 canvassers to go into the communities affected by the precinct change, inform voters of the change, and invite them to sign the petition if they chose to oppose the relocation. Johnson and Westbrooks added NAACP volunteers to the effort. Working together, the People’s Agenda, the NGP, the Georgia State and local Macon-Bibb NAACPs, Mercer University students, and hundreds of concerned citizens got more than enough signatures to stop the BOE from moving the polling location to the Sheriff’s Office.

The BOE had no choice but to modify the relocation plan when presented with the signatures. The location change became an

Voting matters because democracy matters, and at the heart of democracy is the search for the common good. Your vote is your voice.

– Dr. Francys Johnson, Georgia State Conference of the NAACP
African American church, instead of the Sheriff’s Office. This striking victory perfectly illustrates the time and resources needed to stop voting changes without Section 5 protections. The victory highlights the links between community members, activists, and organizations that must exist to help stop voting discrimination after the Shelby County decision. It demonstrates the ways in which every level of advocate, from local voter to national attorney, has a crucial role to play.

**Communication Pipeline Example 2: Precinct Closures in Hancock County**

In 2015, the Hancock County Board of Elections and Registration (Hancock BOER) planned to close all of the County’s precincts except one precinct located in the downtown area of the City of Sparta. The Hancock BOER used cost-saving as a rationale, but did not release data showing how much money would be saved by closing the precincts. Butler says justifying precinct closures and polling place consolidations is a trending problem in Georgia since the Shelby County decision, and alleged “cost-saving” is a justification often proffered for these reductions. The precincts proposed for closure were around 11-17 miles from the downtown Sparta precinct, presenting travel burdens for voters in the majority Black precincts in the County’s mostly poor and rural areas. The Lawyers’ Committee worked with the Georgia NAACP, the People’s Agenda, and community members to coordinate opposition to the plan. Specifically, the groups wrote letters to the Hancock County BOER asking it to reconsider its precinct closure plan. The Lawyers’ Committee, along with the Georgia NAACP and the People’s Agenda also submitted Open Records Requests to the Hancock BOER. Butler worked directly with community members to help organize voters to turn out for the BOER meetings where they objected to the precinct closure plan. Consequently, in October 2015, the Hancock BOER decided to close only one of the ten precincts instead of consolidating all of the precincts into one.

**Communication Pipeline Example 3: Precinct Reductions in Macon-Bibb County**

Earlier in 2015, the Macon-Bibb BOE proposed a plan to reduce or consolidate the County’s 40 precincts down to 26, purportedly as a cost saving device. Most of the proposed precinct reductions and consolidations would have negatively impacted majority Black precincts. After the People’s Agenda, the Georgia NAACP, and the Lawyers’ Committee voiced opposition to the plan, the BOE appointed a Citizens’ Advisory Committee (CAC) to collect input and make recommendations to the Macon-Bibb BOE about the plan. The Lawyers’ Committee, the Georgia NAACP, and the People’s Agenda also submitted open records requests to gather information. Together, these groups facilitated dialogue between community advocates and the CAC about the plan’s discriminatory impact on the Black community. Their advocacy helped inform the CAC decision to oppose the plan and recommend against closing any precincts. The Macon-Bibb BOE ignored its own CAC and voted to reduce the number of precincts from 40 to 33, instead of the 26 in the original plan. Ultimately, the BOE combined two large majority-white precincts, instead of disproportionately combining only large African American precincts. This action helped to alleviate some of the discriminatory impact on the Black community. Although this effort resulted in only a partial victory, it is another example of how a communication pipeline can mobilize a rapid response to discriminatory voting changes.

**Communication Pipeline Example 4: Voter Challenging and Purging in Hancock County**

While the Lawyers’ Committee, the Georgia NAACP, and the People’s Agenda were organizing to stop the Hancock County precinct closures, the People’s Agenda alerted the Committee that the majority-
white Hancock BOER was conducting voter challenge and purge proceedings that targeted Black voters in the City of Sparta. The Hancock BOER challenged nearly 20% of Sparta’s registered voters and purged over 5% of the electorate from the voter rolls. The purges appeared to be an attempt to suppress the Black vote before the November 2015 Sparta election in which white candidates for mayor and city council were running against African American incumbents. After the Lawyers’ Committee and pro bono counsel filed suit to stop the purges, the U.S. District Court in Macon ordered the Hancock BOER to reinstate all of the purged voters who were still qualified to vote in Hancock County. To date, 17 purged voters have been fully restored to the registration rolls. Unfortunately, two voters died before the Hancock BOER restored them. Eight voters are still “challenged” and can reaffirm their eligibility to vote in Hancock County when they request a ballot. And 26 purged voters are still awaiting decisions on their eligibility.

Robust relationships between local, state, and national groups are essential to building communication pipelines. During the Macon-Bibb precinct relocation situation, the Macon-Bibb NAACP knew of the People’s Agenda involvement in BOE meetings and of its connections to state and national civil rights groups. The People’s Agenda, which is a member organization of ProGeorgia, knew of the NGP canvasser program and of the NAACP’s large volunteer base. The Georgia NAACP knew of the Lawyers’ Committee’s ability to quickly respond to local Georgia issues. The Lawyers’ Committee knew of the ongoing voting discrimination in Georgia counties from its relationships with all three groups and its Election Protection relationship with ProGeorgia. Building effective communication pipelines require groups to coordinate and have knowledge of each other’s work.

Understanding the impact of *Shelby County v. Holder*

While Congress delays action on the VRA, millions of people are more vulnerable to voting discrimination than they were three years ago.

![VRA Section 5 Previously Covered Jurisdictions as of June 25, 2013](image-url)

*Figure 3: VRA Section 5 Previously Covered Jurisdictions as of June 25, 2013*
Both the People’s Agenda and the NGP have voiced concerns about the reprioritization of their work since the Shelby County decision. They agree that advocates have to be so focused on keeping up with voting changes that they are losing the ability to be as proactive in other areas, like voter education and civic engagement. Without Section 5 protections, information-gathering and volunteer recruitment stand to comprise the bulk of advocacy work in the formerly covered jurisdictions. As Ufot puts it, “We...spend a ton of staff resources and volunteer resources to stop some of the more egregious actions when we could be using those resources to do voter education, legal mobilization, and a ton of other things; not trying to fight...regressive policy.” As voting discrimination has not stopped since the Shelby County decision, the existing communication pipelines and the ones that might be created before the 2016 general election will lose valuable resources. Attempting to match the effectiveness of the federal government’s authority under Section 5 of the VRA is grueling.

The Lawsyers’ Committee strives to support voting rights communication pipelines in the formerly covered jurisdictions across the nation. We hope that sharing parts of Georgia’s story provides guidance and serves as a model for the kind of advocacy that may help safeguard voting rights in other areas. These pipelines not only help to ensure that advocates and communities are mobilized to confront ongoing voting discrimination but also help to develop and maintain a full record of ongoing voting discrimination. That record can serve as a helpful tool in parallel efforts to push Congress to restore the VRA. There was much voting rights work to be done before the Shelby County decision, and since the decision, that work has increased; however, the efforts described in this report are not permanent solutions. Voting rights advocates, from local to national stages, are stretching their resources to capacity to strive for the vigilance that the federal government held just three years ago. As elections at the federal, state and local level continue to play out across the country, Congress continues to keep voters and advocates waiting. To these voting rights champions, protecting the right to vote is a year-round duty. It is past time for Congress to feel that level of responsibility for one of our democracy’s most fundamental rights. It is past time for Congress to #RestoretheVRA and #ProtectOurVote.

_We cover a large number of counties by having volunteers that actually go to monthly [election] board meetings...So that helps us but it means we have to spend a lot of time trying to find out what is happening versus trying to do other proactive things._  
-- Helen Butler, People’s Agenda

_The Shelby County v. Holder decision left states that were once protected by Section 5 of the Voting Rights Act vulnerable to racially discriminatory voting practices that we see emerging across the country today. The Lawyers’ Committee supports grassroots advocacy efforts and the communication pipelines that help advocates defend the right to vote. Ultimately, we demand a long-term solution from Congress, and it is time for Congress to take action to restore the Voting Rights Act._  
-- Kristen Clarke, president and executive director, Lawyers’ Committee for Civil Rights Under Law
Jennifer L. Patin, Writer/Editor, interviewed Helen Butler and Nse Ufot for this report. Dr. Megan A. Gall, Social Scientist, contributed data analytics and graphic design to this report.

Citations


