VOTING RIGHTS IN GEORGIA
1982-2006

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TABLE OF CONTENTS

INTRODUCTION

In 1965, African-American citizens of Georgia were profoundly disadvantaged in their ability to exercise the franchise that Congress had meant to extend nearly a century earlier:

> On the eve of passage of the [Voting Rights Act], fewer than a third of eligible blacks in Georgia were registered to vote. The disparities were even greater in the state's 23 counties with black voting-age majorities, where an average of 89 percent of whites, but only 16 percent of blacks, were registered, despite the fact that blacks were 34 percent of the voting-age population, there were only three black elected officials in the entire state, and they had been elected only in the preceding three years. This exclusion from the normal political processes was not fortuitous; it was the result of two centuries of deliberate and systematic discrimination by the state against its minority population.1

As much as any state, Georgia had contributed to the series of cases in which the Supreme Court found it necessary to overcome its previous hesitation to apply the Constitution to legislative apportionment. These landmark cases included *Gray v. Sanders,* 372 U.S. 368 (1963) (county unit system of electing statewide officials unconstitutional); *Wesberry v. Sanders*, 376 U.S. 1 (1964) (Georgia's malapportioned Congressional districts unconstitutional); and *Fortson v. Dorsey,* 379 U.S. 433 (1965) (first recognizing the potential of unconstitutional minority vote dilution in Georgia's state Senate redistricting). But these cases were not enough.

Congress addressed the ongoing racial discrimination occurring in Georgia and other states by adopting the Voting Rights Act of 1965. In addition to its permanent provisions, temporary provisions in Sections 4 through 8 of the Act targeted those states and political subdivisions that

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1 Laughlin McDonald, Michael Binford and Ken Johnson, Chapter 3, "Georgia", *Quiet Revolution in the South, the Impact of the Voting Rights Act 1965-1990.* The fact that even this many black citizens were registered to vote in the early 1960s spoke to their courage and determination to overcome the best efforts of Georgia state officials to stop them. Table 3.9 in *Quiet Revolution in the South* lists the major disfranchising devices that were used in Georgia between Reconstruction and 1965. These included a poll tax (established in 1868; repealed in 1870; reenacted in 1871; made cumulative in 1877; and abolished in 1945); payment of taxes (established in 1868; abolished in 1931); durational residency requirements (established in 1868; lengthened in 1873; and abolished in 1972); grand jury appointment of school boards (established in 1872; abolished gradually by local referenda in individual counties, and statewide in 1992); white primary elections established by party rules in the late 19th century, and abolished in 1945 following the Supreme Court decision); disfranchising criminal offenses (established in 1877 and still in use); voter registration by race (established in 1894 and still required); literacy, good character and understanding tests (established in 1908 and abolished in 1965 by the Voting Rights Act); a grandfather clause (established in 1908 and abolished in 1915); a property ownership alternative (established in 1908 and abolished in 1945); the county unit system (established by party rules in the late 19th century and by statute in 1917, and abolished in 1963 by *Gray v. Sanders*, 372 US 368 (1963); a "thirty-questions test" (established in 1949 and revised in 1958, and abolished in 1965 by the Voting Rights Act); and majority vote and numbered post requirements (established in the late 19th Century as a local option; replaced by statute by county, and statewide in 1964; operative for municipalities in 1968: and still in use).

used suspect voter registration practices and showed depressed voter participation.[2] The temporary provisions in Sections 6, 7 and 8 of the Act enabled federal examiners to register voters who met their respective states' eligibility requirements,[3] and allowed for federal observers to enter polling places and observe the voting process. The temporary provisions in Section 5 required preclearance of new voting procedures by the U.S. District Court for the District of Columbia or by the attorney general. Section 5 placed the burden upon covered jurisdictions to show that their new procedures would have neither the purpose, nor the effect, of denying or abridging the right to vote on account of race.[4]

Although Section 5 initially received less attention than the federal registration procedures, it soon became a central tool of voting rights enforcement, blocking attempts by states and subdivisions to change their election systems and political boundaries so as to minimize the impact of newly-registered black voters.[5] In addition to a stream of Section 5 objections between 1965 and 1981, Georgia gave rise to a series of leading cases defining the scope and substance of Section 5. These included *Georgia v. United States*, 411 526 (1973); *Wilkes County v. United States*, 450 F. Supp. 1171 (D.D.C. 1978), *aff'd mem.*, 439 U.S. 999 (1978); and *City of Rome v. United States*, 446 U.S. 156 (1980).[6]

By the time that Congress considered the extension of the Act's temporary provisions in 1981 and 1982, the Department of Justice ("DOJ") had interposed Section 5 objections to a total of 104 voting changes in Georgia, of which 63 (60.6 percent) represented attempts to change the jurisdictions' methods of election to include such discriminatory features as at-large elections,

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2 Section 4 established the coverage criteria for the Act's temporary provisions. Under Section 4 a state or political subdivision was covered if -- as of November 1, 1964 -- 1) it maintained any "test or device", and 2) less than 50 percent of its voting age population was registered to vote, or less than 50 percent of such persons voted in the presidential election of November 1964. Tests and devices were defined as "any requirement that a person as a prerequisite for voting or registration for voting (1) demonstrate the ability to read, write, understand, or interpret any matter, (2) demonstrate any educational achievement or his knowledge of any particular subject, (3) possess good moral character, or (4) prove his qualifications by the voucher of registered voters or members of any other class." 42 U.S.C. 1973b(b), as amended. When the temporary provisions were extended for five years in 1970, and then for seven years in 1975, Section 4 was amended to provide for additional determinations using a formula similar to that used in 1965. The 1975 extension expanded the scope of tests or devices to include the use of English-only elections. No additional Section 4 determinations were made in 1982, when the existing temporary provisions were extended until 2007.

3 This prevented local election officials from conducting the registration process in a discriminatory fashion.

4 Under Section 5, new voting procedures are legally unenforceable until preclearance has been obtained; federal courts are required to issue injunctions against the use of unprecleared voting changes by jurisdictions that have failed to comply with Section 5.

5 These structural changes usually centered upon the adoption of at-large elections and the incorporation of numbered post, majority vote or staggered term requirements into at-large systems. In addition, cities began to expand their boundaries by annexing majority-white areas, thereby reducing the impact of new black voter registration.

6 In addition to *Quiet Revolution in the South*, detailed discussions of the effect of the Voting Rights Act from 1965 to 1982 in Georgia are found in Chandler Davidson, *Minority Vote Dilution*, 1984, Washington, D.C.: Howard University Press; and Laughlin McDonald, *A Voting Rights Odyssey: Black Enfranchisement in Georgia*, 2003, Cambridge: Cambridge University Press.

numbered posts, staggered terms and majority vote requirements.[7] Congress also received other evidence of serious and extensive voting rights problems in Georgia, including the need for litigation both to obtain Section 5 compliance and to eliminate existing discriminatory practices, with particularly detailed testimony submitted by ACLU attorney Laughlin McDonald and state Senator Julian Bond.[8] Although there were increases in black voter registration between 1968 and 1980, and the number of black elected officials in Georgia had increased from 31 to 249,[9] the Section 5 objections and related litigation led Congress in 1982 to extend the Act's temporary provisions for twenty-five years.

Georgia's history since 1982 shows that the state has not moved beyond the need for Section 5 preclearance and the other temporary provisions of the Voting Rights Act. Unquestionably, sustained efforts to increase black voter registration in the state have led to great progress. As of February 1, 2006, data reported by the Georgia Secretary of State showed that African Americans made up 27 percent of the state's total of 4,236,855 active registered voters.[10] In most counties, the rate of black registration is comparable to that of whites. The 1982 Amendments to Section 2 of the Voting Rights Act prompted a wave of litigation that eliminated at-large election systems in cities, counties and school district across the state. Furthermore, the dominance of the Democratic Party in the state as of 1982 has given way with the increasing success of the Republican Party, and this realignment appears to have created new opportunities for black candidates to capture Democratic Party nominations and enjoy occasional success in statewide elections. Thus, it is not a coincidence that there has been a dramatic increase in the number of black elected officials in Georgia since passage of the Voting Rights Act.[11] Georgia has four black Congressional Representatives and the number of black legislators has increased to thirty-eight in the state House and eleven in the state Senate.[12] Yet the fundamental question as Congress deliberates the extension of Section 5 and the Act's other temporary provisions is not whether there has been progress but, rather, whether that progress is at risk of being undone if there is no extension.

Since 1982, the Department of Justice has interposed ninety-one Section 5 objections in Georgia

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7 See Appendix 3.

8 Report No. 97-227, Hearings Before the Subcommittee on Civil and Constitutional Rights of the Committee of the Judiciary, House of Representatives, Ninety-Seventh Congress, First Session, On Extension of the Voting Rights Act. Testimony of Julian Bond at 224 *et seq*.; Testimony of Laughlin McDonald at 590 *et seq*.

9 Report No. 97-227 at 9.

10 See Appendix 4.

11 A nationwide survey of black elected officials reported that Georgia had a total of 611 black elected officials as of 2001, including three federal representatives (out of eleven), three state administrators, eleven state senators (out of fifty-six), 36 state house representatives (out of one-hundred eighty), one county executive, 95 members of county governing bodies, six other county officials, thirty mayors, 261 members of municipal governing bodies, two members of municipal boards, two state Supreme Court justices, one other judge of a statewide court, thirty judges of other courts. five other judicial offices, five police chief sheriff's or marshals, two members of university and college boards, and 118 members of local school boards. See, Joint Center for Political and Economic Studies , *Black Elected Officials: A Statistical Summary, 2001,* Table 2: Number of Black Elected Officials in the United states, by state and Office, January 2001 (2003).

12 The number of black representatives and senators is still substantially short of the black share of the state's voter registration (27 percent), which would equal 48.6 representatives and 15.1 senators.

with the most numerous category of objections involving method of election changes including at-large elections and numbered post, staggered term and majority vote requirements. However, there has been repeated noncompliance with Section 5. Federal courts have continued to find racially polarized voting and voting rights violations in the state under Section 2 of the Voting Rights Act and other federal laws, and numerous cases continue to change voting practices via pre-trial settlements.

In the city of Augusta alone, there were two 1987 Section 2 lawsuits (settled in 1988), a 1987 Section 5 objection to eight annexations enacted with a "racial quota" policy, a 1988 objection to referendum election schedule and a 1989 objection to the city's consolidation with Richmond County.[13] The series of racially-charged political battles as the city of Augusta developed a black population majority exemplify the tensions that can arise when jurisdictions approach majority-black status and how the Voting Rights Act checks the unfortunate impulse to frustrate black political empowerment that regularly has arisen in Georgia (as it has elsewhere).[14]

As detailed below, Section 5 has not merely blocked a series of inadvertently retrogressive changes -- as important as that would be -- but rather has been a bulwark against repeated attempts to impose racially discriminatory election changes in a variety of forms. Moreover, the Department of Justice has sent federal observers to monitor nearly twice the number of elections in Georgia from 1982 onward as it did between 1965 and 1981. The experience of Spanish-surnamed registered voters in Long and Atkinson Counties, who were mass-challenged in 2004 for no apparent reason other than their surnames -- leading to a Justice Department lawsuit and consent decree against Long County -- also suggests that growing numbers of other racial and ethnic minority groups will be subject to discrimination in voting. As recently as 2005, a federal court issued a preliminary injunction against a new state voter identification law, adopted over the strong objection of the state's black legislators, finding that it both imposed a poll tax and that it unconstitutionally infringed on the fundamental right to vote. With the continued presence of racially polarized voting and other racial tensions, the record since 1982 makes clear that Georgia and its political subdivisions have not progressed beyond the need for the temporary provisions of the Voting Rights Act.

I. Section 5 of the Voting Rights Act

13 These were preceded by a March 1981 objection to a majority vote requirement for the city. A detailed account of the repeated attempts to change the method of election and boundaries and indeed the very existence of the city of Augusta after it became majority-black, and the central role played by the Richmond County legislative delegation in that process, is provided in Binny Miller, *Who Shall Rule and Govern? Local Legislative Delegations, Racial Politics, and the Voting Rights Act*, 102 Yale L.J. 105, 131-37.

14 Georgia has had a very dynamic population pattern since 1980. Even as the state's total population grew dramatically, the black share of the state's population kept slightly ahead of the overall growth rate, so that the black share of the state's total population increased from 26.5 percent in 1980, to 27 percent in 1990, and to 29.2 percent in 2000. The county-by-county data in Appendix 4 show a substantial shift between 1980 and 2000 in the distribution of the state's black population: in 1980 36.6 percent of the state's black population resided in counties that were forty percent black or more; by 2000 that figure had increased to 63.6 percent. This type of population shift often leads to efforts to enact discriminatory voting changes, as was seen in Augusta.

A. Section 5 Objections

Under Section 5 of the Voting Rights Act, 42 U.S.C. Sec. 1973c, voting changes in specific covered jurisdictions (including all levels of government in Georgia) may not legally be enforced until they are "precleared."[15] The overwhelming number of covered jurisdictions seek Section 5 preclearance via administrative submissions to the attorney general.[16] The attorney general (or more precisely, the designee of the attorney general, who is the assistant attorney general of the Civil Rights Division), may interpose an objection within sixty days of the administrative submission of a voting change from a Section 5 covered jurisdiction. In the absence of an objection, such a submission is deemed "precleared".[17] Section 5 objections are entered in the form of letters mailed to the official who made the submission and are signed by the assistant attorney general for civil rights.

Between 1982 and the present, there were 91 Section 5 objections in Georgia.[18] It is most useful to discuss these objections according to the type of voting change, as is done below.[19] But it is important to note first that the great majority of Section 5 objections have affected local governments. While twenty-three of these objections involved federal and state offices and procedures,[20] another twenty-six involved county-level offices and procedures[21] and forty-two

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15 The procedures for Section 5 submission and review are summarized in Mark Posner, *Post-1990 Redistrictings and the Preclearance Requirement of Section 5 of the Voting Rights Act*, in Grofman (ed.), *Race and Redistricting in the 1990's*. Additional information about Section 5 is provided by the Department of Justice at http://www.usdoj.gov/crt/voting/sec_5/about.htm.

16 The substantive standards for Section 5 administrative determinations follow the holdings of the District Court for the District of Columbia and the Supreme Court. "Section 5 provides for submission of a voting change to the Attorney General as an alternative to the seeking of a declaratory judgment from the U.S. District Court for the District of Columbia. Therefore, the Attorney General shall make the same determination that would be made by the court in an action for a declaratory judgment under Section 5: Whether the submitted change has the purpose or will have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. The burden of proof is on a submitting authority when it submits a change to the Attorney General for preclearance, as it would be if the proposed change were the subject of a declaratory judgment action in the U.S. District Court for the District of Columbia. See *South Carolina v. Katzenbach*, 383 U.S. 301, 328, 335 (1966)." Attorney General's Guidelines for the Administration of Section 5. 28 C.F.R. 51.52(a).

17 Thus, a Section 5 objection does not render a change unenforceable; rather, it formalizes that status and provides the federal courts with a basis to enter permanent injunctive relief against unprecleared voting changes. Although it is not strictly necessary, it is the practice of the Department of Justice to also issue letters advising jurisdictions when no objection will be interposed to submitted changes.

18 Between 1965 and 1981, there were 104 Section 5 objections to voting changes from Georgia. See "Georgia", www.usdoj.gov/crt/voting/sec_5/ga_obj2.htm; see also Appendix 3.

19 Section 5 letters from the Attorney General correspond to the voting changes contained in particular submissions. Such submissions frequently contain multiple voting changes, which can prompt multiple objections in a single letter. Thus, the number of objections is somewhat greater than the number of objection letters. During the post-1982 period, five objections were withdrawn and twelve requests for reconsideration were denied. A letter continuing a previously interposed objection is not counted as an objection itself and is counted separately; letters withdrawing objections are also counted separately but do not reduce the number of objections that were interposed.

20 These included three objections to Congressional redistricting plans, four objections to state senate redistricting plans, five objections to state house redistricting plans, six objections to the addition of state judicial positions, one objection to changing the method of selecting the board of the Georgia Military College from elective to appointive, two objections to state voter registration procedures, one objection to an election schedule and one objection to a

involved changes at the municipal level.[22] When discussing Section 5, there is a natural tendency to focus upon statewide changes, in particular Congressional and state legislative redistricting plans, but Section 5 is just as crucial -- if not more so -- at the local level as it is at the statewide level.[23]

The Supreme Court has broadly construed the scope of Section 5 coverage. Therefore, Section 5 review involves changes to many types of practices and procedures. The following counts do not include all possible categories, but only cover the range of objections in Georgia from 1982 onward:

Table 1: Section 5 Objections by Type: 1982-2006

	Objections	Withdrawn	Continued
Method of Election	32	1	6
Redistricting	26	2	1
state Judicial	6	2	1
Annexation	5	2	1
Districting	4	0	1
Election Schedule	4	0	0
Candidate Qualification	3	0	1
Voter Registration	3	0	0
Consolidation	2	0	0
Polling Place	2	0	0
Referendum Procedures	2	0	0
Elected to Appointive	1	0	1
Deannexation	1	0	0
Total	91	7	12

Below we discuss the Section 5 objections by the following categories of voting changes: a) method of election changes (including at-large elections and numbered post, staggered term and majority vote requirements); b) redistricting and districting plans; c) annexations, deannexations

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state plurality vote requirement. *See* Appendix 1.

21 These included twelve objections to changes involving county boards of education, nine objections to changes involving county commissions, two objections to polling place changes, one objection to the creation of a county chief magistrate, one objection to an election schedule and one objection to voter registration procedures. *See* Appendix 1.

22 These included twenty-four objections to method of election changes, five objections to annexations, four objections to redistricting plans, two objections to municipal/county consolidations, two objections to districting plans, two objections to election schedules, two objections to referendum procedures and one objection to a deannexation. *See* Appendix 1.

23 To understand why this is so, one need only consider the range of issues directly affecting day-to-day life for which local government is the primary agency: education, land use and planning, property taxation, business inspection and licensing, road maintenance, recreation, and election administration are primarily, if not exclusively administered at the local level, either directly by local elected officials or by those whom they appoint or hire.

and consolidations; d) judicial seats; and e) other (including voter registration procedures, candidate qualifications, election schedules, referendum procedures, polling place changes and changes from elective to appointive offices).

1. Section 5 Objections to Method of Election Changes

Thirty-two method of election objections blocked a variety of discriminatory election features. Overall, twenty objections involved majority vote requirements[24] (that is, alone or in combination), thirteen involved numbered post requirements, three involved staggered term requirements and fourteen involved at-large election requirements. The method of election objections are summarized in Appendix 1.

Seventeen method of election objections involved the adoption of a single discriminatory feature: seven cited the adoption of a majority-vote requirement as the reason for the objection,[25] six cited the adoption of at-large elections,[26] two cited the adoption of numbered posts,[27] one concerned the adoption of staggered terms[28] and one concerned a plurality-vote runoff requirement. In eleven cases, Section 5 objections blocked combinations of *two* discriminatory features: five objections were based upon the adoption of a majority vote requirement in combination with numbered posts,[29] four cited the adoption of a majority vote requirement in

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24 In addition, there was an objection (subsequently withdrawn) to a forty-five percent statewide plurality-vote requirement. Isabelle Katz Pinzler, Objection Letter, August 29, 1994 (withdrawn by Loretta King, September 11, 1995).

25 Six of these seven objections to the adoption of a majority-vote requirements involved municipalities; the seventh was incident to the creation of a county chief magistrate. These included objections for the city of Butler (June1993) (majority requirement for mayor), the city of Hinesville (July 1991) (majority vote requirement for mayor), the city of Waynesboro (May 1994) (majority vote requirement for mayor), the town of McIntyre (November 1993) (majority vote requirement in special elections for city council vacancies), the city of Waycross (February 1988) (creation of a single-position mayor to be elected by majority vote), the city of Monroe (July 1991) (majority vote requirement for all citywide offices, including mayor, later narrowed to the mayor only), and Baldwin County (August 1993) (creation of chief magistrate elected using majority vote requirement).

26 Five of these six objections to the adoption of at-large elections involved municipalities, including the city of Griffin (September 1985) (use of one at-large seat in a "mixed" plan with four single-member districts), the city of LaGrange (October 1993 and December 1994) (the 1993 objection involved the use of two at-large seats in a mixed city council plan with four single-member districts; the 1994 objection involved the use of one at-large seat in a mixed city council plan with two "super-districts" and four single-member districts), the city of Lyons (November 1985) (use of an at-large seat in a mixed plan with four single-member districts), and the city of Newnan (August 1984) (use of two at-large seats in a mixed plan with four single-member districts). The sixth was a March 1986 objection for Lamar County (use of an at-large seat in a mixed plan with four single-member districts).

27 These included objections for the city of Sparta (February 1992) (adding a numbered post requirement to the at-large city council election system) and the city of Kingsland (January 1983) (1976 legislation adopting numbered posts for the at-large election city council system).

28 An August 1987 objection for the city of Rome school board identified the city's proposed adoption of staggered terms, in conjunction with an increase in the number of school board members from six to seven, as the reason for the objection, which cited the factors discussed in *City of Rome v. United* states, 446 U.S. 156 (1980).

29 These included objections for the city of Ashburn (October 2001) (numbered posts for city council elections and majority vote requirement for all city offices), the city of Lumber city (July 1988) (majority vote requirement for mayor and city council and numbered posts for city council), the city of Wrens (October 1986) (majority vote and numbered post requirement for mayor and city council), and the city of Forsyth (December 1985) (numbered post

combination with at-large elections[30] and two were based upon the adoption of at-large elections in combination with residency districts (the functional equivalent of numbered posts).[31] In four other cases, Section 5 objections blocked combinations of three discriminatory features: two objections cited the adoption of a majority vote requirement in combination with both numbered posts and staggered terms[32] and two other objections blocked combinations of numbered posts, at-large seats, and majority vote requirements. [33]

It is critical to recognize circumstantial evidence of intentional discrimination by state and local officials, inasmuch as the days of overt public statements of racial antipathy (largely) have passed.[34] For example, several method of election objections involved efforts to add at-large seats to single-member district plans under circumstances that strongly suggested a discriminatory purpose. The July 1992 objection for the Effingham County Commission blocked an attempt to change the county's then-existing five-member single-member district plan (which had been adopted in response to a vote dilution lawsuit) to a mixed plan with five single-member districts and an at-large chair to be elected with a majority vote requirement. The objection letter noted that:

> Under the proposed election system, the chairperson would be elected as a designated position by countywide election with a majority vote requirement. In the context of the racial bloc voting which pertains in Effingham County, the opportunity that currently exists for black voters to elect the commissioner who

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and majority vote requirement for city council elections). In addition, in April 1991 DOJ precleared a change in the method of election for the city of East Dublin (from five at-large seats) to a mixed plan with three single-member districts and two at-large seats; however, an objection was interposed to a majority vote requirement that was to be used in combination with numbered posts for the two at-large seats.

30 These included objections for Decatur County (November 1994) (changing its six-member single-member district plan to a mixed plan with six single-member districts and one at-large seat with a majority vote requirement), Effingham County (July 1992) (changing its five-member single-member district plan to a mixed plan with five single-member districts and one at-large seat with a majority vote requirement), the city of Monroe (October 1993) (changing six at-large seats to four single-member districts and two single-member "super-districts"), and the city of Quitman (April 1986) (changing its five-member council elected at-large by plurality vote to a mixed system with two dual-member districts and an at-large chair elected by majority vote).

31 These included objections for the Bacon County Commission (June 1984) (changing eight-member plan with seven single-member districts and one at-large seat to an at-large system with residency districts), and the Taylor County Board of Education (August 1984) (changing nine-member single-member district system to an at-large system with five members from residency districts).

32 These included objections for the city of Tignall (March 2000 objection) (changing system of at-large, plurality-vote elections with concurrent terms), and the city of Lumber city (November 1989) (changing system from six members, elected at large by plurality vote to two-year staggered terms, to a mixed plan with four single-member districts and two at-large seats, elected by majority vote to four-year staggered terms).

33 These included objections for the city of Jesup (March 1986) (changing system of six commissioners elected at large by plurality vote to staggered terms), and the Baldwin County Board of Education (September 1983) (1972 adoption of at-large elections in combination with both numbered posts and a majority vote requirement for new elective system). The Baldwin County Board of Education submission was made only after a federal suit including Section 5 enforcement claims had been filed against it. *Boddy v. Hall*, Civ. No. 82-406-1-MAC (M.D. Ga).

34 See, *Village of Arlington Heights v. Metropolitan Housing Development Corporation*, 429 U.S. 252, 265-66 (1977). See also, *Washington v. Davis*, 426 U.S. 229, 242 (1976) ("Invidious discriminatory purpose may often be inferred from the totality of relevant facts.").

> will serve as chairperson would be negated. Moreover, it appears that these results were anticipated by those responsible for enactment of the proposed legislation. The proposed change to an at-large chairperson followed the elimination of the position of vice-chairperson, which had been held by a black commissioner since 1987. Although we have been advised that the proposed system was adopted in order to avoid the possibility of tie votes in the selection of the chairperson and for other proposals before the board, this rationale appears tenuous since the change to an even number of commissioners would invite tie votes to a greater extent than the existing system.[35]

Similarly, the November 1994 objection for the Decatur County Commission involved a proposal to change the then-existing six-member single-member district system for electing the county commission to a mixed plan with six single-member districts and one at-large seat to be elected with a majority vote requirement. The objection letter noted that:

> Under these circumstances, it appears that black voters will not have an equal opportunity to elect candidates of their choice to the at-large position, and will therefore enjoy a smaller share of representation under the expanded commission than is available to them under the current system. Hence, it appears that the proposed increase in the number of county commissioners to seven, the establishment of an elected chairperson, and the change in method of election will "lead to a retrogression in the position of . . . minorities with respect to their effective exercise of the electoral franchise." [] Alternatives were available that would have addressed the county's apparent concern regarding tie votes on the commission, but would not similarly diminish minority voting strength. Those include an increased to seven or a decrease to five single-member districts. The county appears to have rejected such alternatives in favor of the proposed expansion and election method without a satisfactory race-neutral justification, and no effort appears to have been made to obtain the views of the minority community regarding the effect of the proposed changes prior to their adoption.[36]

Moreover, each of these types of changes (that is, majority vote and numbered post requirements, staggered terms and at-large elections) was recognized before 1982 -- by practicing politicians and in leading voting rights cases involving Georgia -- as having the potential for diluting minority voting strength in racially polarized elections.[37] The Supreme

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35 John R. Dunne, Objection Letter, July 20, 1992 (case citations omitted).

36 Deval L. Patrick, Objection Letter, November 29, 1994 (case citations omitted).

37 Objection letters for method of election changes, as well as those for redistricting plans, annexations and others involving dilution of minority voting strength, routinely cite the existence of racially polarized voting. This is not because polarized voting is assumed to exist; to the contrary, it is evaluated on a case by case basis. Because a pattern of racially polarized voting is a predicate for objections involving minority vote dilution, I have not included it in summarizing individual objections. But any review of the record must bear in mind that the Supreme Court has identified the presence of racially polarized voting as important circumstantial evidence of intentional discrimination in the electoral process. In *Rogers v. Lodge*, the Supreme Court stated that: "There was also overwhelming evidence of bloc voting along racial lines. Hence, although there had been black candidates, no black had ever been elected to

Court had recognized in 1969 the discriminatory potential of at-large elections,[38] and the adoption of at-large elections was widely used in Georgia in response to black enfranchisement immediately preceding and after passage of the Voting Rights Act.[39] In 1973, the Supreme Court explicitly recognized that multimember districts had the potential for diluting black voting strength in Georgia.[40] In 1980, the Supreme Court explained -- in yet another case arising from Georgia -- how "enhancing devices" that prevent single-shot voting serve to exacerbate the discriminatory potential of at-large elections.[41] The Court strongly credited Congress' findings

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the Burke County Commission. These facts bear heavily on the issue of purposeful discrimination. Voting along racial lines allows those elected to ignore black interests without fear of political consequences, and without bloc voting the minority candidates would not lose elections solely because of their race. Because it is sensible to expect that at least some blacks would have been elected in Burke County, the fact that none have ever been elected is important evidence of purposeful exclusion." 458 U.S. at 623 (citation omitted).

38 *Allen v. State Board of Elections*, 393 U.S. 544 (1969). "No. 25 involves a change from district to at-large voting for county supervisors. The right to vote can be affected by a dilution of voting power as well as by an absolute prohibition on casting a ballot. See *Reynolds v. Sims*, 377 U.S. 533, 555 (1964). Voters who are members of a racial minority might well be in the majority in one district, but in a decided minority in the county as a whole. This type of change could therefore nullify their ability to elect the candidate of their choice just as would prohibiting some of them from voting." Id. at 569.

39 "A favorite voting change was from district to at-large elections. The vast majority of the state's counties elected their county governments at large, but some used single-member districts. In a scenario reminiscent of the attempt by the Legislature in 1962 to prevent the election to the Senate of a black from the single-member district in Fulton County, a substantial number of the single-member district counties switched to at-large voting. And most of them did so without complying with Section 5. . . . . Two of the single-member district counties, Bacon and Crisp, adopted at-large elections shortly before the Voting Rights Act was passed, but with implementation of the changes to take place after November 1, 1964, which became the effective date for compliance with Section 5. Other single-member district counties that had significant black populations, and that almost certainly would have had one or more majority-black districts under a fair apportionment plan, followed suit and switched to at-large voting: Calhoun, Clay, Dooly, and Miller in 1967; Early, Henry, and Tattnall in 1968; and Meriwether and Walton in 1970. The only county that complied with Section 5 was Meriwether. Fourteen counties also adopted at-large elections for their boards of education immediately before or shortly after passage of the Voting Rights Act: Greene and Screven in 1964; Terrell and Marion in 1965; Henry in 1966; Cook and Dooly in 1967; Miller, Coffee, Wayne, and Jenkins in 1968; Walton in 1969; and Bulloch and Mitchell in 1970. As with county commissions, at-large elections for school boards were a proven way to minimize black influence in the political process. All of the school boards implemented the changes without seeking Section 5 review." McDonald, *A Voting Rights Odyssey*, Chapter 9, "Increased Black Registration", pp. 131-32 (footnotes omitted).

40 *Georgia v. United States*, 411 U.S. 526 (1973). "In the present posture of this case, the question is not whether the redistricting of the Georgia House, including extensive shifts from single-member to multimember districts, in fact had a racially discriminatory purpose or effect. The question, rather, is whether such changes have the potential for diluting the value of the Negro vote and are within the definitional terms of '5. It is beyond doubt that such a potential exists, cf. *Whitcomb v. Chavis*, 403 U.S. 124, 141-144. In view of the teaching of Allen, reaffirmed in *Perkins v. Matthews*, 400 U.S. 379, Page 411 U.S. 526, 535, we hold that the District Court was correct in deciding that the changes enacted in the 1972 reapportionment plan for the Georgia House of Representatives were within the ambit of '5 of the Voting Rights Act." Id. at 534-35 (footnotes omitted).

41 C*ity of Rome v. United* states, 446 U.S. 156 (1980). In *City of Rome*, the Supreme Court affirmed the District Court's finding that ". . . the electoral changes from plurality-win to majority-win elections, numbered posts, and staggered terms, when combined with the presence of racial bloc voting and Rome's majority white population and at-large electoral system, would dilute Negro voting strength. The District Court recognized that, under the pre-existing plurality-win system, a Negro candidate would have a fair opportunity to be elected by a plurality of the vote

if white citizens split their votes among several white candidates and Negroes engage in 'single-shot voting' in his

that preventing such changes was an important reason to extend Section 5 in 1970 and 1975.[42] Of course, this historical context does not prove per se that the objected-to changes were adopted because they would adversely affect black voting strength, but it does make it more likely that racial considerations played a role.[43]

The adoption of multiple discriminatory features is further circumstantial evidence that these changes were not merely coincidental, but rather were intended to move toward -- or preserve -- white hegemony over the election process, in the face of growing black electoral participation. As detailed previously, eleven methods of election objections involved combinations of two discriminatory features and four others involved combinations of three discriminatory features. Short of outright denying the right to cast a ballot, a system of at-large elections with numbered posts and a majority-vote requirement is generally the most effective way of frustrating minority voters' effective exercise of the franchise[44] and many of the objections here were moves toward imposing such systems, either in incremental steps or by one piece of legislation.[45]

A number of the objected-to changes had also been illegally implemented for years, or even decades, without Section 5 preclearance. For example, four of the five objections to majority

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favor." Id. at 183-84.

42 "Congress gave careful consideration to the propriety of readopting Section 5's preclearance requirement. It first noted that '[i]n recent years the importance of this provision has become widely recognized as a means of promoting and preserving minority political gains in covered jurisdictions.' H. R. Rep., at 8; S. Rep., at 15. After examining information on the number and types of submissions made by covered jurisdictions and the number and nature of objections interposed by the Attorney General, Congress not only determined that Section 5 should be extended for another seven years, it gave that provision this ringing endorsement: 'The recent objections entered by the Attorney General . . . to Section 5 submissions clearly bespeak the continuing need for this preclearance mechanism. As registration and voting of minority citizens increases [sic], other measures may be resorted to which would dilute increasing minority voting strength. . . . . The Committee is convinced that it is largely Section 5 which has contributed to the gains thus far achieved in minority political participation, and it is likewise Sect[i]on 5 which serves to insure that that progress not be destroyed through new procedures and techniques. Now is not the time to remove those preclearance protections from such limited and fragile success.' H. R. Rep., at 10-11." *City of Rome v. United* states, 446 U.S. at 181.

43 "Evidence of historical discrimination is relevant to drawing an inference of purposeful discrimination, particularly in cases such as this one where the evidence shows that discriminatory practices were commonly utilized, that they were abandoned when enjoined by the courts or made illegal by civil rights legislation, and that they were replaced by practices which, though neutral on their face serve to maintain the status quo." *Rogers v. Lodge*, 458 U.S. 613, 625 (1982).

44 For example, in a city with racially polarized voting and a black population of 35 percent, the use of a "pure" at-large election system with concurrent terms would not necessarily guarantee the defeat of black voters' candidates of choice. By adding a numbered post or staggered term provision, the field of candidates for each open seat would typically be reduced, concomitantly reducing black voters' ability to effectively use single-shot voting within large fields of candidates. If a majority-vote requirement is added to the numbered post requirement, the city's majority would then be able to control the outcome of any resulting one-on-one runoffs in which a black-preferred candidate would be pitted against one of several candidates among whom white voters divided their initial support. In some situations, however, racial gerrymandering of single-member district boundaries might be equally effective, but this tends to be more obvious.

45 Of the 104 objections between 1965 and 1981, 63 concerned method of election changes (60.6 percent). These included many of the initial round of election system changes adopted in response to the large numbers of black voters who were newly enfranchised as a result of the Voting Rights Act.

vote requirements in combination with numbered posts came after the objected-to changes had been enforced illegally - that is, without Section 5 preclearance - before they were submitted.[46] Some changes finally were submitted only as the result of litigation; in other cases, it appears that the unprecleared changes were detected by DOJ during the Section 5 review of other changes (such as annexations) that were later submitted by the jurisdiction.[47] This noncompliance is further evidence of a pattern of deliberate racially discriminatory conduct by local officials.[48]

Congress also will consider whether it intends a different interpretation of Section 5 than the "intent to retrogress" standard adopted by the Supreme Court in 2000 in the *Bossier II* case.[49] The *Bossier II* decision would have a mixed effect on the outcomes of these post-1982 method of election objections if it were applied to them today.50 Some of these objections were not retrogressive in nature and, under *Bossier II*, would have to be precleared today no matter how egregious the evidence of racially discriminatory purpose in their adoption. However, every case in which a numbered post, staggered term or majority vote requirement was added to an at-large system was a retrogression objection. Similarly, those cases in which jurisdictions sought to replace district elections with at-large elections also would be unaffected by *Bossier II* because they were retrogressive. Thus, there were significant Section 5 violations among the method of election objections regardless of the *Bossier II* reinterpretation of Section 5.

2. Section 5 Objections to Redistricting and Districting Plans

Redistricting plans and districting plans (the first boundaries for a new single- or multi-member district system) comprised the second-largest category of Section 5 objections from 1982 forward. There were twenty-six objections to redistricting plans and four objections to districting plans during this period.[51]

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46 City of Ashburn (October 2001; changes used since 1966 and 1973); city of Lumber City (July 1988; majority vote requirement used since 1973); city of Wrens (October 1986; changes used since 1970); and city of Forsyth (December 1985; changes used in at least two previous election cycles).

47 Some jurisdictions also repeatedly sought to implement objectionable changes through requests for reconsideration; of course, that was their right under the Attorney General's guidelines for the administration of Section 5, See, 28 C.F.R. 51.45, but it also could reflect a determination to push forward with discriminatory voting changes.

48 Even when the submission had been made, some jurisdictions remained uncooperative. For example, the August 1983 objection for the Taylor County Board of Education noted that "[i]ndeed, the board has been most uncooperative throughout the review process." William Bradford Reynolds, Objection Letter, August 19, 1983. The October 2001 objection for the city of Ashburn blocked numbered posts for city council elections and a majority vote requirement for all city offices, that had been adopted in 1973 and 1966, respectively, but never were submitted for preclearance until decades later. Even then, the city delayed its response to a December 1995 request for additional information until August 2001. Ralph F. Boyd, Objection Letter, October 1, 2001.

49 *Reno v. Bossier Parish School Board*, 528 U.S. 320 (2000). In the *Bossier II* decision, the Supreme Court abandoned the longstanding construction of Section 5 as prohibiting voting changes that did not worsen (or "retrogress") the position of minority voters but had a racially discriminatory purpose. See the discussion of *Busbee v. Smith infra*.

50 It is assumed for purposes of this discussion that the *Bossier II* decision applies equally to method of election changes as to the school board redistricting plan at issue in that case.

51 Between 1965 and 1981 there had been eight redistricting objections. However, a far smaller share of local

There were twelve objections to statewide redistricting plans, including three Congressional plans, four state Senate plans and five state House plans.[52] Three of these objections occurred during the 1980s and the remainder were during the 1990s.

In the post-1980 redistricting cycle, a February 1982 objection to Georgia's 1981 Congressional redistricting plan[53] ultimately led to a Section 5 declaratory judgment action, *Busbee v. Smith*, 549 F.Supp. 494 (D.D.C. 1982), aff'd mem., 459 U.S. 1116 (1983), which denied Section 5 preclearance to the state's (non-retrogressive) plan on the grounds that the plan had a racially discriminatory purpose. The *Busbee* case and the associated objections are discussed elsewhere in this report. DOJ also objected to Georgia's 1981 House and Senate redistricting plans in February 1982.[54]

In the post-1990 redistricting cycle, two objections to Congressional redistricting plans in 1992 were followed by constitutional litigation (under the newly-announced claim of *Shaw v. Reno*) against the precleared plan, finally resulting in the decision in *Abrams v. Johnson*, 521 U.S. 74 (1997).[55] Georgia's post-1990 House and Senate redistrictings went through several stages. There were Section 5 objections to Georgia's 1991 House and Senate redistricting plans in January 1992, to revised House and Senate plans in March 1992 and to a further revised House plan on March 29, 1992.[56] After new House and Senate plans were precleared, both were challenged in another *Shaw* case captioned *Miller v. Johnson* (in which the state admitted to constitutional violations, some of which were contested by the United states and private intervenors). The state adopted new plans, which it claimed to be remedies in response to the admitted constitutional violations that reduced the black populations of numerous districts, prompting objections to both plans in March 1996.[57] The *Abrams* and *Miller* cases and the associated objections are discussed *infra*.

There have been fourteen objections to local redistricting plans since 1982, including objections for four counties,[58] five county boards of education[59],and four municipalities.[60] In addition,

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jurisdictions with sizable minority populations used single-member districts at the time of the 1970 and 1980 redistricting cycles. It was the passage of the 1982 Amendments to Section 2 of the Voting Rights Act, 42 U.S.C. 1973, which prompted many jurisdictions to adopt districting plans during the 1980s and 1990s, often as the result of Section 2 litigation.

52 In addition, DOJ opposed the preclearance of Georgia's 2001 state Senate redistricting plan in a declaratory judgment action, *Georgia v. Ashcroft*. The district court ruled against the state in the *Ashcroft* case, but the Supreme Court vacated and remanded the case, which ultimately was dismissed (due to the decision in *Larios v. Cox*, 300 F. Supp. 2d 1320 (N.D. Ga. 2004), with no final resolution of the state's claim. The *Ashcroft* case is discussed in Section II.2.a *infra*.

53 William Bradford Reynolds, Objection Letter, February 11, 1982.

54 William Bradford Reynolds, Objection Letter, February 11, 1982.

55 John R. Dunne, Objection Letter, January 21, 1992; John R. Dunne, Objection Letter, March 20, 1992.

56 John R. Dunne, Objection Letter, January 21, 1992; John R. Dunne, Objection Letter, March 20, 1992; John R. Dunne, Objection Letter, March 29, 1992

57 Isabelle Katz Pinzler, Objection Letter, March 15, 1996; withdrawn October 15, 1996. The objections were withdrawn following a settlement of the case.

58 These included objections to redistricting plans for the Putnam County Commission (August 2002), the

there have been four objections to initial districting plans for one county, one county board of education and one city (with two objections).[61] Broken out by decade, there have been six local redistricting objections during the 1980s - three during the 1990s and five from 2000 onward.

Some redistricting objections involved compelling evidence of a racially discriminatory purpose. The best-documented case involved Georgia's 1981 Congressional redistricting legislation. The U.S. District Court for the District of Columbia specifically found that the committee chairman responsible for the state's plan -- Rep. Joe Mack Wilson -- was a "racist,"[62] and tied that racism to gerrymandered district boundaries in the Atlanta area, finding that the unnecessary division of black neighborhoods was a means of effectuating the determination to limit black voting strength in the Atlanta area to the extent possible.[63] Rep. Wilson, of course, was not alone in his views.[64] McDonald quotes a white Republican legislator's deposition testimony during *Busbee*:

> 'To call someone a racist in Georgia is not necessarily flaming that person,' said Felton. 'You might call someone a racist, but that isn't the height of an insult, I'm sorry to say, but that's true.'

Randolph County Commission (June 1993), the Dougherty County Commission (July 1982) and the Glynn County Commission (July 1982).

59 These included objections to redistricting plans for the Marion County Board of Education (October 2002), the Putnam County Board of Education (August 2002), the Webster County Board of Education (January 2000), the Sumter County School District (December 1982 and September 1983) and the Bibb County Board of Education (November 1982).

60 These included objections to redistricting plans for the city of Albany (Dougherty County) (September 2002), the city of Macon (Bibb and Jones Counties) (December 1994), the city of Griffin (Spalding County) (November 1992) and the city of College Park (Clayton and Fulton Counties) (December 1983).

61 These included objections to districting plans for the Thomas County Commission (July 1984), the Randolph County Board of Education (June 1993) and the city of McDonough (Henry County) (November 1982 and December 1984). The Department of Justice distinguishes redistricting plans (the revision of existing district boundaries) from districting plans (the first use of electoral district boundaries following a method of election change, as occurs when a jurisdiction changes from at-large elections to single-member districts).

62 The bill for the 1981 plan was developed in the House Permanent Standing Committee on Legislative and Congressional Reapportionment; Rep. Wilson was its chair. The D.C. District Court's fact findings included: "17. Representative Joe Mack Wilson is a racist. Wilson uses the term 'nigger' to refer to black persons. (Wall Deposition, Vol. II, 57.) He stated to one Republican member of the Reapportionment Committee that 'there are some things worse than niggers and that's Republicans.' (Wilson Trial Testimony, 436.) Wilson opposes legislation of benefit to blacks, which he refers to as 'nigger legislation.' (Wall Deposition, Vol. II, 59; Coverdell Trial Testimony, 598; Wall Deposition, Vol. I, 30; Randall Deposition, 65-66; Wilson Deposition, 122, 148; Phillips Deposition, 36; Holmes Deposition, 52-55.) His views on blacks are well known to members of the General Assembly. From the House reapportionment committee to the Conference committee, Wilson played the instrumental role in 1981 Congressional reapportionment and he was guided by the same racial attitudes throughout the reapportionment process that guided his other legislative work." *Busbee v. Smith*, 549 F. Supp. at 500.

63 "Act No. 5 is being denied Section 5 preclearance because state officials successfully implemented a scheme designed to minimize black voting strength to the extent possible; the plan drawing process was not free of racially discriminatory purpose." *Busbee v. Smith*, 549 F. Supp. at 518.

64 Rep. Wilson had been appointed as chair of the redistricting committee by Speaker of the Georgia House Thomas Murphy; who had served as floor leader for former Governor Lester Maddox. *Busbee v. Smith*, 549 F. Supp. at 500. Rep. Murphy does not appear to have suffered politically for the *Busbee* debacle; he remained speaker through the 1990 and 2000 redistricting cycles.

McDonald, *A Voting Rights Odyssey*, Chapter 12, "Redistricting in the 1980s", p. 171.

District boundaries in some local plans were drawn to meet explicit racial quotas to limit the number of majority-black districts. For example, the July 1984 objection for the Thomas County Commission noted that the proposed eight-district plan had been drawn with an instruction to the Georgia state Reapportionment Office "that the number of districts in which black voters could elect candidates of their choice be limited to two" (in a county with a black population percentage of 38 percent).[65] The September 2002 objection for the city of Albany found that the redistricting plan reduced the black population in one ward from 51 percent to 31 percent specifically to forestall the creation of an additional majority-black district.[66]

Other objections involved gerrymandered district boundaries that plainly were intended to constrain the black population of districts. The December 1983 objection for the city of College Park stated that the proposed redistricting packed black population into one district (at a level of 90 percent), while dividing the remainder of the city's black population concentrations into four other districts (the city had a black population of 48.3 percent in 1980), to the point that one heavily-black census block was (unnecessarily) split among several districts.[67] Similarly, objections in November 1982 and December 1984 for the city of McDonough were based upon a "three-way fragmentation of the black community [that] appeared calculated to carve up the city's black voting strength among three districts in an unnatural and wholly unnecessary way."[68]

The January 2000 objection for the Webster County School Board is especially noteworthy for the pretextual justifications offered for its retrogressive changes. The objection letter states that shortly after the 1996 elections, in which a third black member was elected to the board for the first time, the school board members were advised that their five-district plan had to be redrawn because it was malapportioned; however, the five percent deviation in the benchmark plan was well within constitutional limits, while the plan that ostensibly was enacted to cure its malapportionment instead had a thirteen percent deviation.[69]

As with the method of election objections, the effect of the Supreme Court's *Bossier II* decision would be mixed. Nine objections involved retrogressive redistricting plans[70] and so to the extent that they were based upon discriminatory purpose, they would remain objectionable. It is

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65 William Bradford Reynolds, Objection Letter, July 23, 1984.

66 J. Michael Wiggins, Objection Letter, September 23, 2002.

67 William Bradford Reynolds, Objection Letter, December 12, 1983. The objection letter cited the summary affirmance of *Busbee v. Smith* in noting that the district boundary manipulation and aversion to input from the minority community were indicative of a racially discriminatory purpose.

68 William Bradford Reynolds, Objection Letter, December 3, 1984.

69 Bill Lann Lee, Objection Letter, January 11, 2000.

70 Putnam County and the Putnam School Board (2002); Dougherty County (1982); Glynn County (1982); Marion County School Board (2002); Webster County School Board (2000); the city of Albany (2002); the city of Macon (1994); and the Bibb County School Board (1982).

fairly clear that the November 1992 objection for the city of Griffin and the December 1983 objection for the city of College Park involved non-retrogressive redistricting plans, and the June 1993 objection for Randolph County probably should be counted as non-retrogressive as well. In addition, two redistricting objections for the Sumter County School Board in 1982 and 1983 applied the special rule of *Wilkes County v. United States* (for redistricting plans in which there is no legally enforceable benchmark).[71] At a minimum, then, nine of the fourteen local redistricting objections would be unaffected by *Bossier II*. The four objections to initial districting plans probably would be precluded by *Bossier II*, although this is not entirely clear.[72]

3. Section 5 Objections to Annexations, Deannexations and Consolidations

There were five objections to municipal annexations since 1982, one objection to a municipal deannexation and two objections to consolidations of cities and counties.[73] Several of these objections involved clear evidence of a racially discriminatory purpose.

The April 1987 objection for the city of Macon involved an area that admittedly had been denannexed in order to remove a particular legislator from the city's legislative delegation. Although the numeric decrease in the city's black population was small, the objection was based primarily upon the conclusion that race was a factor -- if not the predominant factor -- in the decision to remove the legislator together with the voters in the surrounding neighborhood.[74] This is reminiscent of the landmark Fifteenth Amendment case, *Gomillion v. Lightfoot*.[75]

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71 It is uncertain whether *Wilkes County* remains good law following *Bossier II*, and so judgment should be withheld as to whether these plans should be classified as non-retrogressive.

72 The June 1993 objection for the Randolph County School Board's districting plan appears to have been based upon a discriminatory but non-retrogressive purpose; however, the objection letter does not specifically discuss this point. The objections in July 1984 for Thomas County and November 1982 and December 1984 for the city of McDonough each involved the transition from an at-large election system to a single-member district plan, which can be retrogressive (especially if the benchmark at-large system does not include anti-single-shot devices), since district boundaries can readily be gerrymandered. In Thomas County the proposed plan was adopted in response to a Section 2 lawsuit, which suggests that the change, which provided for two districts in which black voters were likely to elect candidates of their choice, was non-retrogressive. The mixed plans for the city of McDonough both provided for one district (among a total of six seats) in which black voters were likely to be able to elect candidates of their choice; the November 1982 and December 1984 objection letters do not include retrogression discussions, and so these plans probably also represented some improvement over the then-existing system.

73 These included objections to annexations for the city of Union city (Fulton County) (October 1992), the city of Augusta (Richmond County) (July 1987), the city of Elberton (Elbert County) (July 1991), the city of Forsyth (Monroe County) (December 1985) and the city of Adel (Cook County) (June 1982). There were also objections to a deannexation from the city of Macon (Bibb and Jones Counties) (April 1987); and to the proposed consolidations of the city of Brunswick with Glynn County (August 1982), and the city of Augusta with Richmond County (May 1989). Two annexation objections were later withdrawn, one after the presentation of new information (Union city), the other after a change in the city's method of election (Augusta). The consolidation of Augusta and Richmond Counties under a different election system was later precleared.

74 William Bradford Reynolds, Objection Letter, April 24, 1987

75 364 U.S. 339 (1960). In *Gomillion*, the Supreme Court invalidated the infamous 1957 racial gerrymander of Tuskegee, Alabama, by which the city had attempted to remove nearly all of its black voters by changing its boundaries "from a square to an uncouth twenty-eight-sided figure." Id. at 340.

The city of Augusta prompted repeated Section 5 objections and lawsuits.[76] The May 1989 objection to the consolidation of Augusta with Richmond County summarized the evidence of racial purpose in that effort:

> [T]here remains the question of purpose. In that regard, much of our information suggests that the prospect that the city, which has a black population majority, finally would have an election system that fairly reflected black voting strength was the primary, if not the sole, motivation for the proposed consolidation.[77]

A July 1987 objection to eight annexations to the city of Augusta had previously described the city as following a "racial quota policy":

> While the city's efforts to increase its size do not, per se, violate the Voting Rights Act, we are concerned regarding the annexation standards applied to black and white residential areas. In this regard, it appears that the city's present annexation policy centers on a racial quota system requiring that each time a black residential area is annexed into the city, a corresponding number of white residents must be annexed in order to avoid increasing the city's black population percentage.[78]

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76 The racial tension in Augusta was not always concealed. In *Who Shall Rule and Govern? Local Legislative Delegations, Racial Politics, and the Voting Rights Act*, Miller cites a public meeting in 1985 held by the Augusta legislative delegation to gauge the reaction to an annexation plan, at which a white county resident bluntly assessed the city's expansion: "The niggers are going to take over Augusta and they have done it." 102 Yale L.J. at 136, quoting Chris Peacock, "*Flared Tempers Mark Annexation Discussion*," Augusta Chronicle, October 18, 1985, at 1B.

77 James P. Turner, Objection Letter, May 30, 1989. The letter continues: "Just prior to the 1988 legislative session a biracial committee appointed to study the feasibility of consolidation recommended against uniting the city and county governments at that time. In spite of that recommendation and strong black opposition, a bill to effect consolidation nevertheless was vigorously pursued and eventually adopted. Further, analysis of the results of the November 8, 1988, referenda on the consolidation question serves to corroborate other information we have received which indicates that consolidation is a racial issue, with opinions sharply divided along racial lines reflecting that most white voters favored consolidation and most black voters oppose the merger of the two governments. . . . . Indeed, our information is that there have been considerations given in the past to what might be legitimate expansion of the city's boundaries through annexation but, as earlier explained to us in another context, that contemplated action does not support consolidation of the entire county-city nor has there been any other showing of the need for such a change. This is especially the case since the last study commission was negative, the present one has just started and the plan excludes predominantly white municipalities in the county. While it may be possible in the future to make a showing of present need as was done in Richmond, the fact that the proposal is not just to match city boundaries to urban growth (as in Richmond and Port Arthur), but to consolidate urban and rural areas in an historical context that suggests race has been a constant consideration will not make that an easy task."

78 William Bradford Reynolds, Objection Letter, July 27, 1987. The letter continues: "Our information indicates that several black communities adjacent to the city actively had sought annexation but that such annexation requests have been delayed or denied until a white residential area containing approximately the same number of people can be identified for annexation. We are aware of efforts by the city's Annexation Office to conduct door-to-door surveys in identifying areas for annexation and it appears that these efforts have been concentrated in white residential areas to balance the black residential areas that actively had sought annexation. The annexations now submitted for Section 5 review appear to have been effectuated pursuant to this racial quota policy." The objection was withdrawn in July 1988 after the city settled Section 2 litigation and adopted a new method of election.

4. Section 5 Objections to Changes in State Judicial Positions

Between 1989 and 1995, there were six objections to the creation of new state judicial positions and the realignment of certain judicial circuits.[79] Some of these objections were precleared in 1995 by the U.S. District Court for the District of Columbia and the remainder were withdrawn by DOJ. See *infra* for a discussion of these objections in the context of their associated litigation.

5. Other Section 5 Objections

Among the remaining Section 5 objections were four objections to proposed election schedules,[80] three objections to candidate educational requirements[81] and three objections to voter registration procedures.[82] There were two objections to consolidation referendum procedures,[83] two objections to polling place changes[84] and one objection to changing an elective office to an appointed office.[85] Once again, a number of these objections point directly or indirectly to evidence that state and local election officials acted for racially discriminatory reasons.

Two of the four objections to election schedules involved setting racially-charged referendum votes on dates that would likely produce low black voter turnout. One was the July 1988 objection to a proposal to conduct a mid-summer referendum on the highly controversial Augusta/Richmond County consolidation. The letter stated:

> Considering all the information presented to us, we have been made aware of no compelling justification for holding this election on the date chosen. On the other hand, the circumstances of which we are aware lend some merit to the concern, expressed by some, that the setting of the July 19 date was calculated to disadvantage the black constituency by timing the election so as to take advantage of conditions that would suppress the black voter turnout.[86]

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79 These included objections in June 1989, April 1990, June 1991, October 1991, September 16, 1994 and January 1995. Analytically, these objections could have been included with the previous section concerning method of election objections, because it was the at-large, numbered post and majority-vote features of those judgeships that prompted the objections. However, the history and judicial treatment of these changes is so distinct that they should be treated as a separate category.

80 These included objections for the state of Georgia (August 1982), Twiggs County (March 1993), the city of Millen (Jenkins County) (August 1993) and the city of Augusta (Richmond County) (July 1988).

81 These included objections for the Randolph County Board of Education (June 1993), the Early County Board of Education (October These included two objections for the state of Georgia (October 1994 and February 1992), and one for DeKalb County (March 1982).1993) and the Clay County Board of Education (October 1993).

82 These included two objections for the state of Georgia (October 1994 and February 1992), and one for DeKalb County (March 1982).

83 Both were for the city of Brunswick (Glynn County) (February 1984 and August 1982)

84 These included objections for Jenkins County (March 1995) and Johnson County (October 1992).

85 State of Georgia (March 1991).

86 William Bradford Reynolds, Objection Letter, July 15, 1988. DOJ later objected to the consolidation itself, as

The March 1993 objection for Twiggs County, which concerned a tax and bond referendum election, similarly stated that:

> We understand that the purpose for which the special tax would be usedB renovation of the County CourthouseBhas been an issue that has divided the county along racial lines, with white voters generally supporting the referendum and black voters generally opposing the referendum. . . . All of these circumstances suggest that the timing of the referendum and the procedures employed may have been chosen in order to diminish black voting potential, and the county has not provided persuasive evidence to the contrary.87

The August 1982 objection to the state's proposed special Congressional primary election schedule followed the decision in *Busbee v. Smith*; the state's failure (or refusal) to propose a nondiscriminatory schedule finally required an extraordinary order by the D.C. District Court.88

Voter registration continued to be a problem in DeKalb County where by 1980 black voter registration was rising significantly but still depressed relative to the white population. The county's attempt to discontinue neighborhood voter registration without obtaining Section 5 preclearance had prompted a successful Section 5 enforcement action in 1980, followed by a September 1980 Section 5 objection.89 A March 1982 objection blocked another DeKalb County proposal to restrict neighborhood voter registration to even-numbered years.90 A similar objection in February 1992 blocked state Election Board Rules that restricted satellite voter registration to only six months out of every two-year election cycle and reduced the number of

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discussed previously.

87 James P. Turner, Objection Letter, March 12, 1993.

88 See *Busbee v. Smith*, 549 F. Supp. at 519 *et seq*. "Although the state's failure to respond to repeated assertions by the Government and the Intervenors that its schedule would discriminate against black voters arguably is itself persuasive evidence that the schedule would have that effect, we need not rely on the state's silence alone. The reapportionment plan significantly altered the configuration and racial composition of the Fourth and Fifth Congressional Districts, and neither voters nor potential candidates knew where the lines would fall until the state secured section 5 approval on August 24. Under the state's schedule, the primary -- arguably the most important election in at least the Fifth District -- was to be held only three weeks later. This schedule not only would have prevented potential candidates from mounting effective campaigns, but more important, would have frustrated voters' attempts to prepare themselves to make a reasoned choice among the candidates. We concluded, therefore, that Georgia's defense of its proposed schedule fell far short of meeting the state's statutory burden of proof." (citations omitted). Id. at 521.

89 *DeKalb County League of Women Voters, Inc. v. DeKalb County, Georgia, Board of Registrations and Elections*, 494 F. Supp. 668 (N.D. Ga. 1980) (three-judge court); Drew S. Days, III, Objection Letter, September 11, 1980.

90 William Bradford Reynolds, Objection Letter, March 5, 1982. The letter noted that although black residents of the county remained under-registered in comparison to the white population, a substantial portion of significant new voter registration activity in the county had occurred in 1981 via neighborhood registration. These circumstances strongly suggest that the attempts to eliminate neighborhood registration were intended to slow the growth of black voter registration in the county. The March 1982 objection also blocked a new policy that would have required a written advance Section 5 preclearance determination before starting a neighborhood voter registration drive.

satellite registration locations that some counties would have to provide.[91]

In addition, a 1991 objection for the board of the Georgia Military College in Milledgeville blocked the state from changing the locally-elected board to a state-appointed body.[92] In denying a request for reconsideration, DOJ identified circumstances that strongly implicated a racially discriminatory purpose:

> Our objection [] was based, in major part, upon concerns that this proposed change would deprive minority voters in the city of Milledgeville of an opportunity to elect candidates of their choice to a board which also governs the essentially local GMC preparatory school. These concerns were heightened by the controversy over low black enrollment at the preparatory school, its tuition charges, and the fact that the submitted change proposed immediately after the election of the first black members of the GMC Board of Trustees in its history.[93]

B. Section 5 Litigation

1. Section 5 Declaratory Judgment Actions

Section 5 provides that, as an alternative to making an administrative submission to the Attorney General, covered jurisdictions may institute a declaratory judgment action before the U.S. District Court for the District of Columbia ("D.C. District Court") in order to obtain judicial preclearance from a three-judge court. The D.C. District Court hears these cases de novo - without regard to any previous administrative determinations - and a right of direct appeal lies to the Supreme Court. There were eight declaratory judgment actions arising from Georgia from 1982 onward, three of which resulted in reported decisions.

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91 John R. Dunne, Objection Letter, February 11, 1992. An October 1994 objection to a portion of the state's legislation implementing the National Voter Registration Act, 42 U.S.C. 1973gg, on the grounds that it would violate Section 8(b)(2) of that Act, currently would be precluded on the basis of the Supreme Court decision in *Reno v. Bossier Parish School Board*, 520 U.S. 471 (1997).

92 William Bradford Reynolds, Objection Letter, March 11, 1991 (continued by John R. Dunne, October 15, 1991. A 1989 consent decree in the Section 2 case *Barnes v. Baugh*, No. 88-262-1-MAC (M.D. Ga. May 12, 1989), changed the system used to elect the board from at-large elections to a single-member district plan. The Supreme Court identified this type of change as potentially discriminatory as early as 1969. "In No. 26 an important county officer in certain counties was made appointive instead of elective. The power of a citizen's vote is affected by this amendment; after the change, he is prohibited from electing an officer formerly subject to the approval of the voters. Such a change could be made either with or without a discriminatory purpose or effect; however, the purpose of Section 5 was to submit such changes to scrutiny." *Allen v. State Board of Elections*, 393 U.S. 569-70.

93 John R. Dunne, Letter Continuing Objection, October 15, 1991. The letter went on to conclude that the state still had not met its burden of showing the absence of either discriminatory purpose or effect.

After DOJ objected to Georgia's 1981 Congressional redistricting plan, the state filed a declaratory judgment action, *Busbee v. Smith*, in the D.C. District Court. The United states conceded that the proposed plan was not retrogressive within the meaning of *Beer v. United* states, 425 U.S. 130 (1976), but opposed preclearance on the ground that the plan had a racially discriminatory purpose.94 The three-judge court agreed and denied preclearance, finding that the plan was intended to limit black voting strength in the Atlanta area to the greatest extent possible. *Busbee v. Smith*, 549 F. Supp. 494 (D.D.C. 1982) (three-judge court); aff'd mem. 459 U.S. 1116 (1982).95

Busbee v. Smith was extremely important to the subsequent application of Section 5 by DOJ because its summary affirmance was controlling precedent for the D.C. District Court -- and therefore for the Department of Justice's administrative decisions -- on the critical question of whether a non-retrogressive redistricting plan may be denied Section 5 preclearance on the grounds that it had a racially discriminatory purpose.96 This holding was overruled in 2000 by the Supreme Court in the *Bossier II* case, which held that only a retrogressive purpose could support a Section 5 purpose objection.97

Following the 2000 Census, the state of Georgia instituted a declaratory judgment action, *Georgia v. Ashcroft*, seeking Section 5 judicial preclearance for its 2001 Congressional, state Senate and state House redistricting plans, none of which had been submitted for administrative preclearance.98 The Department of Justice did not contest preclearance of the Congressional and state House plans (although private intervenors were permitted to do so), but it argued that the Senate plan was retrogressive due to reductions in the black percentages of three Senate districts (in Savannah, Albany and Macon) that were not offset elsewhere in the plan. The three-judge court denied preclearance to the Senate plan and precleared the Congressional and state House plans.99 A 2002 interim plan for use during the pendency of the state's appeal was precleared by the three-judge court without objection by DOJ.

On appeal, the Supreme Court vacated the district court's judgment and remanded the case for further consideration, primarily based upon the Supreme Court's belief that Georgia had created a number of new "influence districts" that should be weighed against the retrogression in majority-black districts. *Georgia v. Ashcroft*, 539 U.S. 461 (2003). Ultimately the *Ashcroft* case

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94 This was the same position DOJ had taken in its February 1982 objection letter.

95 The district court's findings about the intent of the plan were discussed in Section II.1.b *supra*.

96 The question presented in Georgia's Jurisdictional statement in *Busbee* was "Whether a Congressional reapportionment plan that does not have the purpose of diminishing the existing level of black voting strength can be deemed to have the purpose of denying or abridging the right to vote on account of race within the meaning of Section 5 of the Voting Rights Act." J.S. at i, *Busbee v. Smith*, 459 U.S. 1166 (1983).

97 *Reno v. Bossier Parish School Board*, 528 U.S. 320 (2000). Somewhat surprisingly, the Supreme Court did not discuss the fact that it was overruling *Busbee*.

98 This was unprecedented, and meant that unlike most declaratory judgments actions --- which are filed only after there already has been a Section 5 objection -- DOJ had no background information on the three plans when the case was filed.

99 *Georgia v. Ashcroft*, 195 F. Supp. 2d 25 (2002). (Judge Oberdorfer dissented with respect to the Senate plan).

was dismissed on remand following the decision of a three-judge federal court in Georgia, which found the population deviations in the 2002 interim plan (which were nearly identical to those in the 2001 plan) to be unconstitutional in a one-person, one-vote case.[100]

Due to the extensive attention that the *Ashcroft* case has received in its own right, this report will not go into its broader implications here. It should be emphasized, however, that the Supreme Court did not reverse any of the district court's findings of racially polarized voting (in particular, the finding that voting was more polarized in local elections than in the statewide elections on which the state relied) or retrogression; indeed, the gist of the Supreme Court decision was that the state would have to produce evidence that it had compensated for the retrogression.[101]

A 1995 Section 5 declaratory judgment decision, which concerned numerous changes to Georgia's elective judicial system, ended a sequence of private litigation in Georgia and Section 5 objections by the attorney general. *Georgia v. Reno*, 881 F. Supp. 7 (D.D.C. 1995). In July 1988, private plaintiffs filed a Section 5 enforcement action (also raising Section 2 claims) with respect to legislation involving seventy-seven new judgeships and five judicial circuits enacted after November 1, 1964 but never submitted for Section 5 review.[102] This action prompted the state to make Section 5 submissions for most of the unprecleared changes. In August 1988, DOJ precleared twenty-nine new judgeships and three new circuits but requested more information regarding the remaining changes, to which the state did not fully respond. In June 1989, DOJ objected to forty-eight new judgeships and the redistricting of two judicial circuits.[103] In December 1989, the three-judge court held that the unprecleared changes were covered under Section 5 and considered what relief was required, settling on an order that allowed sitting judges to hold over in unprecleared seats but blocked elections for seats that had not been precleared.[104] *Georgia v. Reno* was filed in August 1990, seeking judicial preclearance for the

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100 *Larios v. Cox*, 300 F. Supp. 2d 1320 (N.D. Ga. 2004). The *Larios* court ultimately imposed a court-drawn remedy for both the state House and state Senate plans. *Larios v. Cox*, 314 F. Supp. 2d 1357 (N.D. Ga. 2004)

101 "Like the dissent, we accept the District Court's findings that the reductions in black voting age population in proposed Districts 2, 12, and 26 to just over 50% make it marginally less likely that minority voters can elect a candidate of their choice in those districts, although we note that Georgia introduced evidence showing that approximately one-third of white voters would support a black candidate in those districts, and that the United states' own expert admitted that the results of statewide elections in Georgia show that 'there would be a 'very good chance' that ... African American candidates would win election in the reconstituted districts.'" *Georgia v. Ashcroft*, 539 U.S. at 486 (internal citation omitted); "The dissent's analysis presumes that we are deciding that Georgia's Senate plan is not retrogressive. To the contrary, we hold only that the District Court did not engage in the correct retrogression analysis because it focused too heavily on the ability of the minority group to elect a candidate of its choice in the majority-minority districts. While the District Court engaged in a thorough analysis of the issue, we must remand the case for the District Court to examine the facts using the standard that we announce today. We leave it for the District Court to determine whether Georgia has indeed met its burden of proof." *id* at 490 (internal citations omitted).

102 *Brooks v. State Board of Elections*, No. CV288-146 (S.D. Ga.).

103 James P. Turner, Objection Letter, June 16, 1989 (withdrawn in part and continued in part by John R. Dunne, April 25, 1990).

104 *Brooks v. State Board of Elections*, 775 F. Supp. 1470 (S.D. Ga. 1989). In the course of its decision, the three-judge court found that the addition of new seats within Georgia's judicial system had the potential to discriminate against black voters in violation of Section 5 due to the use of numbered post, at-large elections by majority vote:

creation of sixty-two superior court judgeships; the case appeared at one point to be mooted but ultimately proceeded to trial in 1994.105 In 1995, the D.C. District Court held that the changes before it were entitled to Section 5 preclearance.106 Following the D.C. District Court's decision, Georgia filed two additional declaratory judgment actions in June and July of 1995, both of which were dismissed after administrative preclearance of the changes at issue in September and December 1995, respectively.107 The objections to those judicial changes that were not precleared by the Court were withdrawn by DOJ.108

The three other Section 5 declaratory judgment actions filed by Georgia jurisdictions from 1982 onward were dismissed. A case filed in January 1990 by the city of Augusta was dismissed as moot in August 1992.109 A suit filed in October 1983 by the Baldwin County School District was dismissed in September 1984, after a Section 5 administrative submission was precleared to replace the challenged change.110 A February 1986 suit by the Brunswick-Glynn County Charter Commission was dismissed in July 1986 for lack of standing.111

> We think that, given Georgia's majority-vote, designated-post, and circuit-wide election rules, the creation of new judgeships does have the potential for discrimination. Where more than one judicial post exists in a given circuit, these election rules require a candidate to run for a specific seat. Georgia law thus precludes the alternative system where all candidates compete against each other and where judgeships are awarded to the highest vote-getters out of the field of candidates.

775 F. Supp. at 1478. District Judge Dudley Bowen dissented from this aspect of the majority opinion. *Id*. at 1486 *et seq*.

105 On August 30, 1993, Acting Assistant Attorney General James P. Turner had withdrawn the judicial objections interposed to date, subject to the approval of a consent decree in *Brooks v. Georgia State Board of Elections*, No. CV-288146 (S.D. Ga.); the consent decree provided, among other changes, for the appointment of a number of minority judges. The consent decree was rejected by the court, however, and so the objections remained in effect for the time being.

106 Judge Norma Johnson dissented from the majority decision in *Georgia v. Reno*, which was not appealed. The D.C. District Court adopted a narrow scope of review of the new judicial seats, summarily dismissing DOJ's argument that there was a racially discriminatory purpose in the state's choice to reincorporate the numbered post, at-large and majority vote features in the new positions; this echoed the dissent of Judge Bowen and rejected the majority's reasoning in the *Brooks* case. The D.C. District Court appears to have fashioned an exception for judicial changes to city *of Lockhart v. United States*, 460 U.S. 125, 131-32 (1983) (holding that when new seats are added to an electoral system the entire system must be examined). The D.C. District Court also held that Congress did not intend a violation of Section 2 of the Voting Rights Act to justify the denial of Section 5 preclearance; this interpretation later was adopted by the Supreme Court in *Reno v. Bossier Parish School Board*, 520 U.S. 471 (1997) ("*Bossier I*").

107 *Georgia v. Reno*, No. 95-1046 (D.D.C.) (ten additional judgeships); *Georgia v. Reno*, No. 95-1379 (D.D.C.) (twenty-nine additional judgeships).

108 In *Haith v. Martin*, 618 F. Supp. 410 (D.N.C. 1985), aff'd mem., 477 U.S. 901 (1986), which held that judicial changes require Section 5 preclearance, the district court noted that DOJ at one time had taken the position that they did not. The application of vote dilution principles to judicial elections at one point appeared to be relatively straightforward, see *Houston Lawyers' Association v. Texas Attorney General*, 501 U.S. 419 (1991), but the Supreme Court later denied *cert*. in several court of appeals decisions that all but overruled *Houston Lawyers*.

109 *City Council of Augusta v.United* states, No. 90-0171 (D.D.C.).

110 *Baldwin County School District v.United States*, No. 83-3240 (D.D.C.).

111 *Brunswick-Glynn County Charter Commission v. United States*, No. 86-0309 (D.D.C.).

2. Section 5 Enforcement Actions

Section 5 enforcement actions have continued to play an important role in ensuring that Georgia and its subjurisdictions comply with the preclearance requirements of Section 5.[112] For its February 2006 report, the staff of the National Commission on the Voting Rights Act identified eighteen successful Section 5 enforcement actions in Georgia after 1982.[113] These included three cases against the state of Georgia: *Hill v. Miller* (1992); *Brooks v. Georgia Board of Elections* (1991); and *Project Vote! v. Ledbetter* (1986).[114] There were successful Section 5 enforcement actions against one county (*Presley v. Coffee County* (1994),[115] three cities[116] and eleven county boards of education.[117] In addition, there was a successful private Section 5 enforcement action against the Bibb County School Board.[118] While some of these actions resulted in the defendant simply abandoning the unprecleared changes, the Brooks, Woodward and Chatman cases led to Section 5 objections once the changes had been submitted.

II. Litigation Under Section 2 of the Voting Rights Act

The preceding discussion described how Section 5 of the Voting Rights Act prevented the use of new discriminatory voting practices and procedures at all levels of Georgia government, and in varied aspects of the election system, with perhaps the greatest impact at the local level. Section

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112 Either the attorney general or residents of the covered jurisdictions may bring these actions against covered jurisdictions that have implemented voting changes without having first obtained Section 5 preclearance. These cases are heard by three-judge courts in the covered states; however, the jurisdiction of such courts is limited to whether the challenged practice is a covered change within the meaning of Section 5, whether Section 5 preclearance has been obtained, and if not, what remedy is appropriate. The presumptive remedy is to issue an injunction against future use of the unprecleared practice and to make an equitable determination as to further relief. Many courts delay a final remedy while allowing the defendant jurisdiction an opportunity to obtain Section 5 preclearance, either from the D.C. District Court or the attorney general.

113 *See*, Table 4, *Protecting Minority Voters, The Voting Rights Act at Work 1982-2005*, National Commission on the Voting Rights Act, Lawyers' Committee for Civil Rights Under Law, 2006. I have relied upon the list of those cases provided by the staff of the Commission unless otherwise noted. A Section 5 enforcement action is counted as successful if unprecleared changes are submitted for preclearance or abandoned. Additional details about many of these cases are provided in McDonald and Levitas, *The Case for Extending and Amending the Voting Rights Act. Voting Rights Litigation, 1982-2006: A Report of the Voting Rights Project of the American Civil Liberties Union*, http://www.votingrights.org (March 2006).

114 The *Brooks* case, which involved the implementation of new, unprecleared judicial seats, is discussed *infra*.

115 The *Presley* case also included successful Section 2 claims discussed in Section III *infra*.

116 These included the city of Butler (Taylor County), *Chatman v. Spillers* (1996); the city of Keysville (Burke County), *Gresham v. Harris* (1990); and the city of Lumber City (Telfair County), *Woodward v. Mayor, Lumber* city (1990). One Section 5 objection followed from the *Chatman* case, and two Section 5 objections followed from the *Woodward* case.

117 These included the boards of education for Glynn County (*Lyde v. Glynn County Board of Elections* ; 2005); Coffee County (*Presley v. Coffee County;* 1994); Toombs County (*NAACP v. Culpepper;* 1987); Screven County (*Culver v. Krulic;* 1984); Baldwin County (*Boddy v. Hall;* 1983); Pike County (*Hughley v. Adams;* 1983); Wayne County (*Keebler v. Burch*); Marion County (*Marion County VEP v. Hicks*); Meriwether County (*Meriwether County VEP v. Hicks*); Taylor County (*Carter v. Taylor County Board of Education*); and Treutlen County, *Smith v.* Gillis).

118 *Lucas v. Townsend*, 486 U.S. 1301 (1988) (not included in National Commission on the Voting Rights Act Report).

5 operates in parallel, however, with Section 2 of the Voting Rights Act, as amended in 1982. When a jurisdiction changes its election system in response to a Section 2 court order or to avoid Section 2 liability, Section 5 helps ensure that succeeding redistricting plans will not water down the remedy. Just as most Section 5 objections in Georgia have been at the local level, most Section 2 cases have been brought at the local level.

Prior to the 1982 Amendments to Section 2 of the Voting Rights Act, challenges to election systems that diluted black voting strength were brought under the Constitution and the original, coextensive provision of Section 2 enacted in 1965. In *Rogers v. Lodge*, 458 U.S. 613 (1982), the Supreme Court found that the egregious pattern of discrimination against black citizens in Burke County was sufficient to infer that the at-large system was being maintained for an unconstitutional, racially discriminatory purpose.

The Section 2 vote dilution cases brought following the 1982 Amendments against Georgia counties, school boards, and cities using at-large election systems are remarkable for their number and their geographic scope. Private litigants by far played the greatest role in bringing these challenges, which had a tremendous effect upon counties and cities in changing their method of election.

The February 2006 report by the National Commission on the Voting Rights Act identified numerous successful Section 2 enforcement actions in Georgia after 1982.[119] These cases involve reported and unreported Section 2 cases resolved favorably to minority voters. The majority of these cases were resolved by settlements, which either could involve include a formal consent decree, or an informal agreement to dismiss the case following the adoption of remedial legislation (and Section 5 preclearance).

Eleven counties gave rise to multiple Section 2 cases (for a total of twenty-four cases). In Coffee County and Jenkins County, Section 2 cases resulted in changes to the county commissions, the county school boards and one city each.[120] In nine other counties (Baldwin, Butts, Charlton, Greene, Mitchell, Taylor, Telfair, Wilcox and Wilkes), Section 2 cases resulted in changes to two different jurisdictions' methods of election within each county.[121] Section 2 suits have

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119 *See*, Table 5, *Protecting Minority Voters, The Voting Rights Act at Work 1982-2005*, National Commission on the Voting Rights Act, Lawyers' Committee for Civil Rights Under Law, 2006. I have relied upon the list of those cases provided by the staff of the Commission unless otherwise noted. The year of the adoption of the new election system, as opposed to year of filing, is provided in the footnotes, unless otherwise noted. Additional details about many of these cases are provided in McDonald and Levitas, *The Case for Extending and Amending the Voting Rights Act. Voting Rights Litigation, 1982-2006: A Report of the Voting Rights Project of the American Civil Liberties Union*, http://www.votingrights.org (March 2006).

120 A Section 2 suit in Coffee County (*Presley v. Coffee County*) resulted in the adoption of single-member districts in 1994 for the city of Douglas, the Coffee County Commission and the Coffee County Board of Education. In Jenkins County a suit (*Green v. Bragg*) resulted in the 1993 adoption of mixed multi-member and single-member district plans for the city of Millen and the Jenkins County Commission and a single-member district plan for the Jenkins County School District.

121 In Baldwin County cases against the Baldwin County Commission (*Boddy v. Hall*) and the city of Milledgeville (*NAACP v. City of Milledgeville*) resulted in a change to single-member districts in 1983. In Butts County cases against the county commission (*Brown v. Bailey*) and the city of Jackson (*Brown v. Bailey*) resulted in a change to

resulted in the adoption of single-member plans for jurisdictions in twenty-three other counties, including twelve county commissions,[122] ten cities[123] and one county board of education.[124] Section 2 suits have also resulted in the adoption of mixed plans (including some single-member districts) for jurisdictions in sixteen additional counties, including five county commissions,[125] two county school boards[126] and nine cities.[127] In addition, Section 2 suits have resulted in the

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single-member districts in 1986. In Charlton County a suit against the county commission (*Smith v. Carter*) resulted in a change to single-member districts in 1986, and a suit against the city of Folkston (*Stafford v. Mayor and Council of Folkston*) resulted in a change to multi-member districts in 1997. In Greene County a Section 2 suit (*Bacon v. Higdon*) resulted in the adoption in 1986 of mixed plans (with single-member districts and at-large chairs) for the county commission and the county board of education. In Mitchell County a suit against the city of Camilla (*Brown v. City of Camilla)* led to the adoption of a single-member district system in 1985, and a suit against the city of Pelham (*McCoy v. Adams)* led to the adoption of a multi-member district system in 1986. In Taylor County a 1986 suit against the city of Butler (*Chatman v. Spillers*) was resolved in 1996 with the adoption of a plan using two multi-member districts and a mayor, and a suit against the Taylor County Commission (*Carter v. Jarrell*) resulted in the adoption of a single-member district system in 1985. In Telfair County a 1987 suit (*Woodard v. Mayor and Council of Lumber City*) resulted in the 1990 adoption of a mixed plan with two multi-member districts and one at-large seat for the city of Lumber city, and another 1987 suit (*Clark v. Telfair County)* resulted in the 1988 adoption of a county commission plan with five single-member districts. In Wilcox County Section 2 suits resulted in the adoption of single-member district systems in 1986 for the city of Rochelle (*Dantley v. Sutton*) and in 1987 for the Wilcox County Commission (*Teague v. Wilcox County Georgia).* In Wilkes County Section 2 suits led to the 1992 adoption of a mixed plan with two multi-member districts for the city of Washington (*Avery v. Mayor and Council of* city *of Washington),* and the 1986 adoption of a mixed plan using four single-member districts for the Wilkes County Board of Education (*United State v. Wilkes County Board of Education).*

122 These included the county commissions for Camden County (*Baker v. Gray*; 1985); Cook County (*Cook County VEP v. Walker*; 1985); Crawford County (*Raines v. Hutto;* 1985); Effingham County (*LOVE v. Conaway*; 1984); Evans County (*Concerned Citizens for Better Gov't v. DeLoach;* 1984); Hart County (*Mayfield v. Crittendon;* 1989): Long County (*Glover v. Long County*; 1987); Macon County (*Macon County VEP v. Bentley;* 1985); Marion County (*United States v. Marion County;* 2000); Screven County *(Culver v. Krulic; 1985*); Tallnall County (*Carter v. Tootle;* 1984); and Wheeler County (*Howard v. Wheeler County;* 1993).

123 These included the governing bodies for the city of Cochran (Bleckley County) (*Hall v. Holder*; 1986); the city of Eastman (Dodge County) (*Brown v. McGriff;* 1988); the city of Wrightsville (Johnson County) (*Willson v. Powell;* 1983); the city of Valdosta (Lowndes County) (*United* states *v. Lowndes County;* 1984); the city of Colquitt (Miller County) (*Merritt v.* city *of Colquitt*; 2000); the city of Madison (Morgan County) (*Edwards v. Morgan County Board of Commissioners;* 1992); the city of Griffin (Spaulding County) (*Reid v. Martin*); 1986); the city of Lyons (Toombs County) (*Maxwell v. Moore;* 1986); the city of Soperton (Treutlen County) (*Smith v. Gillis;* 1986); and the city of Jesup (Wayne County) (*Freeze v. Jesup;* 1986).

124 Ben Hill County School District (*Vereen v. Ben Hill County*; 1993) (year of adoption shown in parentheses).

125 These included mixed plans with single-member districts and at least one at-large seat for five county commissions: Jefferson County (*Tomlin v. Jefferson County Board of Commissioners;* 1983), Lamar County (*Strickland v. Lamar County;* 1987), Tift County (*Mims v. Tift County*; 1984), Monroe County (*Simmons v. Monroe County Commission*; 1987), and Webster County (*Nealy v. Webster County;* 1990).

126 These included mixed plans with single-member districts and at least one at-large seat for the governing bodies of seven cities: the city of Carrolton (Carroll County) (*Carrollton Branch NAACP v. Stallings;* 1985); the city of Newnan (Coweta County) (*Rush v. Norman;* 1984); the city of Cordele (Crisp County) (*Dent v. Culpepper*; 1988); the city of Decatur (DeKalb County) (*Thrower v. City of Decatur*; 1984), the city of Warner Robins (Houston County) (*Green v.* city *of Warner Robins*; 1993)**,** the city of Warrenton (Warren County) (*NAACP v. Haywood;* 1989), and the city of Waycross (Ware County) (*Ware County VEP v. Parks;* 1985). Mixed plans with single-member districts and multi-member districts were also adopted for the governing bodies of two other cities: the city of Douglasville (Douglas County) (*Simpson v. Douglasville;* 1999); and the city of Monroe (Walton County) (*United* state*s v. City of Monroe;* 1995).

adoption of multi-member district plans for cities in five additional counties.[128]

However, two reported cases arising from Georgia in the 1990s took a limited view of Section 2. In *Holder v. Hall,* 512 U.S. 874 (1994), the Supreme Court held that Section 2 could not be used to challenge the single-commissioner form of government used in Bleckley County (although the plaintiffs had been successful in persuading the lower courts of a Section 2 violation). In *Brooks v. Miller*, 158 F.3d 1230 (11th Cir. 1998), the 11th Circuit affirmed a district court's finding that the state's 1964 majority vote requirement did not violate Section 2 or the Constitution. The court took a very narrow view of the legislature's intent (discounting evidence of racially discriminatory purpose in similar legislation proposed at about the same time), and focused on the present-day effect of the state majority vote requirement (giving the same weight to elections in majority-black districts that had been drawn to remedy or avoid Section 2 violations as elections in majority-white at-large jurisdictions).

The Department of Justice has also brought five cases charging that the defendant counties engaged in a practice of hiring poll workers that violated Section 2, each of which was settled.[129]

Section 2 cases since 1982 have played a major role in changing the political landscape -- especially at the local level -- across Georgia. They also bear out the need for Section 5. A Section 2 claim against an at-large system (or redistricting plan) must meet the three preconditions set out in *Thornburg v. Gingles*: geographic compactness, cohesive minority voting and racially polarized voting that usually results in the defeat of minority voters' candidate(s) of choice.[130] While a jurisdiction may have many reasons to settle a lawsuit, it is likely that many, if not most, of the jurisdictions that settled these lawsuits did so because they concluded that they were vulnerable to a Section 2 claim, including a finding of racially polarized voting. The presence of racially polarized voting, in turn, is important both as a predicate to many Section 5 objections and as an indicator of potential racial discrimination in the political process.

III. Other Significant Litigation

In addition to the litigation and Section 5 objections discussed above, there have been several

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127 These included mixed plans with single-member districts and at least one at-large seat for the McIntosh County School District (*Williams v. McIntosh County;* 1997); and the Sumter County School District (*Edge v. Sumter County School District*; 1986).

128 These included the city of statesboro (Bulloch County) (*Love v. Dea;* 1983); the city of Moultrie (Colquit County) (*Cross v. Baxter;* 1985); the city of Augusta (Richmond County) (*U.S. v.* city *of Augusta*; 1988) (mixed multi-member districts); the city of Donaldsonville (Seminole County) (*Moore v. Shingler;* 1985); and the city of LaGrange (Troup County) (*Cofield v. City of LaGrange*; 1997).

129 *United States v. Johnson County* (1993); *United* state*s v. Randolph County (*1993); *United States v. Talbot County (*1993); *United States v. Screven County* (1992); and *United State v. Brooks County* (1990) (year of filing shown in parentheses).

130 *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986).

voting rights lawsuits since 1982 brought under the Constitution that must be mentioned.

A. Photo I.D. Litigation

One of the most contentious and extraordinary pieces of legislation affecting the right to vote in Georgia in recent times did not result in a Section 5 objection. Act No. 53 (2005) amended the state's election code to impose a photographic identification ("Photo I.D.") requirement for all persons voting in person in the state of Georgia. The state previously had required some form of identification for voting in person but the new legislation significantly narrowed the types of identification that could be used. The deliberations regarding this legislation were extraordinarily contentious; the black legislative caucus was nearly unanimous in opposing the legislation. The legislation was precleared by DOJ on August 26, 2005.[131]

Private plaintiffs, including the Georgia Legislative Black Caucus, filed suit in the Northern District of Georgia alleging several constitutional and statutory claims.[132] On October 18, 2005, the district court issued an order and preliminary injunction against the use of Act No. 53, finding that the plaintiffs were likely to prevail both on their claim that the photo I.D. requirement lacked a rational basis, as well as their claim that the photo I.D. requirement constituted an unconstitutional poll tax. *Common Cause of Georgia v. Billups*, No. 4:05-CV-0201-HLM (N.D. Ga. Oct. 18, 2005). The state's tenuous justification for this bill weighed heavily in the court's decision.[133] The state immediately appealed the district court's injunction

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131 The Department of Justice's administrative review of the Georgia photo I.D. requirement was unusual in several regards. An internal recommendation memorandum prepared by the Voting Section staff was published in *The Washington Post* after the submission had been precleared, providing an unprecedented look at the Department's Section 5 review of a major and controversial submission. The submission was precleared by the chief of the Voting Section on the same day as new factual information had been received by the Department of Justice, making it doubtful that the Section staff had a reasonable opportunity to review that information. From newspaper accounts. it appears that the decision to preclear the submission had overridden the recommendation of the Section's deputy chief and a senior trial attorney who had prepared the recommendation, and that this recommendation was not forwarded to the Civil Rights Division's political appointees, which typically would occur under these circumstances, even if the Section chief believed that preclearance was the appropriate outcome.

132 These claims did not involve the substantive standards of Section 5. Under current law, there is no private right of action available to private plaintiffs to challenge Section 5 administrative determinations, either in the District Court for the District of Columbia, where covered jurisdictions can go to obtain judicial preclearance of voting changes, or in the district courts of the respective states. See *Morris v. Gressette*, 432 U.S. 491 (1977). The circumstances present in this submission suggest a need for Congress to consider making such a private right of action available.

133 The district court concluded as follows: "Finally, the Court must examine the extent to which the state's interest in preventing voter fraud makes it necessary to burden the right to vote. As discussed above, the photo ID requirement is not narrowly tailored to the state's proffered interest of preventing voter fraud, and likely is not rationally based on that interest. Secretary of state Cox testified that her office has not received even one complaint of in-person voter fraud over the past eight years and that the possibility of someone voting under the name of a deceased person has been addressed by her office's monthly removal of recently deceased persons from the voter rolls. Further, the photo ID requirement does absolutely nothing to preclude or reduce the possibility for the particular types of voting fraud that are indicated by the evidence: voter fraud in absentee voting, and fraudulent voter registrations. The state imposes no photo ID requirement or absolute identification requirement for registering to vote, and has removed the conditions for obtaining an absentee ballot imposed by the previous law. In short, HB 244 opened the door wide to fraudulent voting via absentee ballots. Under those circumstances the state defendants'

to the 11th Circuit, which denied a stay, meaning that the injunction was in effect for the state's 2005 municipal elections. The state has adopted new legislation to replace Act 53 which, as of March 21, 2006, had been submitted for Section 5 preclearance; the Common Cause plaintiffs have moved to amend their pleadings to challenge the new legislation while awaiting the preclearance decision.

B. Shaw Litigation

Beginning with the Supreme Court's decision in *Shaw v. Reno*, 509 U.S. 630 (1993), the federal courts shifted toward a more limited and skeptical view of what steps could be taken to improve minority voters' electoral prospects. One of the signal examples of this trend arose in Georgia, as a constitutional challenge to the majority-black Eleventh Congressional District. The three-judge district court held that the Eleventh District was an unconstitutional racial gerrymander; on appeal, the Supreme Court affirmed, holding that the district subordinated traditional districting principles to racial considerations that were not required by the Voting Right Act. *Miller v. Johnson*, 515 U.S. 900 (1995). In arriving at this conclusion, the majority of the sharply-divided Court criticized DOJ for its Section 5 objections that had influenced the adoption of the plan.[134] The *Miller* plaintiffs then challenged the majority-black Second Congressional district, which also was found unconstitutional, and the district court imposed a remedial redistricting plan after the legislature failed to enact a new plan; this was affirmed by the Supreme Court in *Abrams v. Johnson*, 521 U.S. 74 (1997). The *Miller* plaintiffs also challenged the state Senate and state House redistricting plans as racial gerrymanders; after the legislature redrew the two plans, DOJ objected to both plans in March 1996 but withdrew the objections in October 1996 after a settlement of the case.[135] In May 1996, the district court had imposed interim remedial

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proffered interest simply does not justify the severe burden that the photo ID requirement places on the right to vote for those reasons the Court concludes that the photo ID requirement fails even the Burdick test.
* * *
In reaching this conclusion, the Court observes that it has great respect for the Georgia Legislature. The court, however, simply has more respect for the Constitution."

134 DOJ did not appeal the *Miller* district court's factual findings about its so-called maximization policy. It is beyond the scope of this report to address that issue with respect to the *Miller* litigation, but the preceding review of all redistricting objections in Georgia during the 1990s demonstrates that there is little empirical basis -- apart from the findings in the *Miller* cases -- to support the conclusion that a "maximization policy" was enforced there. There were only three local Georgia redistricting objections during all of the 1990s; had there been a "maximization policy" in effect one would expect to have seen many more objections given the number of redistrictings. Of those three objections, one was clearly retrogressive in nature, and the other two involved gerrymandered district boundaries intended to limit black voting strength B which the Supreme Court had summarily affirmed as violating Section 5 in *Busbee v. Smith;* the *Busbee* district court specifically had cautioned that "[t]he Court's decision does not require the state of Georgia to maximize minority voting strength in the Atlanta area. The state is free to draw the districts pursuant to whatever criteria it deems appropriate so long as the effect is not racially discriminatory and so long as racially discriminatory purpose is absent from the process." 549 F. Supp. at 70 (citations omitted). Only if one stretches the term to include any objection to a non-retrogressive redistricting plan could these objections be considered evidence of maximization; and even so two cases hardly comprise a policy.

135 Isabelle Katz Pinzler, Objection Letter, March 15, 1996; withdrawn October 15, 1996. While recognizing that changes would be required in order to comply with the standards set out by the Supreme Court, the letter concluded that the state had reduced minority voting strength beyond what was necessary to remedy the constitutional violations.

redistricting plans largely based upon the state's 1995 plans; again, the district court was critical of DOJ's 1992 Section 5 objections.[136]

Although *Shaw* and *Miller* occasioned substantial scholarly comment and concern as to how they would affect the post-2000 redistricting cycle, in retrospect, it appears that their effect was far less than expected, at least in terms of litigation raising Shaw challenges to new redistricting plans.[137]

IV. Federal Observer Coverage

Under Sections 6 and 8 of the Voting Rights Act, the Department of Justice can dispatch federal observers to monitor voting in the polls in Section 5 covered jurisdictions. Data from the Department of Justice show a significantly increased level of federal observer activity in Georgia after 1982, both in the number of elections at which observers were present as well as the counties to which observers were sent.[138]

Federal observers were present for a total of 87 elections in twenty-eight different Georgia counties since 1965, among which 65.5 percent occurred from 1982 onward. Eleven of the twenty-eight counties that had elections covered by federal observers post-1982 had not previously been covered, nine had elections covered both before and after 1982 and eight had elections covered only before 1982.

Table 2: Elections With Federal Observers by County

County	Pre-1982	1982-Forward	County	Pre-1982	1982-Forward
Baker	2	2	Mitchell	1	0
Baldwin	0	2	Peach	1	1
Brooks	0	3	Pike	0	2
Bulloch	1	0	Randolph	0	4
Burke	0	5	Screven	1	0
Calhoun	1	2	Stewart	2	2
Chattahoochee	0	1	Sumter	1	1
Early	1	0	Talbot	0	4

136 *Miller v. Johnson*, 929 F.Supp. 1529 (1996).

137 The 2002 objection to the Putnam County redistricting plan followed a *Shaw* suit in which the county's 1992 redistricting plan was found unconstitutional, requiring the county's 1982 plan to be used as the Section 5 benchmark. See *Clark v. Putnam County*, 293 F.3d 1261 (11th Cir. 2002); *Abrams v. Johnson*, 521 U.S. 74, 96-98 (1997).

138 Each county/election combination for which federal observers were present is counted as a separate election. For example, observers in four counties in a single November general election would be counted as four elections. The source for this information is the Geographic Public Listing of federal observer coverage maintained by the Voting Section of the Department of Justice.

Hancock	6	0	Taliferro	4	4
Jefferson	0	2	Telfair	1	1
Johnson	1	7	Terrell	4	0
Lee	1	0	Tift	1	0
McIntosh	0	3	Twiggs	0	6
Meriwether	1	3	Worth	0	2
			Total	30	57

V. Language Minority Issues

Because the 2000 Census showed that the total Latino population in Georgia had increased substantially since 1990, there was some expectation that one or more Georgia counties would be covered for Spanish-language under the 2002 determinations for Section 203 of the Voting Rights Act. As shown in Appendix 5, which provides breakdowns of the reported statewide Section 203 determination data and selected county-level data, neither the state nor any of its counties met the triggers for Section 203 coverage.[139]

At the statewide level, the Census Bureau reported data for Latinos, total Asian Americans and twelve single-language Asian groups, and total American Indians and eleven single-language Indian groups.[140] See Appendix 5-1. No single language-minority LEP group made up more than 0.5 percent of the state's voting age citizens, well short of triggering any statewide coverage.

Appendix 5-2 provides data for those counties in which more than one percent of the voting age population were members of a single language minority group (one-fifth of the 5 percent trigger), and/or contained more than 2,000 LEP voting age citizens of a single language minority group (one-fifth of the 10,000 trigger). It was only the Latino population that met these criteria in any of the state's counties. While some of the counties had appreciable numbers or concentrations of Latino LEP voting age citizens, none could be said to have "just missed" being covered. The recent dynamic population growth patterns in Georgia do suggest, however, that counties such as Gwinnett and Fulton are likely to be covered in the next set of Section 203 determinations, if the current criteria are extended.

Of course, there is more than just the issue of Section 203 coverage. There presently are two

139 Section 203, as amended in 1982, 42 U.S.C. Sec. 1973aa-1a, contains three "triggers" for coverage. First, a state (or a political subdivision) will be covered if more than five percent of its voting age citizens of a single language minority group do not speak English well enough to participate effectively in the electoral process (and are thus limited English-proficient, or "LEP"), and have an illiteracy rate greater than the national average. For purposes of the Section 203 determinations, persons who speak English less than very well are considered LEP, and illiteracy is defined as the failure to complete the fifth grade. Second, a political subdivision will be covered if it contains more than 10,000 LEP voting age citizens of a single language minority group who have an illiteracy rate greater than the national average. Third, a political subdivision will be covered if it contains all or part of an Indian reservation with five percent or greater LEP voting age citizens of a single language minority group who have an illiteracy rate greater than the national average.

140 Other single-language groups had insufficient numbers, even statewide, to meet the Bureau's criteria for disclosure avoidance, leading to those data being suppressed in the public data.

Hispanic members of the Georgia House and one Hispanic Senator.[141] They were elected from districts in which the Latino share of the voter registration is below five percent, which means they were elected with very substantial support from non-Hispanic voters.

Nonetheless, Congress has reason to find that discrimination against Latinos in the voting process is a tangible threat. At an August 2, 2005 hearing in Americus, Georgia, the National Commission heard testimony from Tisha R. Tallman, the Southeast Regional Counsel for the Mexican American Legal Defense and Educational Fund. Ms. Tallman testified that the eligibility of Spanish-surnamed registered voters had been mass-challenged in Long County prior to the 2004 primary election and in Atkinson County prior to the 2004 general election.[142]

While the fact that such challenges occurred is grounds for concern in its own right, it is the reaction of election officials to the challenge that implicates the need for federal intervention. It was Ms. Tallman's testimony that, despite her meetings with county registrars and state officials, nothing had been done to provide guidance to counties about how to handle this type of mass challenge or to prevent this challenge procedure from being used to harass and intimidate other eligible voters in the future.

On February 8, 2006, the Department of Justice filed suit under Section 2 of the Voting Rights against Long County with regard to the mass challenges in the 2004 primary election.[143] A consent decree was entered on February 10, 2006.[144] This appears to be the first case brought under Section 2 with regard to Latinos in Georgia and is further evidence that Georgia has not outgrown the need for heightened federal scrutiny of its electoral process.

CONCLUSION

141 They are Rep. Pedro Marin (House District 96); Rep. David Casas (House District 103) and Sen. Sam Zamarripa (Senate District 36). Their districts have 4.3 percent, 2.6 percent, and 0.6 percent Hispanic voter registration, respectively, according to the February 2006 report of the Georgia Secretary of state.

142 In both cases, the challenges appear to have been based simply on the voters' Spanish surnames and/or the fact that they were Hispanic, as opposed to personal knowledge of the voters' qualifications. In Atkinson County, the challenged voters were summoned to appear at a hearing before the county election officials, at which they were to present proof of their citizenship; the challenges were dismissed before individual inquiries took place. The Section 203 determination data for Atkinson County show the County with 175 Latino voting age citizens (of whom 95 reported being LEP). This is wholly consistent with the state's current report of the number of registered Hispanic voters in Atkinson County (85). A similar comparison cannot be made for Long County because its data were suppressed.

143 *United States v. Long County, Georgia*, No. CV206-040 (S.D. Ga.).

144 The consent decree provides that: "Defendants shall provide to each person who wishes to challenge the right to vote of any elector and to each person who wishes to challenge the qualifications of any elector on the list of registered voters a notice that states: 'A challenger must have a legitimate non-discriminatory basis to challenge a voter. Challenges filed on the basis of race, color, or membership in a language-minority group are not legitimate bases for attacking a voter's eligibility.'"

It is the nature of voting rights cases that each objection and lawsuit mentioned above involved a unique story and set of circumstances that on its own could occupy a report of this length. It would be unrealistic to attempt to predict what would happen in every community, or in any particular community, if the constraint of Section 5 were to be removed. But while it is true that there have been fewer Section 5 objections in recent years, I would submit that this can better be understood as a recognition that Section 5 prevents attacks on black voting rights, than as a loss of the desire to do so. One would hope that many communities have outgrown their pasts but the patterns over time leave little doubt that the impetus to reduce and negate black voting strength and participation in Georgia is real and has not vanished. The great gains achieved since 1965 in black citizens' political participation as voters and candidates probably would not be subject to a massive, obvious effort at disfranchisement if Section 5 is allowed to expire; it is more likely that a series of marginal steps, each one difficult to challenge individually under Section 2 or the Constitution, would gradually erode those gains. One could expect more consolidations like that originally proposed for the city of Augusta; more retrogressive redistrictings like those for Putnam County and the Webster County school board; the gradual readoption of at-large elections as attempted by Effingham and Decatur Counties; and more arbitrary registration procedures as in DeKalb County. Local jurisdictions and legislative delegations would have the advantage of being able to implement new discriminatory procedures and await a challenge for which the plaintiffs would bear the initial cost and the ultimate burden of proof. This is what Congress consistently has sought to prevent in the past through Section 5, and this is why Section 5 should be extended in Georgia.

APPENDICES

Appendix 1. Section 5 Objection Notes

Appendix 2. Listing of Section 5 Objections:

Appendix 3. DOJ Listing of Section 5 Objections: 1965 to 2006

Appendix 4. Georgia County Characteristics

Appendix 5. 2002 Language Minority Determination Data

Appendix 1 – Section 5 Objection Notes

Method of Election: Majority Vote Requirement			
	Jurisdiction	**DOJ Action**	**Notes**
	City of Butler (Taylor County)	James P. Turner, Objection Letter, June 25, 1993 (continued by James P. Turner, September 24, 1993)	This objection involved the use of a majority requirement for mayor. The objection letter noted that the 1972 majority vote requirement for Butler's mayor (Act No. 1477 (1972)) was not submitted for preclearance until 1988 as the result of a consent decree in the federal lawsuit, *Chatman* v. *Spillers*, No. CV 86-91-COL (M.D. Ga.). Butler had a black voting age population of 39 percent in 1980.
	City of Hinesville (Liberty County)	John R. Dunne, Objection Letter, July 15, 1991	This objection concerned Act No. 825 (1990), which restructured most of the City's election system without objection, but proposed to apply a majority vote requirement for mayor. The objection letter noted that DOJ had objected to the use of a majority vote requirement for Hinesville city offices (including mayor) on October 1, 1971, and subsequently had denied requests for reconsideration of that objection *three times.*
	City of Waynesboro (Burke County)	Deval L. Patrick, Objection Letter, May 23, 1994	This objection applied to the use of a majority vote requirement for mayor. The objection letter also noted that DOJ had interposed a January 7, 1972, objection to a majority vote requirement for all Waynesboro city offices, with which the city had failed to fully comply; that is, the City had used the majority requirement in violation of Section 5 after the objection. Waynesboro and Burke County were the subject of extensive voting rights litigation prior to 1982; *Rogers* v. *Lodge,* 458 U.S. 613 (1982), concerned the at-large election system for the Burke County Commission. Waynesboro had a 1990 black voting age population of 52 percent and black registration of 51 percent; the objection letter noted participation disparities between black and white voters, which would tend to reduce the black share of voter turnout to below 50 percent.
	Town of McIntyre (Wilkes County)	James P. Turner, Objection Letter, November 9, 1993	This objection applied to the use of a majority vote requirement in special elections for city council vacancies. McIntyre had a 1990 black voting age population of 45.5 percent and a black voter registration at the time of 39 percent.

Appendix 1 – Section 5 Objection Notes

	City of Waycross (Ware and Pierce Counties)	William Bradford Reynolds, Objection Letter, February 16, 1988	This objection involved the creation of a single-position mayor to be elected by majority vote; under the existing system the mayor was selected by and among the council members elected from single-member districts. The objection letter noted that the state legislation at issue (Act No. 414 (1987)) had not been requested by the City and that the City had little input into its drafting. Waycross had a black voting age population of 35.4 percent in 1980.
	City of Monroe (Walton County)	John R. Dunne, Objection Letter, July 3, 1991 (continued by John R. Dunne, October 21, 1991; continued by James P. Turner, October 22, 1993)	This objection involved the use of a majority vote requirement for all citywide offices, including mayor, but later was narrowed to the mayor only. DOJ denied reconsideration of the July 1991 objection in October 1991 (with respect to all citywide offices), and then again in October 1993 with regard to the mayor only. When the city chose to implement the majority vote requirement for mayor notwithstanding the objection, DOJ filed a Section 5 enforcement action in Georgia to enjoin the City, in which the three-judge court unanimously ruled in the United States' favor. *United States* v. *City of Monroe*, 962 F.Supp. 1501 (1997). On direct appeal the Supreme Court reversed. *City of Monroe* v. *United States*, 522 U.S. 34 (1997). The Supreme Court did not reach the merits of whether the change was retrogressive, but rather held that the change had already received Section 5 preclearance in a previous submission of state procedures. Monroe had a black voting age population of 40.9 percent in 1990.
	Baldwin County	Brian K. Landsberg, Objection Letter, August 13, 1993 (continued by James P. Turner, October 22, 1993)	This objection focused upon the proposed use of a majority vote requirement for a chief magistrate for Baldwin County.

Appendix 1 – Section 5 Objection Notes

Method of Election: At-Large Elections			
	Jurisdiction	**DOJ Action**	**Notes**
	City of Griffin (Spalding County)	William Bradford Reynolds, Objection Letter, September 25, 1985 (continued by William Bradford Reynolds, February 10, 1986)	This objection blocked the use of one at-large seat which was to be used in a "mixed" plan with four single-member districts. Griffin had a black voting age population of 42 percent in 1980.
	City of LaGrange (Troup County)	Deval L. Patrick, Objection Letter, October 11, 1994; City of LaGrange, (Troup County)	In 1993 and 1994 DOJ objected twice to different method of election changes for the City of LaGrange; the 1993 objection involved the use of two at-large seats in a mixed city council plan with four single-member districts, while the 1994 objection involved the use of one at-large seat in a mixed city council plan with two "super-districts" and four single-member districts. The city's then-existing method of election for the city council was six members elected at large with numbered posts and a majority vote requirement, which later was found by a federal court to violate Section 2 of the Voting Rights Act. Before submitting any plans to DOJ the city had been enjoined from attempting to implement an earlier plan without Section 5 preclearance. See *Cofield* v. City of LaGrange (N.D. Ga., unpublished order Feb. 21, 1997). LaGrange had a black voting age population of 37 percent in 1990.
		James P. Turner, Objection Letter, December 13, 1993 (continued April 1, 1994)	
	City of Lyons (Toombs County)	William Bradford Reynolds, Objection Letter, November 29, 1985	This objection blocked the use of an at-large seat in a mixed plan with four single-member districts. The then-existing method of election for the city council was four members elected at large from residency districts. Lyons had a black voting age population of 26.3 percent in 1980.
	City of Newnan (Coweta County)	James P. Turner, Objection Letter, August 31, 1984	This objection blocked the use of two at-large seats which were to be used in a mixed plan with four single-member districts. The then-existing method of election for the city council was four members elected at large. Newnan had a black population of 45 percent in 1980.

Appendix 1 – Section 5 Objection Notes

	Lamar County Commission	William Bradford Reynolds, Objection Letter, March 18, 1986	This objection was based upon the use of one at-large seat in a mixed plan with four single-member districts.

Appendix 1 – Section 5 Objection Notes

Method of Election: Majority Vote Requirement and Numbered Posts			
	Jurisdiction	**DOJ Action**	**Notes**
	City of Ashburn (Turner County)	Ralph F. Boyd, Objection Letter, October 1, 2001	This objection blocked the use of numbered posts for city council elections and a majority vote requirement for all city offices; these changes originally had been adopted in 1973 and 1966, respectively, but never were submitted for preclearance until decades later. The city's benchmark election system (that in effect in 1966) was at-large to concurrent terms with plurality vote and no designated posts. It appears that the outstanding method of election changes finally were submitted in connection with a series of annexations to which there was no objection. Even then, the City delayed its response to a December 1995 request for additional information until August 2001. Ashburn had a black voting age population of 58.7 percent in 2000, but the black share of voter registration in the City was 50.9 percent.
	City of Lumber City (Telfair County)	William Bradford Reynolds, Objection Letter, July 8, 1988 (continued by William Bradford Reynolds, October 7, 1988)	This objection involved the 1973 adoption of a majority vote requirement for the mayor and city council of the City of Lumber City, and a 1988 ordinance adopting numbered posts for the city council; the City had implemented the majority vote requirement illegally (another objection was interposed in 1989). The Section 5 objection followed the lawsuit *Woodard* v. *Mayor and City Council of Lumber City*, No. CV 387-027 (S.D. Ga.), in which the parties agreed that the existing at-large election system violated Section 2 of the Voting Rights Act. After the 1988 and 1989 Section 5 objections, the district court ordered the use of a mixed six-member plan (without a majority vote requirement) an interim remedy. *Id*., August 3, 1990 Order. Lumber City had a black voting age population of 44.4 percent in 1980.
	City of Wrens (Jefferson County)	William Bradford Reynolds, Objection Letter, October 20, 1986	This objection involved the addition of a majority vote and numbered post requirement to the at-large election system for the mayor and city council; the objection letter noted that the objected-to changes had been implemented illegally in city elections since 1970. Wrens had a black voting age population of 50.2 percent in 1980.

Appendix 1 – Section 5 Objection Notes

	City of Forsyth (Monroe County)	William Bradford Reynolds, Objection Letter, December 17, 1985	This objection blocked the addition of a numbered post and majority vote requirement for city council elections. The objection letter made clear that the objected-to changes had been implemented in at least two elections in violation of Section 5. The objection letter also interposed an objection to ten annexations. Forsyth had a black voting age population of 46.9 percent in 1980.
	City of East Dublin (Laurens County)	John R. Dunne, Objection Letter, April 26, 1991	DOJ precleared a change in the City's method of election from five at-large seats to a mixed plan with three single-member districts and two at-large seats; however, an objection was interposed to a majority vote requirement that was to be used in combination with numbered posts for the two at-large seats. The objection letter noted that black candidates had enjoyed success under the then-existing system of five at-large seats with plurality vote elections and no designated seats.

Appendix 1 – Section 5 Objection Notes

Method of Election: Majority Vote Requirement and At-Large Elections			
	Jurisdiction	**DOJ Action**	**Notes**
	Decatur County Commission	Deval L. Patrick, Objection Letter, November 29, 1994	This objection involved a proposal to change the method of electing the county commission from the then-existing six-member single-member district plan to a mixed plan with six single-member districts and one at-large seat to be elected with a majority vote requirement. Decatur County had a black population of 38.9 percent in 1990.
	Effingham County Commission	John R. Dunne, Objection Letter, July 20, 1992	This objection blocked the proposal to change the method of electing the county commission from the then-existing five-member single-member district plan to a mixed plan with five single-member districts and one at-large seat to be elected with a majority vote requirement. The objection letter noted that the single-member district system had earlier been adopted in response to a vote dilution lawsuit.
	City of Monroe (Walton County)	James P. Turner, Objection Letter, October 22, 1993	This objection involved a proposal to change the method of electing the city council from six at-large seats to four single-member districts and two single-member "super-districts." The same letter also continued the July 3, 1991 objection to the use of a majority vote requirement for city elections. Monroe had a black voting age population of 37 percent in 1990.
	City of Quitman (Brooks County)	William Bradford Reynolds, Objection Letter, April 28, 1986	This objection involved a proposal to change its then-existing five-member council, each of whom was elected at-large by plurality vote, to a mixed system with two dual-member districts and an at-large chair elected by majority vote. The objection letter noted that the proposal might have satisfied Section 5 if it had maintained the plurality-win feature of the then-existing system rather than imposing a majority vote requirement for the at-large seat. Quitman had a black population of about 55 percent and a black voting age population of 50.9 percent in 1980; the objection letter noted that an annexation of about 19 acres of land was being precleared that might somewhat reduce the black share of the city's population.

Appendix 1 – Section 5 Objection Notes

Method of Election: Numbered Posts			
	Jurisdiction	**DOJ Action**	**Notes**
	City of Sparta (Hancock County)	John R. Dunne, Objection Letter, February 4, 1992	This objection blocked legislation that would have added a numbered post requirement to the then-existing at-large city council election system.
	City of Kingsland (Camden County)	William Bradford Reynolds, Objection Letter, January 3, 1983	This objection to 1976 legislation (which appears to have been implemented without Section 5 preclearance) adopted numbered posts for the at-large election system for the city council. The objection letter noted that the City was abandoning an unprecleared 1977 adoption of a majority vote requirement, as well as an unprecleared 1977 polling place change to an all-white woman's club. Kingsland had a black voting age population of 35.7 percent in 1980.

Appendix 1 – Section 5 Objection Notes

Method of Election: At-Large Elections and Numbered Posts			
	Jurisdiction	**DOJ Action**	**Notes**
	Bacon County	William Bradford Reynolds, Objection Letter, June 11, 1984	This objection blocked the change from an eight-member plan with seven single-member districts and one at-large seat to an at-large system with residency districts (which had been implemented without Section 5 preclearance using three, and later five members, since 1965). At the same time, legislation was precleared to adopt a six-member single-member district plan for the county commission.
	Taylor County Board of Education	William Bradford Reynolds, Objection Letter, August 19, 1983	This objection involved 1975 legislation which would have changed the benchmark, a nine-member single-member district system for the Taylor County Board of Education, to an at-large system for five members with residency districts; it appears that these and other changes also had been implemented without Section 5 preclearance. The letter noted that the specific facts of the changes were unclear because the school board had refused to submit the original change from single-member districts to an at-large system with residency districts; the letter stated that "[i]ndeed, the board has been most uncooperative throughout the review process."

Appendix 1 – Section 5 Objection Notes

Method of Election: Numbered Posts, Staggered Terms and Majority Vote Requirement			
	Jurisdiction	**DOJ Action**	**Notes**
	City of Tignall (Wilkes County)	Bill Lann Lee, Objection Letter, March 17, 2000	This objection blocked 1999 legislation incorporating these features, which modified the city's then-existing system of at-large, plurality-vote elections to concurrent terms for the city council; the objection letter noted the changes had been implemented without preclearance in the city's 1999 election. Tignall had a black population of 43 percent in 1990.
	City of Lumber City (Telfair County)	James P. Turner, Objection Letter, November 13, 1989	This objection, which followed a July 8, 1988 objection to a previous proposal, involved a proposal to change the method of electing the city council for the City of Lumber City from six members, elected at large by plurality vote to two-year staggered terms, to a mixed plan with four single-member districts and two at-large seats, elected by majority vote to four-year staggered terms.
Method of Election: Numbered Posts, At-Large Elections and Majority Vote Requirement			
	Jurisdiction	**DOJ Action**	**Notes**
	City of Jesup (Wayne County)	William Bradford Reynolds, Objection, Letter March 28, 1986	This objection was interposed to a number of changes in the method of election for the City of Jesup, for which six commissioners were elected at large by plurality vote to staggered terms under the benchmark system. The objection blocked further implementation of 1968 legislation (apparently enforced without preclearance) which required the use of numbered posts and a majority vote in city commission elections. The objection also blocked 1985 legislation that created a new, highly unusual mixed plan for the city commission, which provided for one single-member district (drawn initially to be over ninety percent black), one three-member district (less than ten percent black and containing seventy-five percent of the city's population) with numbered posts, and one at-large seat. Jesup had a black population of 30.6 percent in 1980.

Appendix 1 – Section 5 Objection Notes

	Baldwin County Board of Education	William Bradford Reynolds, Objection Letter, September 19, 1983	This objection was interposed to the adoption of at-large elections in combination with both numbered posts and a majority vote requirement as the Baldwin County Board of Education changed from an appointed to an elected body.
Method of Election: Staggered Terms			
	Jurisdiction	**DOJ Action**	**Notes**
	City of Rome (Floyd County)	William Bradford Reynolds, Objection Letter, August 11, 1987	This objection identified the city's proposed adoption of staggered terms, in conjunction with an increase in the number of school board members from six to seven, as the reason for the objection, which cited the factors discussed in *City of Rome* v. *United States*, 446 U.S. 156 (1980). Rome had a black voting age population of 23.6 percent in 1980.
Method of Election: Plurality-Vote Requirement			
	Jurisdiction	**DOJ Action**	**Notes**
	Statewide	Isabelle Katz Pinzler, Objection Letter, August 29, 1994 (withdrawn by Loretta King, September 11, 1995)	This objection concerned a proposal to replace the State's majority vote requirement with a forty-five percent plurality vote requirement for certain general elections. The letter noted that black legislators had unsuccessfully proposed that the majority vote requirement be repealed entirely or be changed to a plurality vote requirement for all elections, as opposed to the more limited change proposed by the State. The letter noted that the reasons given by the State in support of its proposed change would have applied equally to the remainder of the elections subject to the majority vote requirement, and noted a suit brought by the United States challenging the State's majority vote requirement.

Appendix 1 – Section 5 Objection Notes

Redistricting Plans: Statewide			
	Jurisdiction	**DOJ Action**	**Notes**
	Congressional	William Bradford Reynolds, Objection Letter, February 11, 1982	The objection letter identified manipulation of the boundaries of the Fifth District in the Atlanta area as the basis of the objection. The letter acknowledged that the plan was non-retrogressive but denied preclearance on the ground that the plan had a racially discriminatory purpose.
	State House	William Bradford Reynolds, Objection Letter, February 11, 1982	The objection letter identified problems with retrogressive changes affecting Senate districts in DeKalb and Richmond Counties; in DeKalb County the plan would have replaced an existing senate district having a 57 percent black share of voter registration with an adjacent district having only a 42 percent black share of voter registration, and in Richmond County the black population percentage of a district was unnecessarily decreased from 50 to 48 percent.
	State Senate		Retrogressive changes to House districts in Dougherty County prompted the objection to the 1981 House plan; under the benchmark plan there was one district in Dougherty County with a substantial black majority (80.4 percent) and one district with a nominal black majority (50.8 percent), while the 1981 plan redrew the Dougherty County districts to have one district with a black majority of 73.5 percent while the next most heavily-black district was reduced to 45.9 percent.

Appendix 1 – Section 5 Objection Notes

	Congressional	John R. Dunne, Objection Letter, January 21, 1992	The Congressional plan included one district more than the benchmark plan as the result of Congressional reapportionment. The letter stated that the State had departed from its stated criteria and did make a good faith effort to recognize the black populations in southwest Georgia, as had been proposed in alternative plans. The letter also identified concerns about the exclusion of black population in Baldwin County from the Eleventh District and the inclusion of certain white areas in the Fifth District.
	State Senate		With respect to the Senate plan, the letter stated that incumbent protection appeared to have motivated the fragmentation of minority populations in three areas: DeKalb and Clayton Counties, Twiggs and Wilkinson Counties, and Fulton and Cobb Counties. The letter identified the division of majority black counties in the southwest and east-central portions of the State as preventing additional majority-black districts from having been drawn in those areas. The letter also noted a last-minute boundary change to include certain heavily-white precincts in a Savannah senate district.
	State House		The State House plan involved a change from 130 single-member districts, 25 multi-member districts and two floterial districts to 180 single-member districts. The letter identified six areas of concern. The letter said that in Chatham County and Glynn, McIntosh and Liberty Counties, alternative boundaries that could have avoided unnecessary retrogression by drawing additional viable districts, appeared to have been rejected for reasons of incumbent protection. The letter stated that a finger-shaped area of Dougherty County had been placed into a majority-white district based in neighboring counties, apparently as a means of keeping an equal number of white and black members in county's legislative delegation. The letter states that the State did not seriously consider the potential to draw a third majority-black district in Muscogee and Chattahoochee Counties and instead followed arbitrary and discriminatory work group lines. Burke County was fragmented among three districts. The letter stated that boundaries in Clayton County appeared to have been manipulated to limit the black percentages and to protect incumbents, and that the State had not provided a nondiscriminatory explanation for rejecting alternative boundaries that provided for effective majority-black districts. The letter stated that in southwest Georgia black population concentrations in Peach and Houston Counties were dispersed among several districts; the State claimed that this enhanced black political influence, but the letter said that it appeared to have been done to protect white incumbents.

Appendix 1 – Section 5 Objection Notes

	Congressional	John R. Dunne, Objection Letter, March 20, 1992	The letter stated that 1992 redistricting plans remedied the February 1992 objections in many areas of the State, but that some areas in each of the three plans continued to be a problem. The letter noted that the second-largest concentration of black voters in the State, in the area of Chatham, Effingham and Screven Counties, continued to be excluded from any majority-black district. The letter noted the 1992 plan increased the black population percentage in the Second District but continued to exclude majority-black areas in southwest Georgia from that district.
	State House		The letter identified continued problems with senate districts in DeKalb and Clayton Counties, in which majority black areas of Clayton County were placed into majority-white districts when they could have been included in an additional majority black senate district based in DeKalb County. The letter also stated that the plan continued to fragment black population concentrations in the southwest part of the State.
	State Senate		The letter stated that the 1992 plan continued to fragment black populations in Houston County and rejected alternative plans that would have created two majority black districts in the area of Houston and Peach Counties. The letter stated that the problems previously identified in the rural southwest part of the State and in Muscogee County had not been remedied. In addition, the letter said that the revised plan included a land bridge through Richmond County that appeared to be an effort to manipulate the racial composition of the Richmond County legislative delegation.

Appendix 1 – Section 5 Objection Notes

	State House	John R. Dunne, Objection Letter, March 29, 1992	The letter stated that the boundaries in the Muscogee and Chattahoochee County areas remained a concern with respect to the revised 1992 House plan. The letter stated that the black population in the area remained packed into two districts and that there were district boundary manipulations to protect a white incumbent.
	State Senate	Isabelle Katz Pinzler, Objection Letter, March 15, 1996; Withdrawn October 15, 1996	The letter began by noting that the then-existing 1992 House and Senate redistricting plans were being used as the Section 5 benchmark. The 1996 plan changed 46 of the 56 senate districts. The letter stated that the reductions in the black percentages of senate districts in DeKalb and Clayton Counties, and in southwest Georgia, were not necessary to remedy the constitutional violations that the State claimed to have required the new district boundaries.
	State House		The 1996 plan changed 67 of the 180 house senate districts and reduced the number of majority-black house districts from 42 to 37. The letter stated that reductions in the black percentage of a district including Milledgeville were retrogressive, and that the new boundaries were not constitutionally required. The letter stated that the reduction of the black percentage in a district including Troup and Coweta Counties was retrogressive, and that contrary to the State's claims the district had not been drawn in response to demands by DOJ. The letter said that changes to a district in Chatham County were retrogressive, that the State had not claimed that particular district to be unconstitutional, and that the State's explanations for the retrogressive changes were not convincing. The letter stated that reductions of the black percentage in a district including parts of Glynn, Liberty and McIntosh Counties were not justified due to communities of interest that existed between those areas. The letter found that changes to three House districts in the southwest part of the State would be retrogressive and that the reduction of the black percentages in these districts went beyond what was constitutionally required, and noted that these districts closely resembled the districts drawn in 1991 prior to any Section 5 objection.

Appendix 1 – Section 5 Objection Notes

Redistricting Plans: County			
	Jurisdiction	**DOJ Action**	**Notes**
	Putnam County Commission	J. Michael Wiggins, Objection Letter, August 9, 2002	The five-district plan would have reduced the number of majority-black districts from two to one. Putnam County had a 26.3 percent black voting age population in 2000 and employed a mixed plan of four single-member districts and one at-large seat. The objection letter also applied to the use of the same boundaries for redistricting the Putnam County School Board.
	Randolph County Commission	Isabelle Katz Pinzler, Objection Letter, June 28, 1993; continued by Brian Landsberg, September 13, 1993	Randolph County had a black voting age population of 52 percent in 1990, and under the benchmark plan there were three majority-black districts. The objection letter noted that the proposed plan unnecessarily removed black population concentrations from an overpopulated majority-black district, when majority-white areas along the border of the district were equally available. The result was to keep the black percentage approximately the same in that district, in which black voters' candidates of choice had been defeated. Thus, the minority population at issue already was present in the district, but the minority percentage remained about the same due to gerrymandering of the district boundaries. (The same objection letter also objected to the use of the objected-to redistricting plan as the initial districting plan for the Randolph County Board of Education, which was changing from appointive to elective, and to the imposition of an educational requirement for school board candidates).
	Dougherty County Commission	William Bradford Reynolds, Objection Letter, July 12, 1982	The objection letter noted that although the countywide black population percentage had increased significantly between 1970 and 1980, the black population share was reduced in all but one of the six districts, and the county's black population was unnecessarily concentrated (i.e., gerrymandered) into two districts.
	Glynn County Commission	William Bradford Reynolds, Objection Letter, July 12, 1982	The objected-to plan reduced the black share of the total population -- from approximately 75 percent to approximately 60 percent -- in the only majority-black district, despite a significant increase in the black share of the countywide population between 1970 and 1980.

Appendix 1 – Section 5 Objection Notes

Redistricting Plans: County School Board			
	Jurisdiction	**DOJ Action**	**Notes**
	Marion County Board of Education	Ralph F. Boyd, Objection Letter, October 15, 2002	Marion County as a whole had a 31.6 percent black voting age population in 2000. The objection noted that population shifts had made it impossible to maintain the three (underpopulated) majority-black districts present in the five-district benchmark plan, but that the proposed plan would leave only one district in which black voters could elect candidates of their choice when it was possible to maintain two such districts.
	Putnam County Board of Education	J. Michael Wiggins, Objection Letter, August 9, 2002	This objection was based upon the same retrogressive factors as the objection to the same redistricting plan for the Putnam County Commission.
	Webster County Board of Education	Bill Lann Lee, Objection Letter, January 11, 2000	The objection letter states that shortly after the 1996 elections, in which a third black member was elected to the board for the first time, the school board members were advised that their five-district plan had to be redrawn because it was malapportioned; however, the five percent deviation in the benchmark plan was well within constitutional limits, while the plan that ostensibly was enacted to cure its malapportionment instead had a *thirteen* percent deviation, which clearly was at least constitutionally suspect. Webster County as a whole had a 48 percent black voting age population in 1990. The letter noted that districts with black populations of 65.6, 55.7 and 70.1 percent had been reduced to 57.3, 52.3 and 69.8 percent, respectively. In two of those districts the black share of voter registration had been reduced to 45.6 percent and 42.1 percent.

Appendix 1 – Section 5 Objection Notes

	Sumter County School District	William Bradford Reynolds, Objection Letter, December 17, 1982	The objected-to redistricting plans were submitted following the decision in *Edge* v. *Sumter County School District*, No. 80-20-AMER (M.D. Ga. Nov. 25, 1981). The *Edge* case held in part that there was no legally enforceable plan for electing the Sumter County Board of Education. DOJ found that neither the 1982 nor 1983 plan fairly reflected black voting strength in the school district as a whole, applying the special rule for such cases stated in *Wilkes County, Georgia* v. *United States*, 450 F. Supp. 1171, 1178 (D.D.C. 1978), *aff'd* 439 U.S. 999 (1978). The Sumter County school district had a total black population of 43.4 percent in 1980. It used a mixed plan with six single-member districts and one at-large seat. The plan at issue in the 1982 objection provided for two majority-black districts but divided black populations that otherwise could have comprised a third district under a single-member district plan. This objection noted that a revised redistricting plan had created third, nominally majority-black district, but identified annexations that appeared to have reduced that figure but had not been documented by the school board in its submission. DOJ found again that this plan did not meet the standard of *Wilkes County*.
		William Bradford Reynolds, Objection Letter, September 6, 1983	
	Bibb County Board of Education	William Bradford Reynolds, Objection Letter, November 26, 1982	The letter noted that although the black share of the population in the school district had increased since 1970, the proposed six-district redistricting plan reduced the number of districts in which black residents could form a majority of potential voters from three to two.

Appendix 1 – Section 5 Objection Notes

Redistricting Plans: Municipal			
	Jurisdiction	**DOJ Action**	**Notes**
	City of Albany (Dougherty County)	J. Michael Wiggins, Objection Letter, September 23, 2002	This redistricting plan reduced the black population in one ward from 51 percent to 31 percent specifically to forestall the creation of an additional majority-black district. 60.2 percent of the voting age population in Albany was black in 2000 and 57.3 percent of the registered voters in the city were black at the time of the submission.
	City of Macon (Bibb and Jones Counties)	Loretta King, Objection Letter, December 20, 1994	Macon had a black population of 52 percent in 1990. The city's mixed plan employed five two-member districts and five at-large seats using the two-member districts as residency districts, for a total of fifteen seats. Each of the three majority-black districts in the benchmark had elected two black candidates, while only one black candidate had been elected to any of the five citywide seats. The plan unnecessarily reduced the black population in one of the three majority-black benchmark districts to the point that it became a majority-white district in voting age population.
	City of Griffin (Spalding County)	John R. Dunne, Objection Letter, November 30, 1992	Griffin had a black population of 47.8 percent in 1990. It used a mixed plan with six single-member districts and one at-large seat; the objection noted that the proposed plan maintained existing electoral opportunities for black voters in two districts, but that the boundaries for a third district divided a black residential area which, if kept intact, likely would have provided a realistic opportunity for black voters to elect candidates of their choice in that district as well. The objection letter noted also that the City had declined to respond to allegations that its boundary choices had been motivated by the intent to limit minority voting strength.
	City of College Park (Clayton and Fulton Counties)	William Bradford Reynolds, Objection Letter, December 12, 1983	College Park had a black population of 48.3 percent in 1980. The objection noted that despite substantial growth in the city's black population since 1970, its proposed redistricting packed black population into one district (at a level of 90 percent) while dividing the remainder of the city's black population concentrations into four other districts, including district boundaries that unnecessarily split one heavily-black Census block among several districts. The letter cited the summary affirmance of *Busbee* v. *Smith* in noting that the district boundary manipulation and aversion to input from the minority community were indicative of a racially discriminatory purpose.

Appendix 1 – Section 5 Objection Notes

Districting Plans			
	Jurisdiction	**DOJ Action**	**Notes**
	Thomas County Commission	William Bradford Reynolds, Objection Letter, July 23, 1984	Thomas County had a black population of 38.4 percent in 1980. The adoption of a system with eight single-member districts for the commission resulted from a federal court finding that the at-large system violated Section 2 of the Voting Rights Act. *Thomasville Branch of NAACP* v. *Thomas County*, Civ. No. 75-34 (M.D. Ga., Jan. 26, 1983). The objection letter noted that the Georgia State Reapportionment Office, which drew the plan, had been explicitly instructed to limit the number of majority-black districts to two out of eight.
	Randolph County Board of Education	Isabelle Katz Pinzler, Objection Letter, June 28, 1993; continued by Brian Landsberg, September 13, 1993	The June 28 letter interposed an objection to the use of the same district boundaries as a redistricting plan for the Randolph County Commission, and to an education requirement for school board candidates that was included with the school board legislation. The objection focused upon the effort to limit the black percentage in one of the districts for both the commission redistricting plan and the school board's initial districting plan.
	City of McDonough (Henry County)	William Bradford Reynolds, Objection Letter, November 22, 1982	McDonough had a black population of 37.7 percent in 1980. In both cases the objection letters noted that the black population of the city was fragmented by the proposed plans among three of the four districts used in the mixed plan (along with two at-large seats), with the result that black voters would likely have the opportunity to elect candidates of their choice to only one of six council seats. The December 1984 letter noted that the reasons for the November 1982 objection apparently had not been provided to the chairperson of the committee that drafted the second plan.
		William Bradford Reynolds, Objection Letter, December 3, 1984	

Appendix 1 – Section 5 Objection Notes

Annexations

	Jurisdiction	DOJ Action	Notes
	City of Union City (Fulton County)	John R. Dunne, Objection Letter, October 23, 1992 (withdrawn by James P. Turner, August 9, 1993)	The 1992 data showed that the black share of the City's voter registration was 52 percent before the annexation, and that the annexation would have reduced the black share of the City's voter registration by 4.5 percentage points. Only one black candidate had been elected under the city's at-large election system. On reconsideration additional information was provided, which showed that the City's black share of the City's voter registration had increased to 61 percent, and the objection was withdrawn.
	City of Augusta (Richmond County)	William Bradford Reynolds, Objection Letter, July 27, 1987, withdrawn by William Bradford Reynolds, July 15, 1988	Augusta had a 53.5 percent black population in 1980. This objection blocked eight annexations for what the objection letter described as a "racial quota policy" that the City followed in making its annexations. This objection was withdrawn in July 1988 after Augusta changed its method of election from eight members elected at large, to a mixed plan with ten members elected from single-member districts and three members elected at-large by limited voting (for two positions). The adoption of the mixed plan served to settle the Section 2 lawsuit *United States* v. *City of Augusta*, No. CV187-004 (S.D. Ga.) (consent judgment filed July 22, 1988).
	City of Elberton (Elbert County)	John R. Dunne, Objection Letter, July 2, 1991	Elberton used single-member districts, but the manner in which the annexed area was apportioned to the existing districts unnecessarily reduced the black percentage in one district to the extent that it jeopardized the ability for black voters to continue to elect candidates of their choice.
	City of Forsyth (Monroe County)	William Bradford Reynolds, Objection Letter, December 17, 1985 (continued by William Bradford Reynolds, March 3, 1987)	This objection blocked the implementation of ten annexations that -- taken together -- would have reduced the citywide black population by two percentage points and changed the city from a slight black majority to a white majority. The letter also objected to the adoption of majority vote and numbered post requirements for the at-large city council elections.

Appendix 1 – Section 5 Objection Notes

	City of Adel (Cook County)	William Bradford Reynolds, Objection Letter, June 22, 1982	Adel had a 38.6 percent black population in 1980. The objection blocked 23 annexations and city boundary changes, which would have caused a 2.5 to 3 percent reduction in the black population percentage citywide.
Deannexation			
	Jurisdiction	**DOJ Action**	**Notes**
	City of Macon (Bibb and Jones Counties)	William Bradford Reynolds, Objection Letter, April 24, 1987	This deannexation involved an area that admittedly was removed from Macon in order to oust a particular legislator from the City's legislative delegation. The numeric decrease in the City's black population was small, but DOJ's objection was based primarily upon the conclusion that race was a factor -- if not the predominant factor -- in the decision to remove the legislator together with the voters in the surrounding neighborhood.

Appendix 1 – Section 5 Objection Notes

Consolidations			
	Jurisdiction	**DOJ Action**	**Notes**
	City of Brunswick and Glynn County	William Bradford Reynolds, Objection Letter, August 16, 1982	Brunswick at that time was majority black and there was a prospect that black voters would elect a majority of the council members. The objection letter found that under the proposed consolidation black voters would likely be able to elect candidates of their choice to only one of the seven seats of the consolidated jurisdiction, despite the fact that the black population of Glynn County was 26.4 percent. The system would not have fairly reflected black voting strength in the consolidated jurisdiction and so preclearance was denied, under the standard for assessing the retrogressive effect of annexations under the special rule of *City of Richmond* v. *United States*, 422 U.S. 358 (1975). DOJ found that the standards for annexations would be equally applicable to consolidations. The same letter also objected to the form of a referendum election (countywide vote only) that was to be held with respect to the consolidation; that objection will be discussed separately.
	City of Augusta and Richmond County	James P. Turner, Objection Letter, May 30, 1989	At that time Augusta had a black population of 53.5 percent, and as the result of litigation under Section 2 of the Voting Rights Act the City had adopted an election system in which black voters had a realistic opportunity to elect candidates of their choice to at least six of the thirteen seats on the city council. The objection letter noted that it was questionable whether the consolidated election system, to be composed of 15 members elected under a complex scheme from six two-member districts and three single-member "super-districts", would in fact fairly represent black voting strength in the consolidated jurisdiction. The letter went on, however, to discuss in detail the tenuous nature of the justifications put forward for the consolidation, and the circumstances which strongly suggested that the prospect of the City finally having a system that fairly reflected black voting strength was the primary, if not sole, motivation for the consolidation. A racially discriminatory purpose therefore appears to have been the primary reason for the objection.

Appendix 1 – Section 5 Objection Notes

State Judicial Changes			
	Jurisdiction	**DOJ Action**	**Notes**
	State	James P. Turner, Objection Letter, June 16, 1989 (withdrawn in part and continued in part by John R. Dunne, April 25, 1990)	This objection involved a series of acts of the Georgia Legislature dating back to 1967 that established 48 additional superior court judgeships and established two superior court circuits and district attorney positions to serve those circuits. The letter noted that the State had failed to respond to DOJ's request for additional information about the submission. In this and the five subsequent objections to new judgeships the basis of the objection was the use of an at-large, designated post and majority vote election system for each judgeship.
	State	John R. Dunne, Objection Letter, April 25, 1990	This objection involved ten superior court judgeships created in 1989 and 1990. The same letter denied reconsideration of the June 1989 objection, except for the creation of two new judicial circuits, for which the objection was withdrawn.
	State	John R. Dunne, Objection Letter, June 7, 1991	This objection involved two superior court judgeships created in 1991.
	State	John R. Dunne, Objection Letter, October 1, 1991 (withdrawn October 23, 1995)	This objection involved one superior court judgeship and a clerk position created in 1990. The letter noted that subdividing judicial circuits was not necessarily required, if the State would consider removing the designated post and majority vote requirements, or consider the use of cumulative voting or special limited voting.
	State	Loretta King, Objection Letter, September 16, 1994 (withdrawn October 23, 1995)	This objection involved one state court judgeship and a solicitor position created in 1994.

Appendix 1 – Section 5 Objection Notes

	State	Deval L. Patrick, Objection Letter, January 24, 1995 (withdrawn October 23, 1995)	This objection involved one state court judgeship created in 1994.
Election Schedules			
	Jurisdiction	**DOJ Action**	**Notes**
	State of Georgia	William Bradford Reynolds, Objection Letter, August 12, 1982	DOJ objected to a special primary election schedule for Georgia's 1982 Congressional election. A special primary election was required because the District Court for the District of Columbia had denied Section 5 preclearance to the State's 1981 Congressional redistricting plan in *Busbee* v. *Smith*, and the State was unable to enact a remedial plan in sufficient time to conduct the Congressional primary elections according to the normal schedule. The proposed schedule was hand-delivered for Section 5 preclearance on August 9, would have ended candidate qualifying on August 13, and allowed only seventeen days to campaign before the election.
	Twiggs County	James P. Turner, Objection Letter, March 12, 1993	This objection concerned the schedule for a tax and bond referendum election, which the evidence suggested to have been chosen so as to minimize minority voter turnout in the election. The objection letter stated that the subject of the referendum – renovation of the county courthouse – had become a racially-divided issue within the county.
	City of Millen (Jenkins County)	James P. Turner, Objection Letter, August 2, 1993	This objection concerned the initial implementation schedule for a change in the City's method of election; the schedule was structured so as to leave a majority-black district without representation for two years.
	City of Augusta (Richmond County)	William Bradford Reynolds, Objection Letter, July 15, 1988	This objection concerned a proposed consolidation referendum schedule. The objection letter stated that there was no compelling justification for the schedule, and that there was some merit to the concern that the date had been selected so as to disadvantage black voters, on an issue that had clear racial overtones.

Appendix 1 – Section 5 Objection Notes

Candidate Qualifications			
	Jurisdiction	**DOJ Action**	**Notes**
	Randolph County Board of Education	James P. Turner, Objection Letter, June 28, 1993 (continued by Brian K. Landsberg, September 13, 1993)	The Randolph County Board of Education letter cited a well-known and pronounced disparate impact that the requirement would have within the county, the lack of any general state law establishing such a requirement, and the failure to apply such a requirement for appointed members of the school board in the past.
	Early County Board of Education	James P. Turner, Objection Letter, October 15, 1993	The Early County Board of Education letter cited the disparate impact that the educational requirement would have within the county.
	Clay County Board of Education	James P. Turner, Objection Letter, October 12, 1993	The Clay County Board of Education letter cited the widely disparate impact that the educational requirement would have within the county, both in terms of the general population and as it would apply to all three appointed black incumbents who would be unable to stand for election.

Appendix 1 – Section 5 Objection Notes

Voter Registration Procedures			
	Jurisdiction	**DOJ Action**	**Notes**
	State of Georgia	Deval L. Patrick, Objection Letter, October 24, 1994	This objection concerned legislation adopted by Georgia in response to the National Voter Registration Act ("NVRA"), 42 U.S.C. 1973gg. While DOJ precleared almost all procedures proposed by the State, it objected to the procedures for sending registration confirmation notices to persons who failed to vote or otherwise contact election officials for three years. The objection letter noted that Section 8(b)(2) of the NVRA, 42 U.S.C. 1973gg-6(b)(2), specifically provides that registered voters may not be removed from the lists of eligible voters due to their failure to vote.
	State of Georgia	John R. Dunne, Objection Letter, February 11, 1992	The objected-to procedures changed the State Election Board Rules to reduce the availability of satellite voter registration to six months out of every two-year election cycle, and lowered the number of satellite registration locations that some counties would have to provide. The objection noted that a lower share of the black population was registered to vote as compared to the white population, and that black citizens actively sought to use satellite registration locations.
	DeKalb County	William Bradford Reynolds, Objection Letter, March 5, 1982	The objected-to procedures would have restricted neighborhood voter registration to even-numbered years and required a written advance Section 5 preclearance determination before starting a neighborhood voter registration drive. The March 1982 objection letter noted that a significantly lower share of the black population in DeKalb County remained unregistered than the white population, but that nevertheless there had been a significant increase in black registration in the County in 1981 during neighborhood registration drives. The proposed rule requiring written Section 5 preclearance before beginning a neighborhood registration drive presented an interesting issue, because it appeared on its face to be fostering compliance with Section 5; the letter, however, objected to the rule as overly formalistic and placing an unnecessary limitation on the ability to register, due to the ability to obtain preclearance quickly for routine changes such as registration drives.

Appendix 1 – Section 5 Objection Notes

Referendum Procedures			
	Jurisdiction	**DOJ Action**	**Notes**
	City of Brunswick (Glynn County)	William Bradford Reynolds, Objection Letter, February 21, 1984	The criteria for eligibility to vote in the consolidation referendum depended upon whether Brunswick voters were registered with the city or the county. The black share of registration was 53 percent among those registered with the city, but only 41.9 percent among those registered with the county; the proposed procedures would have limited eligibility to voters registered with the county. An attempt by the Brunswick-Glynn County Charter Commission to seek a declaratory judgment from the District Court for the District of Columbia was dismissed for lack of standing.
	City of Brunswick (Glynn County)	William Bradford Reynolds, Objection Letter, August 16, 1982	This objection involved a proposal to conduct only one consolidation referendum countywide, rather that separate referenda in the county and the city, as had been traditional.
Polling Place Changes			
	Jurisdiction	**DOJ Action**	**Notes**
	Jenkins County	Deval L. Patrick, Objection Letter, March 20, 1995	The objection letter noted the dangerous, out-of-the-way location selected for the new polling place despite the availability of other more suitable locations, and stated that the justifications for the proposed site appeared to be pretexts for an effort to thwart recent black political participation.
	Johnson County	John R. Dunne, Objection Letter, October 28, 1992	The objection letter noted that the polling place for the Wrightsville precinct would be moved from the county courthouse to an American Legion Hall, which had a well-known reputation in the county for racial hostility and exclusion.

Appendix 1 – Section 5 Objection Notes

Elective to Appointive			
	Jurisdiction	**DOJ Action**	**Notes**
	State of Georgia	William Bradford Reynolds, Objection Letter, March 11, 1991 (continued by John R. Dunne, October 15, 1991)	This objection involved 1990 legislation to change the locally-elected board of the Georgia Military College in Milledgeville to a State-appointed body. The objection letter found that this change from an elected to an appointed board would lead to a retrogression in the ability of black voters to select the College's board. See Presley – elimination of an elected office. The letter indicated that the College also operated a prep school that had a predominantly white, local student body. A 1989 consent decree in the case of *Barnes* v. *Baugh*, No. 88-262-1-MAC (M.D. Ga. May 12, 1989), had changed the system used to elect the board from at-large elections to a single-member district plan – which resulted in black representation on the Board for the first time in its 110-year history. The October 1991 letter continuing the objection made clear that it was concerned primarily with the operation of the locally-focused prep school.

Appendix 2A

Georgia Section 5 Objections 1982 - 2006
Local Level

County	Jurisdiction	Type of Change	Date	DOJ Official
Bacon	County Commission	Method of Election	June 11, 1984	William Bradford Reynolds
Baldwin	County Board of Education	Method of Election	September 19, 1983	William Bradford Reynolds
Baldwin	County Chief Magistrate	Method of Election	August 13, 1993	Brian K. Landsberg
Bibb	County Board of Education	Redistricting	November 26, 1982	William Bradford Reynolds
Bibb / Jones	City of Macon	Redistricting	December 20, 1994	Loretta King
Bibb / Jones	City of Macon	Deannexation	April 24, 1987	William Bradford Reynolds
Brooks	City of Quitman	Method of Election	April 28, 1986	William Bradford Reynolds
Burke	City of Waynesboro	Method of Election	May 23, 1994	Deval L. Patrick
Camden	City of Kingsland	Method of Election	January 3, 1983	William Bradford Reynolds
Clay	County Board of Education	Candidate Qualification	October 12, 1993	James P. Turner
Clayton / Fulton	City of College Park	Redistricting	December 12, 1983	William Bradford Reynolds
Cook	City of Adell	Annexation	June 22, 1982	William Bradford Reynolds
Coweta	City of Newnan	Method of Election	August 31, 1984	James P. Turner
Decatur	County Commission	Method of Election	November 29, 1994	Deval L. Patrick
DeKalb	Countywide	Voter registration	March 5, 1982	William Bradford Reynolds
Dougherty	City of Albany	Redistricting	September 23, 2002	J. Michael Wiggins
Dougherty	County Commission	Redistricting	July 12, 1982	William Bradford Reynolds
Early	County Board of Education	Candidate Qualification	October 15, 1993	James P. Turner
Effingham	County Commission	Method of Election	July 20, 1992	John R. Dunne
Elbert	City of Elberton	Annexation	July 2, 1991	John R. Dunne
Floyd	City of Rome	Method of Election	August 11, 1987	William Bradford Reynolds
Fulton	City of Union City	Annexation	October 23, 1992	John R. Dunne
Glynn	City of Brunswick	Referendum procedures	February 21, 1984	William Bradford Reynolds
Glynn	City of Brunswick	Referendum procedures	August 16, 1982	William Bradford Reynolds
Glynn	City of Brunswick	Consolidation	August 16, 1982	William Bradford Reynolds
Glynn	County Commission	Redistricting	July 12, 1982	William Bradford Reynolds
Hancock	City of Sparta	Method of Election	February 4, 1992	John R. Dunne
Henry	City of McDonough	Districting	November 22, 1982	William Bradford Reynolds
Henry	City of McDonough	Districting	December 3, 1984	William Bradford Reynolds
Jefferson	City of Wrens	Method of Election	October 20, 1986	William Bradford Reynolds
Jenkins	City of Millen	Election schedule	August 2, 1993	James P. Turner
Jenkins	Countywide	Polling Place	March 20, 1995	Deval L. Patrick
Johnson	Countywide	Polling Place	October 28, 1992	John R. Dunne

Appendix 2A

Georgia Section 5 Objections 1982 - 2006
Local Level

Lamar	County Commission	Method of Election	March 18, 1986	William Bradford Reynolds
Laurens	City of East Dublin	Method of Election	April 26, 1991	John R. Dunne
Liberty	City of Hinesville	Method of Election	July 15, 1991	John R. Dunne
Lumber	City of Telfair City	Method of Election	November 13, 1989	James P. Turner
Marion	County Board of Education	Redistricting	October 15, 2002	Ralph F. Boyd
Monroe	City of Forsyth	Annexation	December 17, 1985	William Bradford Reynolds
Monroe	City of Forsyth	Method of Election	December 17, 1985	William Bradford Reynolds
Putnam	County Board of Education	Redistricting	August 9, 2002	J. Michael Wiggins
Putnam	County Commission	Redistricting	August 9, 2002	J. Michael Wiggins
Randolph	County Board of Education	Districting	June 28, 1993	James P. Turner
Randolph	County Board of Education	Candidate Qualification	June 28, 1993	James P. Turner
Randolph	County Commission	Redistricting	June 28, 1993	James P. Turner
Richmond	City of Augusta	Consolidation	May 30, 1989	James P. Turner
Richmond	City of Augusta	Election schedule	July 15, 1988	William Bradford Reynolds
Richmond	City of Augusta	Annexation	July 27, 1987	William Bradford Reynolds
Spalding	City of Griffin	Redistricting	November 30, 1992	John R. Dunne
Spalding	City of Griffin	Method of Election	September 25, 1985	William Bradford Reynolds
Sumter	County Board of Education	Redistricting	September 6, 1983	William Bradford Reynolds
Sumter	County Board of Education	Redistricting	December 17, 1982	William Bradford Reynolds
Taylor	City of Butler	Method of Election	June 25, 1993	James P. Turner
Taylor	County Board of Education	Method of Election	August 19, 1983	William Bradford Reynolds
Telfair	City of Lumber City	Method of Election	July 8, 1988	William Bradford Reynolds
Thomas	County Commission	Districting	July 23, 1984	William Bradford Reynolds
Toombs	City of Lyons	Method of Election	November 29, 1985	William Bradford Reynolds
Troup	City of LaGrange	Method of Election	October 11, 1994	Deval L. Patrick
Troup	City of LaGrange	Method of Election	December 13, 1993	James P. Turner
Turner	City of Ashburn	Method of Election	October 1, 2001	Ralph F. Boyd
Twiggs	Countywide	Election schedule	March 12, 1993	James P. Turner
Walton	City of Monroe	Method of Election	July 3, 1991	John R. Dunne
Walton	City of Monroe	Method of Election	October 22, 1993	James P. Turner
Ware / Pierce	City of Waycross	Method of Election	February 16, 1988	William Bradford Reynolds
Wayne	City of Jesup	Method of Election	March 28, 1986	William Bradford Reynolds
Webster	County Board of Education	Redistricting	January 11, 2000	Bill Lann Lee
Wilkes	City of Tignall	Method of Election	March 17, 2000	Bill Lann Lee
Wilkinson	Town of McIntyre	Method of Election	November 9, 1993	James P. Turner

Appendix 2B

Georgia Section 5 Objections 1982 -2006
State Level

Type of Change	Date	DOJ Official
Congressional Redistricting	February 11, 1982	William Bradford Reynolds
Georgia House Redistricting	February 11, 1982	William Bradford Reynolds
Georgia Senate	February 11, 1982	William Bradford Reynolds
Election schedule	August 12, 1982	William Bradford Reynolds
State Judgeship	June 16, 1989	James P. Turner
State Judgeship	April 25, 1990	John R. Dunne
Georgia Military College Board	March 11, 1991	William Bradford Reynolds
State Judgeship	June 7, 1991	John R. Dunne
State Judgeship	October 1, 1991	John R. Dunne
Congressional Redistricting	January 21, 1992	John R. Dunne
Georgia House Redistricting	January 21, 1992	John R. Dunne
Georgia House Redistricting	January 21, 1992	John R. Dunne
Voter registration	February 11, 1992	John R. Dunne
Congressional Redistricting	March 20, 1992	John R. Dunne
Georgia House Redistricting	March 20, 1992	John R. Dunne
Georgia Senate Redistricting	March 20, 1992	John R. Dunne
Georgia House Redistricting	March 29, 1992	John R. Dunne
Method of Election	August 29, 1994	Isabelle Katz Pinzler
State Judgeship	September 16, 1994	Loretta King
Voter registration	October 24, 1994	Deval L. Patrick
State Judgeship	January 24, 1995	Deval L. Patrick
Georgia House Redistricting	March 15, 1996	Isabelle Katz Pinzler
Georgia Senate Redistricting	March 15, 1996	Isabelle Katz Pinzler

Appendix 3 – DOJ Listing of Section 5 Objections 1965-2006

State (S1444)	Act No. 997--assistance to illiterates	6-19-68
State (S1445)	Act No. 993--assistance to illiterates; literacy tests; poll officials' qualifications	7-11-68
State (S1492)	Literacy test for registration	8-30-68
Webster County (T2055)	Polling place consolidation for special election	12-12-68
Summerville (Chattooga Cty.)	Paragraph 7--change in election procedures	12-13-69
Clarke County School District (V3157)	Act No. 257--reduction in size of board; redistricting	8-6-71
Bibb County School District (71-1306)	Act No. 747 (1971)--at-large elections	8-24-71
Hinesville (Liberty Cty.) (V3437-3438A)	Numbered posts and majority vote requirement	10-1-71
Newnan (Coweta Cty.) (V3622)	Numbered posts	10-13-71
Albany (Dougherty Cty.) (V3300)	Polling place	11-16-71
Conyers (Rockdale Cty.) (V3660-3662)	H.B. No. 1590--terms of office; numbered posts; majority vote requirement	12-2-71
Waynesboro (Burke Cty.) (V3915)	Act No. 572--majority vote requirement	1-7-72
Albany (Dougherty Cty.) (V3734)	Act No. 627--dates of elections	1-7-72 Withdrawn 12-7-73
Jonesboro (Clayton Cty.) (V3604-3605; V3859)	Act No. 323--numbered posts; majority vote requirement; election date	2-4-72
State (V3679)	Congressional reapportionment	2-11-72
State (V3677-3678)	State Senate and House redistricting	3-3-72
State (V4066)	State house redistricting	3-24-72
Newnan (Coweta Cty.) (V4482-4483)	Act No. 912--numbered posts; majority vote requirement	7-31-72

Twiggs County (V4594-4595)	Act No. 649--at-large elections; residency requirement	8-7-72
Thomasville School District (Thomas Cty.) (V4139-4140)	Act No. 765--numbered posts; majority vote requirement	8-24-72
Atlanta (Fulton Cty.) (V4785; V4645	Polling places; precinct lines	11-27-72
Harris County (V4767)	Act No. 1359--numbered posts	12-5-72 Withdrawn 3-30-73
Cochran (Bleckley Cty.) (V4817)	Majority vote requirement	1-29-73
Cuthbert (Randolph Cty.) (V4781)	Numbered posts	4-9-73
Ocilla (Irwin Cty.) (V4850-4851)	Act No. 1205--majority vote requirement; filing fee increased	6-22-73
Sumter Cty. School Board (V5576)	At-large elections	7-13-73
Hogansville Board of Education (Troup Cty.) (V5046-5047)	Act No. 1052 (1973)--numbered posts; majority vote requirement	8-2-73
Hogansville (Troup Cty.) (V5045)	Act No. 1053 (1973)--majority vote requirement	8-2-73
Perry (Houston Cty.) (V4971)	Majority vote requirement	8-14-73
Thomasville School District (Thomas Cty.) (V5035-5036)	Act No. 418 (1973)--majority vote requirement; residency requirement	8-27-73
Albany (Dougherty Cty.) (V5761; V6028A-6029A)	Filing fees	12-7-73
East Dublin (Laurens Cty.) (V6005-6306)	Act R667 (1973)--numbered posts; staggered terms	3-4-74
Ft. Valley (Peach Cty.) (V6250-6251)	Numbered posts; majority vote requirement (city council and utility board)	5-13-74
Fulton County (V6291B-6292B; V6293)	Act No. 130 (1973)--numbered posts; majority vote requirement	5-22-74 Withdrawn 7-2-76
Clarke Cty. School District (V6311-6312; V6589-6590)	Act No. 602--at-large elections; numbered posts; majority vote requirement	5-30-74

Louisville (Jefferson Cty.) (V5732-5733)	Act No. 1071--numbered posts; majority vote requirement; staggered terms	6-4-74
East Dublin (Laurens Cty.) (V6412)	Postponement of election	6-19-74
Meriwether County (V3440)	Act No. 1046 (1970)--at-large elections; numbered posts	7-31-74 Withdrawn 10-25-74
Jones County (V6851)	Polling place	8-12-74
Thomson (McDuffie Cty.) (V6717-6718)	Numbered posts; staggered terms; expansion of council; extended terms; majority vote requirement (mayor only)	9-3-74
Wadley (Jefferson Cty.) (V6642)	Act No. 1304--numbered posts; majority vote requirement	10-30-74
Stockbridge (Henry Cty.) (V6572-6574)	Registration procedures	5-9-75
Newnan (Coweta Cty.) (V8149)	Act No. 675 (1973)--staggered terms	6-10-75
Macon (Bibb Cty.) (V8796)	Redistricting	6-13-75
Madison (Morgan Cty.) (V8494; V8738)	Act Nos. 58 (1975) and 826 (1974)--numbered posts; majority vote requirement and staggered terms for board of education and city commission	7-29-75
Rome (Floyd Cty.) (V6612)	Sixty annexations	8-1-75 Partial withdrawal 10-20-75 and 8-12-76; declaratory judgment denied in City of Rome v. United States, 472 F. Supp. 221 (D.D.C. 1979), aff'd, 446 U.S. 156 (1980); remainder of objection withdrawn 8-5-80 upon change in method of election
Harris County School District (V9103)	Act No. 179 (1975)--at-large elections; residency requirement	8-18-75

Covington (Newton Cty.) (V8698)	Act No. 514--city charter provisions for majority vote requirement; numbered posts; staggered terms	8-26-75
Ocilla (Irwin Cty.) (V9325)	Increase in candidate's filing fees	10-7-75
Rome (Floyd Cty.) (V9465-9473)	Residency wards for board of education; majority vote and numbered post requirements with staggered terms for board of education and city commissioners	10-20-75 Declaratory judgment denied in City of Rome v. United States, 472 F. Supp. 221 (D.D.C. 1979), aff'd, 446 U.S. 156 (1980)
Crawfordville (Taliaferro Cty.) (V9148)	S.B. No. 310 (1975)--city charter; majority vote requirement; numbered posts	10-20-75
Athens (Clarke Cty.) (V9018)	Majority vote requirement (mayor, aldermen and recorder)	10-23-75
Newton County School District (V8862-8863)	Act No. 163 and Act No. 332--staggered terms; majority vote requirement; at-large elections; multimember districts; residency requirement	11-3-75
Glynn County (V9073B; V9896)	Act No. 398 and Act No. 292--majority vote requirement; staggered terms	11-17-75
Newton County (V8348-8349); V8350	Act No. 293 (1967)--multimember districts; staggered terms; and Act No. 436 (1971)--at-large elections; staggered terms; residency requirement	1-29-76
Sharon (Taliaferro Cty.) V9074	Act No. 409 (1975)--numbered post requirement	2-10-76
Wilkes County School District and Commissioners (X5809)	At-large elections; residency requirement; staggered terms; numbered posts	6-4-76 Declaratory judgement denied in Wilkes County v. United States, 450 F. Supp. 1171 (D.D.C. 1978), aff'd mem. 439 U.S. 999 (1978)
Social Circle (Walton Cty.) (X6376)	Act No. 307--staggered terms; increase term	6-18-76

Long County School District (X6692)	Act No. 1200 (1976)--residency requirement	7-16-76
Monroe (Walton Cty.) (X7826)	Two annexations	10-13-76 Withdrawn 11-25-77
Rockmart (Polk Cty.) (V7995A)	At-large elections; residency requirement	11-26-76
Palmetto (Fulton Cty.) (X9172)	Numbered posts	4-27-77
Bainbridge (Decatur Cty.) (X7847)	Reduction in size of board of aldermen; majority vote requirement; numbered posts	6-3-77
Charlton County (A9353)	Act No. 1222 (1974), Section 2--numbered posts; Section 3--staggered terms	6-21-77
Charlton Cty. School District (A1196)	Act No. 360 (1975), Sections 2, 3 and 9--at-large elections; residency requirement; numbered posts; staggered terms; majority vote	6-21-77 Declaratory judgment granted in Charlton County Board of Education v. United States, No. 78-0564 (D.D.C. Nov. 1, 1978)
Moultrie (Colquitt Cty.) (X9984)	Act No. 277 (1965) and Act No. 1448 (1972)--majority vote requirement	6-26-77
Rockdale County (A0930)	Act No. 119 (1977)--at-large elections; majority vote requirement; numbered posts; staggered terms	7-1-77 Withdrawn 9-9-77
Palmetto (Fulton Cty.) (X9172)	Act No. 489 (1977)--majority vote requirement	7-7-77
College Park (Fulton Cty.) (V8970, A2049-2081)	Redistricting; seventeen annexations	12-9-77 Objection to annexations withdrawn 5-22-78
Terrell County School District (A1901)	At-large elections; staggered terms; residency requirement	12-16-77
Quitman (Brooks Cty.) (A5916)	Act No. 1011 (1970)--majority vote requirement	6-16-78
Savannah (Chatham Cty.) (A6074-6077)	Annexation; at-large elections; numbered posts	6-27-78 Withdrawn 10-2-78

Kingsland (Camden Cty.) (A6780-6781)	Polling place	8-4-78
Mitchell County School District (A3849)	Act No. 832 (1970), Section 4--at-large elections; numbered posts; majority vote requirement	9-15-78 Withdrawn 5-3-79
>Lakeland (Lanier Cty.) (X9979)	Act No. 1053, H.B. 1278 (1974)--numbered posts	10-17-78 Withdrawn 2-9-79
Pike County School District (A8374-8375)	H.B. No. 1947 (1972)--at-large elections; residency requirement	3-15-79
Henry County (C2620-2627)	Act No. 186 (1969) - At Large method of election from residency districts for the Board of Commissioners of Henry County Georgia; and Act No. 1240 (1976) - Staggered terms under an at large method of election	7-23-79
Henry County School District (X9999, C3246-3247)	Amendment to State Constitution (H.R. No. 223-967 (1966))--at-large elections; residency requirement; staggered terms	7-23-79
Statesboro (Bulloch Cty.) (C4120)	Annexation	12-10-79
Alapaha (Berrien Cty.) (80-1423)	Act No. 227, H.B. No. 551 (1979))--numbered posts; majority vote requirement; filing fees; dual registration (county and city) as a prerequisite to voting in municipal elections	3-24-80
Henry County (80-1579)	Act No. 679--redistricting; 5:1 method of election	5-27-80
Dooly County (7X-0084)	Act No. 237 (1967)--at-large elections; residency requirement; staggered terms	7-31-80
Statesboro (Bulloch Cty.) (80-1432)	Annexation	8-15-80
DeKalb County (80-1489)	Disallowance of neighborhood voter registration drives	9-11-80
Statesboro (Bulloch Cty.) (80-1433)	Act No. 109 (H.B. No. 675 (1966))--increase in terms of office from two to four years	2-2-81 Withdrawn 5-13-81
Augusta (Richmond Cty.) (80-1648)	Act No. 1167 (H.B. No. 1531 (1980))--majority vote	3-2-81

Griffin-Spalding County School District (Spalding Cty.) (81-1535)>	Act No. 933 (H.B. No. 1127 (1972))--abolishment of the two multi-member election districts and their attendant residency districts; the establishment of a numbered posts system	7-6-81
State (81-1402-1403)	Act No. 793 (H.B. No. 405) and Act No. 794 (H.B. No. 406), Sections 2, 6 & 8--registration procedures; assistance to illiterates	9-18-81 Objection to Section 2 withdrawn 7-26-82
State (81-1438)	Act Nos. 4, 3, and 5 (1981)--Senate, House and Congressional redistricting	2-11-82 Declaratory judgment denied as to Act No. 5 in Busbee v. Smith, 549 F. Supp. 494 (D.D.C. 1982), aff'd mem. 459 U.S. 1166 (1983)
DeKalb County (81-1425)	Restriction of neighborhood voter registration drives to even-numbered years and requirement that written preclearance be received	3-5-82
Adel (Cook Cty.) (81-1387)	Act No. 855 (H.B. No. 1553 (1976))--charter amendments; Ordinance No. 81-5--annexation; 21 annexations	6-29-82 Withdrawn 8-11-83 following change in method of election
Dougherty County (82-1785)	Redistricting (commissioner districts)	7-12-82
Glynn County (82-1842)	Redistricting (commissioner districts)	7-12-82
State (82-1835)	H.B. 1 EX., 1982 Extra Session Part II--proposed schedule for the conduct of 1982 Congressional elections	8-12-82
Brunswick (81-1458, 82-1837) and Glynn Cty. (81-1460 & 82-1838)	Charter for the consolidation of Glynn County and the City of Brunswick; 6:1 method of election and districting plan; procedures for referendum election (single referendum)	8-16-82
McDonough (Henry Cty.) (82-1875)	Redistricting	11-22-82
Bibb County School District (82-1690)	Act No. 1185 (H.B. No. 1918 (1982))--redistricting (board of education)	11-26-82

Sumter County School District (82-1952)	Redistricting	12-17-82
Kingsland (Camden Cty.) (7X-0076)	Numbered positions	1-3-83
Taylor County School District (82-1954)	Act No. 283 (H.B. No. 566 (1975))--method of election (board of education); redistricting decrease from 9 to 5 board members	8-19-83
Sumter County School District (83-1972)	Redistricting	9-6-83
Baldwin County School District (83-1554)	Act No. 1275, S.B. No. 614 (1972)--at-large elections	9-19-83
College Park (Clayton and Fulton Ctys.) (83-1656)	Redistricting (councilmanic districts)	12-12-83
Brunswick (Glynn Cty.) (83-1774)	Procedures for referendum election on consolidation (use of only county registration list)	2-21-84
Bacon County (83-1547; 83-1549)	Act No. 204 (H.B. No. 243 (1963))--method of election--single-member districts to at-large with residency districts	6-11-84
Bacon County (83-1544; 83-1546)	Act No. 470 (H.B. No. 786 (1983))--at-large elections; Act No. 1177 (H.B. No. 1901 (1982))--at-large elections	6-11-84
Thomas County (83-1986)	Act No. 27 (H.B. No. 762 (1983))--method of election--at-large to single-member districts; districting plan (commissioners)	7-23-84
Newnan (Coweta Cty.) (84-2106)	Act No. 640 (S.B. No. 505 (1984))--method of electing the city council from at-large to single-member districts with two at-large seats; increases the number of councilmembers from four to six; districting plan	8-31-84
McDonough (Henry Cty.)(84-2348)	Districting (councilmanic districts)	12-3-84
Griffin (Spalding Cty.) (85-2440)	Method of election--from at large to 4:1; districting plan (board of commissioners)	9-25-85
Lyons (Toombs Cty.) (85-2475)	Act No. 76 (H.B. No. 327 (1985))--method of election; districting plan	11-29-85

Forsyth (Monroe Cty.) (85-2383; 85-2388; 85-2380-2381)	Majority vote requirement; numbered positions; 10 annexations	12-17-85 Objection to annexations withdrawn 7-8-88
Lamar County (85-2316)	Act No. 513 (H.B. No. 1048 (1985))--method of election--four single-member districts and one at-large; majority vote requirement; increase in the number of county commissioners--from three to five; decrease in the terms of office--from six to four-year, staggered terms; implementation schedule; districting plan	3-18-86
Jesup (Wayne Cty.) (85-2526)	1968--numbered positions; majority vote; 1985--method of election; districting plan	3-28-86
Quitman (Brooks Cty.) (85-2047)	Method of election--from at-large to two multimember districts and one at-large position; majority vote requirement; districting plan	4-28-86
Wrens (Jefferson Cty.) (86-2974)	Majority vote requirement and the numbered posts for the election of mayor and city commission	10-20-86
Forsyth (Monroe Cty.) (87-2543)	Thirteen annexations	3-3-87 Withdrawn 7-8-88
Macon (Bibb and Jones Ctys.) (84-1966)	Deannexation (Act No. 590, S.B. No. 298 (1984))	4-24-87
Augusta (Richmond Cty.) (87-2594, 87-2595, 87-2596)	Eight annexations	7-27-87 Withdrawn 7-15-88 upon change in method of election
Rome (Floyd Cty.) (87-2336)	Act No. 240 (1987)--staggered terms and schedule for implementing staggered terms	8-11-87
Waycross (Pierce & Ware Ctys.) (87-2691)	Act No. 414 (1987)--increase in number of city commissioners from five to six, direct election of mayor by majority vote for four-year term, change in powers, duties, and authority of mayor, implementation schedule, March 8, 1988, special mayoral election	2-16-88

Lumber City (Telfair Cty.) (88-3383-3384)	Act No. 650 (1973)--majority vote requirement for the election of the mayor and council and a runoff election procedure and date, and to the provisions of the January 8, 1988, ordinance, insofar as they codify the majority vote requirement and designated posts	7-8-88
Augusta (Richmond Cty.) (88-3312) and Richmond County (88-3326)	Date selected for conducting consolidation referenda elections	7-15-88
Augusta (Richmond Cty.) (88-3313) and Richmond County (88-3329)	Consolidation of the City of Augusta and Richmond County, Georgia (Act No. 934 (1988)) and the attendant repeal of the city charter for the City of Augusta (Act No. 938 (1988))	5-30-89
State (88-2560-2561)	Establishment 48 additional superior court judgeships, the specification of the date on which the first full term of office commenced for each new judgeship, and the establishment of two superior court circuits and district attorney positions to serve those circuits	6-16-89 Withdrawn 4-25-90 as to the two additional superior court circuits and the district attorney positions to serve those circuits.
Lumber City (Telfair Cty.) (89-2200-2201)	Majority vote for mayor; majority vote, numbered posts and staggered terms for at-large council positions	11-13-89
State (90-2185, 90-3077)	Establishment of ten additional superior court judgeships and the specification of the date on which the first full term of office commenced for each new judgeship	4-25-90 Declaratory judgment granted in Georgia v. Reno, 881 F. Supp. 7 (D.D.C. 1995)
Georgia Military College District (Baldwin Cty.) (90-2210)	Act No. 1155, S.B. No. 623 (1990)--which provides for a change from an elected board (six members elected from single-member districts in the City of Milledgeville and the mayor of Milledgeville, who is elected at large) to a statewide board of twelve members appointed by the governor	3-11-91
East Dublin (Laurens Cty.) (90-2776)	Numbered posts and a majority vote requirement for the at-large council positions	4-26-91

State (91-1051)	Act Nos. 25 and 27 (1991), which provide respectively for the establishment of an additional superior judgeship in the Atlanta and Eastern Judicial Circuits, and specify the date on which the first full term of office for each new judgeship commences	6-7-91
Elberton (Elbert Cty.) (90-2527)	Annexation embodied in Ordinance No. 951 (1989) and the apportioning of the annexed area to single-member election districts	7-2-91
Monroe (Walton Cty.) (90-4602)	Majority vote requirement for city offices	7-3-91 Deemed precleared upon failure to object to controlling provision in 1968 Georgia State Election Code City of Monroe v. United States (11/17/97)
Hinesville (Liberty Cty.) (90-2784)	Adoption of a majority vote reqirement for the election of the mayor	7-15-91
Athens-Clarke County (91-1258)	Act No. 28 (1990), which provides for an additional State Court judgeship, the creation of the State Court clerk's position, and the specification of the dates on which the relevant terms of the offices begin in the context of an at-large method of election with a majority vote requirement, and with anti-single-shot provisions in the judgeship elections	10-1-91 Withdrawn 10-23-95
State (91-3556; 91-3557 and 91-3558)	1991 redistricting plans for Georgia State House, Senate and Congressional districts	1-21-92
Sparta (Hancock Cty.) (91-2166)	Adoption of numbered positions for city council elections	2-4-92
State (89-2268)	Reduce the minimum number of permanent satellite voter registration locations to be established by certain counties, and eliminate the requirement for Saturday registration hours for satellite voter registration locations in the period outside the six months preceding the close of registration for November general elections in even-numbered years	2-11-92

State (92-1035; 92-0712 and 92-0713)	1992 redistricting plans for Georgia State House, Senate and Congressional districts	3-20-92
State (92-1440)	Second 1992 redistricting plan for the Georgia State House	3-29-92
Effingham County (92-1162)	Act No. 608 (1992), which provides for a change in the method of selecting the chairperson from appointment among the commissioners to election from the county at large; expansion of the number of officials on the board of county commissioners from five to six; an increase in the term of the chairperson from a one-year to a four-year term; and the increase in the compensation for the chairperson	7-20-92
Union City (Fulton Cty.) (92-2037)	Annexation embodied in Ordinance No. 92-5	10-23-92 Withdrawn 8-9-93
Johnson County (92-3863)	Relocation of the polling place for the Wrightsville precinct from the county courthouse to the American Legion	10-28-92
Griffin (Spalding Cty.) (92-3226)	1992 redistricting plan	11-30-92
Conyers (Rockdale Cty.) (92-4776)	32 residential annexations	2-16-93 Withdrawn 9-23-93 upon change in method of election
Twiggs County (93-0701)	Procedures for conducting the March 16, 1993, special tax referendum	3-12-93
Butler (Taylor Cty.) (88-3378; 92-3058)	Majority vote requirement and runoff provision for mayor	6-25-93
Randolph County (93-0299-0300)	1993 redistricting plan for the board of commissioners; 1993 districting plan and qualifications to serve in office for the board of education	6-28-93
Millen (Jenkins Cty.) (93-2161)	Implementation schedule	8-2-93
Baldwin County (93-2097)	Method of selecting magistrate: nonpartisan elections with majority vote requirement	8-13-93

Clay County School District (93-2816)	Qualifications to serve in office for the board of education (minimum education requirement)	10-12-93
Early County School District (93-1830)	Qualifications to serve in office for the board of education (minimum education requirement)	10-15-93
Monroe (Walton Cty.) (93-1647)	Method of election and districting plan	10-22-93
McIntyre (Wilkinson Cty.) (93-1432)	Majority vote requirement in elections to fill a town council vacancy	11-9-93
LaGrange (Troup Cty.) (93-1248; 93-1372 and 93-3303)	Method of election: 4 single-member districts and two at large	12-13-93
Waynesboro (Burke Cty.) (88-2659)	Majority vote requirement for mayor	5-23-94
State (94-1595)	Act No. 774 (1994), which provides for a 45 percent plurality requirement in partisan and nonpartisan general elections	8-29-94 Withdrawn 9-11-95
Fayette County (94-2005 and 94-3614)	Act No. 1129 (1994), which provides for the creation of a state court, establishes four-year terms for an elected judge and solicitor (non-partisan judicial election), candidate qualifications including residency requirements, compensation for elected positions, an implementation schedule, and designates the clerk of the Superior Court the clerk for the State Court	9-16-94 Withdrawn 10-23-95
LaGrange (Troup Cty.) (94-2267)	Act No. 652 (1994), which provides for an increase in the number of city councilmembers from six to seven, a change in the method of electing the city council from at large to four single-member districts, two "super" districts, and one at-large position	10-11-94
State (94-2672)	Voter purge procedures proposed by Act No. 1207 (1994), which provided for mailing a registration confirmation notice to any voter that does not vote or otherwise have "contact" with the state's election administration system for a three-year period	10-24-94
Decatur County (94-2499)	Establishment of an elected chairperson, the increase in the number of county commissioners and the change in the method of election	11-29-94

Macon (Bibb and Jones Ctys.) (94-4188)	Redistricting plan	12-20-94
Fulton County (94-4447)	Act No. 731 (1994)--addition of a ninth state court judgeship, four-year term of office, and implementation schedule	1-24-95 Withdrawn 10-23-95
Jenkins County (94-2260)	Polling place (District 1)	3-20-95
State (95-3656)	1995 Georgia State House and Senate redistricting plans	3-15-96 Withdrawn 10-15-96
Webster County School District (98-1663) (pdf)	Redistricting plan	1-11-00
Tignall (Wilkes Cty.) (99-2122) (pdf)	Proposed addition of numbered posts, staggered terms and a majority vote requirement to the method of electing councilmembers	3-17-00
Ashburn (Turner Cty.) (94-4606) (pdf)	Adoption of numbered posts and majority-vote requirement	10-1-01
Putnam County (2002-2987) (pdf)	2001 redistricting plan	8-9-02
Putnam County School District (2002-2988) (2002-2987) (pdf)	2001 redistricting plan	8-9-02
Albany (Dougherty Cty.) (2001-1955) (pdf)	2001 redistricting plan	9-23-02
Marion County School District (2002-2643) (pdf)	2002 redistricting plan	10-15-02

Appendix 4A

2000 Census Total and Voting Age Population, 2006 Voter Registration, and 2003 Form of Government Data for Georgia Counties

County	2000 Total POP	2000 Black POP	2000 Total VAP	2000 Black VAP	2000 VAP VAP %	2006 Total REG	2006 Black REG	2006 Black REG %	Form of Government	# of Comm.	# of Dist.	Terms	Term	Election Type	Chair Selection	Chair Part or Full Time
Appling	17,419	3,450	12,690	2,259	17.8%	8,690	1,595	18.4%	Commission-Manager	6	5	Concurrent	4	Combination	Electorate	Full-time
Atkinson	7,609	1,506	5,301	1,025	19.3%	3,417	717	21.0%	Traditional Commission	6	5	Concurrent	4	Combination	Electorate	Full-time
Bacon	10,103	1,627	7,455	996	13.4%	5,000	607	12.1%	Traditional Commission	6	6	Staggered	4	Combination	Electorate	Full-time
Baker	4,074	2,062	2,961	1,407	47.5%	2,172	1,019	46.9%	Commission-Administrator	5	5	Concurrent	4	District	Board	Full-time
Baldwin	44,700	19,573	34,979	14,341	41.0%	18,056	6,488	35.9%	Commission-Manager	5	5	Concurrent	4	District	Board	Part-time
Banks	14,422	477	10,646	340	3.2%	7,037	130	1.8%	Commission-Administrator	3	3	Staggered	4	At-large	Electorate	Full-time
Barrow	46,144	4,675	33,019	3,115	9.4%	25,292	2,256	8.9%	Commission-Administrator	7	6	Staggered	4	Combination	Electorate	Full-time
Bartow	76,019	6,829	54,820	4,541	8.3%	42,593	3,603	8.5%	Sole Commissioner	1	1	Concurrent	4	At-large		Full-time
Ben Hill	17,484	5,754	12,675	3,742	29.5%	7,612	2,279	29.9%	Commission-Manager	5	3	Staggered	4	Combination	Electorate	Part-time
Berrien	16,235	1,882	11,811	1,198	10.1%	7,639	839	11.0%	Commission-Manager	3	3	Concurrent	4	At-large	Board	Part-time
Bibb	153,887	73,402	113,007	48,994	43.4%	71,882	30,690	42.7%	Traditional Commission	5	4	Concurrent	4	Combination	Electorate	Full-time
Bleckley	11,666	2,891	8,565	1,878	21.9%	5,766	986	17.1%	Sole Commissioner	1	1	Concurrent	4	At-large		Full-time
Brantley	14,629	612	10,484	396	3.8%	7,553	227	3.0%	Traditional Commission	5	5	Staggered	4	At-large	Electorate	Full-time
Brooks	16,450	6,529	12,025	4,267	35.5%	7,234	2,415	33.4%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time
Bryan	23,417	3,431	16,128	2,201	13.6%	13,262	1,628	12.3%	Commission-Administrator	6	5	Staggered	4	Combination	Electorate	Part-time
Bulloch	55,983	16,271	43,503	11,800	27.1%	24,991	5,801	23.2%	Commission-Manager	7	2	Concurrent	4	Combination	Electorate	Part-time
Burke	22,243	11,421	15,289	7,227	47.3%	11,237	5,205	46.3%	Commission-Administrator	5	5	Concurrent	4	District	Board	Part-time
Butts	19,522	5,705	14,823	4,194	28.3%	10,299	2,289	22.2%	Commission-Manager	5	5	Staggered	4	District	Board	Part-time
Calhoun	6,320	3,845	4,925	2,908	59.0%	2,696	1,536	57.0%	Traditional Commission	5	5	Staggered	4	District	Board	Part-time
Camden	43,664	9,077	29,832	5,655	19.0%	19,230	3,491	18.2%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time
Candler	9,577	2,623	7,009	1,796	25.6%	4,291	989	23.0%	Commission-Administrator	5	4	Concurrent	4	Combination	Electorate	Full-time
Carroll	87,268	14,647	64,638	9,952	15.4%	46,739	6,895	14.8%	Traditional Commission	7	6	Staggered	4	Combination	Electorate	Full-time
Catoosa	53,282	767	39,526	455	1.2%	30,863	364	1.2%	Commission-Manager	5	4	Staggered	4	Combination	Electorate	Part-time
Charlton	10,282	3,057	7,456	2,157	28.9%	4,533	1,023	22.6%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time
Chatham	232,048	95,242	173,965	64,328	37.0%	116,078	42,178	36.3%	Commission-Manager	9	8	Concurrent	4	Combination	Electorate	Part-time
Chattahoochee	14,882	4,701	10,656	3,068	28.8%	2,667	926	34.7%	Commission-Manager	3	3	Concurrent	4	At-large	Board	Part-time
Chattooga	25,470	2,960	19,636	2,339	11.9%	11,104	880	7.9%	Sole Commissioner	1	1	Concurrent	4	At-large		Full-time
Cherokee	141,903	3,851	101,793	2,482	2.4%	94,385	3,354	3.6%	Commission-Manager	5	4	Staggered	4	Combination	Electorate	Full-time
Clarke	101,489	28,165	83,381	19,433	23.3%	44,390	11,048	24.9%	Commission-Manager	11	10	Staggered	4	Combination	Electorate	Full-time
Clay	3,357	2,044	2,493	1,377	55.2%	1,745	962	55.1%	Commission-Administrator	5	5	Staggered	4	District	Board	Full-time
Clayton	236,517	124,550	165,596	79,831	48.2%	104,163	69,061	66.3%	Traditional Commission	5	4	Staggered	4	Combination	Electorate	Full-time
Clinch	6,878	2,057	4,962	1,355	27.3%	3,262	906	27.8%	Traditional Commission	5	5	Concurrent	4	Combination	Electorate	Full-time
Cobb	607,751	118,229	449,345	79,717	17.7%	333,359	66,064	19.8%	Commission-Manager	5	4	Staggered	4	Combination	Electorate	Part-time
Coffee	37,413	9,806	26,831	6,499	24.2%	16,530	4,169	25.2%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time
Colquitt	42,053	9,989	30,510	6,377	20.9%	16,022	3,097	19.3%	Commission-Administrator	7	7	Staggered	4	Combination	Electorate	Part-time
Columbia	89,288	10,375	62,858	6,886	11.0%	59,338	6,614	11.1%	Commission-Administrator	5	4	Staggered	4	Combination	Electorate	Part-time
Cook	15,771	4,645	11,318	2,925	25.8%	6,635	1,735	26.1%	Commission-Administrator	5	5	Concurrent	4	District	Board	Part-time
Coweta	89,215	16,286	63,573	10,644	16.7%	55,391	7,662	13.8%	Commission-Administrator	4	4	Staggered	4	District	Rotates	Part-time
Crawford	12,495	3,019	9,047	2,143	23.7%	5,823	1,364	23.4%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time
Crisp	21,996	9,624	15,618	5,990	38.4%	8,572	2,952	34.4%	Commission-Administrator	5	2	Staggered	6	Combination	Board	Part-time
Dade	15,154	103	11,541	86	0.7%	8,700	30	0.3%	Commission-Manager	5	5	Staggered	4	District	Board	Part-time
Dawson	15,999	73	11,991	39	0.3%	10,561	22	0.2%	Commission-Manager	5	4	Staggered	4	Combination	Electorate	Part-time
Decatur	28,240	11,353	20,178	7,372	36.5%	12,405	4,226	34.1%	Commission-Administrator	6	6	Staggered	4	District	Board	Part-time
DeKalb	665,865	368,516	501,887	253,585	50.5%	336,382	181,076	53.8%	Elected Executive	8	7	Staggered	4	Combination	Electorate	Full-time

Appendix 4A

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County	2000 Total POP	2000 Black POP	2000 Total VAP	2000 Black VAP	2000 VAP VAP %	2006 Total REG	2006 Black REG	2006 Black REG %	Form of Government	# of Comm.	# of Dist.	Terms	Term	Election Type	Chair Selection	Chair Part or Full Time
Dodge	19,171	5,670	14,192	3,822	26.9%	9,688	2,242	23.1%	Commission-Manager	5	4	Concurrent	4	Combination	Electorate	Full-time
Dooly	11,525	5,743	8,577	4,032	47.0%	5,042	2,355	46.7%	Traditional Commission	5	5	Staggered	6	District	Board	Part-time
Dougherty	96,065	58,154	69,489	38,854	55.9%	44,005	25,000	56.8%	Commission-Administrator	7	6	Staggered	4	Combination	Electorate	Part-time
Douglas	92,174	17,653	66,739	11,530	17.3%	54,260	15,290	28.2%	Commission-Manager	5	4	Staggered	4	Combination	Electorate	Full-time
Early	12,354	5,996	8,813	3,805	43.2%	6,030	2,532	42.0%	Commission-Administrator	5	4	Staggered	4	Combination	Electorate	Part-time
Echols	3,754	261	2,654	169	6.4%	1,512	105	6.9%	Traditional Commission	3	3	Concurrent	4	At-large	Board	Part-time
Effingham	37,535	4,985	26,301	3,197	12.2%	22,647	2,493	11.0%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time
Elbert	20,511	6,360	15,209	4,324	28.4%	9,978	2,659	26.6%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time
Emanuel	21,837	7,318	15,762	4,662	29.6%	11,724	3,592	30.6%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time
Evans	10,495	3,477	7,611	2,294	30.1%	5,182	1,494	28.8%	Commission-Administrator	6	6	Staggered	4	District	Board	Part-time
Fannin	19,798	32	15,654	20	0.1%	12,814	6	0.0%	Traditional Commission	3	2	Concurrent	4	At-large	Electorate	Full-time
Fayette	91,263	10,832	64,709	7,086	11.0%	62,458	9,053	14.5%	Commission-Administrator	5	5	Staggered	4	Combination	Board	Part-time
Floyd	90,565	12,345	68,329	8,333	12.2%	41,869	4,667	11.1%	Commission-Manager	5	5	Staggered	4	At-large	Board	Part-time
Forsyth	98,407	770	70,941	533	0.8%	71,228	738	1.0%	Commission-Administrator	5	5	Staggered	4	At-large	Board	Part-time
Franklin	20,285	1,837	15,431	1,273	8.2%	9,846	565	5.7%	Commission-Manager	5	4	Concurrent	4	Combination	Electorate	Part-time
Fulton	816,006	369,014	616,716	261,196	42.4%	427,925	175,168	40.9%	Commission-Manager	7	7	Concurrent	4	Combination	Electorate	Part-time
Gilmer	23,456	76	17,753	43	0.2%	13,453	23	0.2%	Traditional Commission	3	2	Staggered	4	At-large	Electorate	Full-time
Glascock	2,556	218	1,947	163	8.4%	1,535	96	6.3%	Traditional Commission	3	3	Concurrent	4	At-large	Electorate	Part-time
Glynn	67,568	18,147	50,460	11,922	23.6%	38,348	7,832	20.4%	Commission-Administrator	7	5	Staggered	4	Combination	Board	Part-time
Gordon	44,104	1,633	32,606	1,104	3.4%	21,743	671	3.1%	Commission-Administrator	5	5	Staggered	4	At-large	Board	Part-time
Grady	23,659	7,207	17,206	4,708	27.4%	10,985	2,910	26.5%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time
Greene	14,406	6,434	10,792	4,284	39.7%	8,577	2,924	34.1%	Commission-Manager	5	4	Staggered	4	Combination	Electorate	Part-time
Gwinnett	588,448	81,804	422,455	54,593	12.9%	306,410	53,895	17.6%	Commission-Administrator	5	4	Staggered	4	Combination	Electorate	Full-time
Habersham	35,902	1,708	27,471	1,378	5.0%	16,677	281	1.7%	Commission-Manager	5	5	Staggered	4	At-large	Board	Part-time
Hall	139,277	10,486	101,760	7,092	7.0%	63,351	3,925	6.2%	Commission-Administrator	5	4	Concurrent	4	Combination	Electorate	Part-time
Hancock	10,076	7,855	7,651	5,697	74.5%	5,090	3,938	77.4%	Traditional Commission	5	4	Concurrent	4	Combination	Electorate	Full-time
Haralson	25,690	1,443	18,992	966	5.1%	13,330	548	4.1%	Sole Commissioner	1	1	Concurrent	4	At-large		Full-time
Harris	23,695	4,662	17,630	3,344	19.0%	16,085	2,431	15.1%	Commission-Manager	5	5	Staggered	4	District	Board	Part-time
Hart	22,997	4,517	17,595	3,121	17.7%	11,308	1,547	13.7%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time
Heard	11,012	1,221	7,848	856	10.9%	5,726	694	12.1%	Traditional Commission	6	5	Concurrent	4	Combination	Electorate	Full-time
Henry	119,341	17,976	84,480	11,865	14.0%	84,679	20,595	24.3%	Commission-Manager	6	5	Staggered	4	Combination	Electorate	Part-time
Houston	110,765	28,046	79,549	18,390	23.1%	58,212	13,151	22.6%	Commission-Administrator	5	5	Staggered	4	At-large	Electorate	Full-time
Irwin	9,931	2,585	7,071	1,610	22.8%	4,288	921	21.5%	Traditional Commission	5	4	Staggered	4	Combination	Electorate	Full-time
Jackson	41,589	3,356	30,518	2,423	7.9%	22,539	1,205	5.3%	Commission-Manager	5	4	Staggered	4	Combination	Electorate	Full-time
Jasper	11,426	3,145	8,317	2,153	25.9%	6,243	1,329	21.3%	Commission-Administrator	5	5	Concurrent	4	District	Board	Part-time
Jeff Davis	12,684	1,932	9,230	1,302	14.1%	6,639	939	14.1%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time
Jefferson	17,266	9,756	12,363	6,553	53.0%	9,042	4,733	52.3%	Commission-Administrator	5	4	Staggered	4	Combination	Electorate	Part-time
Jenkins	8,575	3,496	6,132	2,280	37.2%	4,468	1,721	38.5%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time
Johnson	8,560	3,168	5,981	1,891	31.6%	4,642	1,346	29.0%	Commission-Administrator	5	5	Concurrent	4	District	Board	Part-time
Jones	23,639	5,569	17,228	4,052	23.5%	13,289	3,065	23.1%	Commission-Administrator	5	4	Concurrent	4	Combination	Electorate	Part-time
Lamar	15,912	4,895	12,013	3,496	29.1%	8,854	2,309	26.1%	Commission-Administrator	5	4	Staggered	4	Combination	Electorate	Part-time
Lanier	7,241	1,878	5,258	1,288	24.5%	3,530	798	22.6%	Traditional Commission	5	4	Staggered	4	Combination	Electorate	Part-time
Laurens	44,874	15,619	32,829	10,443	31.8%	23,103	6,866	29.7%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time
Lee	24,757	3,889	17,168	2,722	15.9%	13,416	1,752	13.1%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time

Appendix 4A

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Liberty	61,610	27,467	41,916	17,267	41.2%	17,482	8,194	46.9%	Commission-Administrator	7	6	Concurrent	4	Combination	Electorate	Part-time
Lincoln	8,348	2,883	6,311	2,061	32.7%	3,915	1,068	27.3%	Traditional Commission	5	4	Concurrent	4	Combination	Electorate	Full-time
Long	10,304	2,576	6,893	1,560	22.6%	4,336	937	21.6%	Commission-Administrator	5	5	Concurrent	4	District	Board	Part-time
Lowndes	92,115	31,767	67,981	21,440	31.5%	37,805	10,643	28.2%	Commission-Manager	4	3	Concurrent	4	Combination	Electorate	Part-time
Lumpkin	21,016	343	15,914	244	1.5%	11,858	119	1.0%	Sole Commissioner	1	1	Concurrent	4	At-large		Full-time
Macon	14,074	8,419	10,187	5,857	57.5%	6,245	3,661	58.6%	Traditional Commission	5	5	Concurrent	4	District	Board	Part-time
Madison	25,730	2,216	18,966	1,513	8.0%	12,583	856	6.8%	Traditional Commission	5	4	Concurrent	4	Combination	Electorate	Full-time
Marion	7,144	2,465	5,119	1,636	32.0%	3,912	1,269	32.4%	Traditional Commission	3	3	Concurrent	4	At-large	Board	Part-time
McDuffie	21,231	8,045	15,315	5,314	34.7%	10,407	3,265	31.4%	Commission-Manager	5	2	Staggered	4	Combination	Electorate	Part-time
McIntosh	10,847	4,042	7,805	2,664	34.1%	6,616	2,336	35.3%	Traditional Commission	5	5	Concurrent	2	Combination	Board	Part-time
Meriwether	22,534	9,560	16,536	6,503	39.3%	11,345	4,194	37.0%	Commission-Manager	5	5	Concurrent	4	District	Board	Part-time
Miller	6,383	1,848	4,705	1,188	25.2%	3,493	826	23.6%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time
Mitchell	23,932	11,524	17,392	7,827	45.0%	9,520	3,881	40.8%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time
Monroe	21,757	6,127	16,044	4,423	27.6%	12,845	2,747	21.4%	Traditional Commission	5	4	Staggered	4	Combination	Electorate	Part-time
Montgomery	8,270	2,262	6,199	1,669	26.9%	4,008	897	22.4%	Commission-Administrator	5	5	Concurrent	4	District	Board	Part-time
Morgan	15,457	4,481	11,351	3,114	27.4%	8,956	1,822	20.3%	Commission-Manager	5	5	Staggered	4	District	Board	Part-time
Murray	36,506	304	26,302	169	0.6%	15,219	58	0.4%	Sole Commissioner	1	1	Concurrent	4	At-large		Full-time
Muscogee	186,291	83,157	136,289	55,832	41.0%	85,021	36,663	43.1%	Commission-Manager	11	10	Staggered	4	Combination	Electorate	Full-time
Newton	62,001	14,008	44,844	9,228	20.6%	40,766	12,434	30.5%	Traditional Commission	6	5	Staggered	4	Combination	Electorate	Full-time
Oconee	26,225	1,731	18,294	1,164	6.4%	16,804	611	3.6%	Commission-Administrator	5	4	Concurrent	4	At-large	Electorate	Full-time
Oglethorpe	12,635	2,548	9,377	1,790	19.1%	6,900	1,055	15.3%	Traditional Commission	6	5	Staggered	4	Combination	Electorate	Full-time
Paulding	81,678	5,952	56,599	3,739	6.6%	53,762	6,156	11.5%	Commission-Administrator	5	4	Staggered	4	Combination	Electorate	Full-time
Peach	23,668	10,816	17,505	7,886	45.0%	10,918	4,187	38.3%	Commission-Administrator	5	5	Staggered	4	Combination	Board	Part-time
Pickens	22,983	308	17,570	211	1.2%	14,018	100	0.7%	Sole Commissioner	1	1	Concurrent	4	At-large		Full-time
Pierce	15,636	1,746	11,467	1,165	10.2%	7,625	741	9.7%	Traditional Commission	5	4	Staggered	4	Combination	Electorate	Full-time
Pike	13,688	2,056	9,909	1,510	15.2%	8,511	982	11.5%	Commission-Manager	5	4	Staggered	4	Combination	Electorate	Part-time
Polk	38,127	5,209	28,190	3,523	12.5%	17,332	2,071	11.9%	Commission-Manager	5	5	Staggered	4	At-large	Board	Part-time
Pulaski	9,588	3,313	7,372	2,433	33.0%	4,584	1,162	25.3%	Sole Commissioner	1	1	Concurrent	4	At-large		Full-time
Putnam	18,812	5,703	14,444	3,855	26.7%	10,480	2,514	24.0%	Commission-Manager	5	4	Concurrent	4	Combination	Electorate	Part-time
Quitman	2,598	1,227	1,975	815	41.3%	1,426	635	44.5%	Traditional Commission	4	3	Staggered	4	At-large	Board	Part-time
Rabun	15,050	146	11,764	78	0.7%	8,207	21	0.3%	Commission-Administrator	3	3	Staggered	4	At-large	Rotates	Part-time
Randolph	7,791	4,648	5,662	3,147	55.6%	3,955	2,141	54.1%	Traditional Commission	5	5	Staggered	4	District	Board	Part-time
Richmond	199,775	101,328	146,167	67,731	46.3%	88,772	44,651	50.3%	Commission-Administrator	11	10	Staggered	4	Combination	Electorate	Full-time
Rockdale	70,111	13,092	50,823	8,381	16.5%	40,337	12,811	31.8%	Traditional Commission	3	3	Staggered	4	At-large	Electorate	Full-time
Schley	3,766	1,194	2,663	777	29.2%	2,075	509	24.5%	Traditional Commission	5	4	Staggered	4	Combination	Electorate	Part-time
Screven	15,374	6,995	11,083	4,680	42.2%	7,335	2,795	38.1%	Commission-Manager	7	7	Staggered	4	District	Board	Part-time
Seminole	9,369	3,263	6,919	2,062	29.8%	4,821	1,417	29.4%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time
Spalding	58,417	18,341	42,485	11,967	28.2%	27,862	7,454	26.8%	Commission-Manager	5	5	Staggered	4	District	Board	Part-time
Stephens	25,435	3,148	19,468	2,165	11.1%	12,169	993	8.2%	Commission-Administrator	3	3	Staggered	4	At-large	Board	Part-time
Stewart	5,252	3,261	3,945	2,336	59.2%	2,921	1,733	59.3%	Traditional Commission	5	5	Staggered	4	District	Board	Part-time
Sumter	33,200	16,359	23,968	10,756	44.9%	15,190	6,692	44.1%	Commission-Administrator	5	5	Staggered	4	District	Board	Part-time
Talbot	6,498	4,037	4,928	2,942	59.7%	3,919	2,232	57.0%	Traditional Commission	5	5	Staggered	4	District	Board	Part-time
Taliaferro	2,077	1,261	1,577	913	57.9%	1,276	732	57.4%	Traditional Commission	3	2	Concurrent	4	At-large	Electorate	Part-time
Tattnall	22,305	7,084	17,197	5,510	32.0%	8,782	1,766	20.1%	Commission-Manager	6	5	Concurrent	4	Combination	Electorate	Full-time

Appendix 4A

2000 Census Total and Voting Age Population, 2006 Voter Registration, and 2003 Form of Government Data for Georgia Counties

County	2000 Total POP	2000 Black POP	2000 Total VAP	2000 Black VAP	2000 VAP VAP %	2006 Total REG	2006 Black REG	2006 Black REG %	Form of Government	# of Comm.	# of Dist.	Terms	Term	Election Type	Chair Selection	Chair Part or Full Time
Taylor	8,815	3,778	6,446	2,549	39.5%	4,348	1,609	37.0%	Commission-Manager	5	5	Concurrent	4	District	Board	Part-time
Telfair	11,794	4,568	9,141	3,411	37.3%	5,167	1,597	30.9%	Traditional Commission	5	5	Staggered	4	District	Board	Part-time
Terrell	10,970	6,693	7,856	4,394	55.9%	5,203	2,765	53.1%	Traditional Commission	5	4	Staggered	4	Combination	Electorate	Part-time
Thomas	42,737	16,745	31,136	11,242	36.1%	20,825	6,340	30.4%	Commission-Manager	8	8	Staggered	4	District	Board	Part-time
Tift	38,407	10,880	27,948	7,014	25.1%	16,025	3,560	22.2%	Commission-Administrator	7	7	Staggered	4	Combination	Electorate	Full-time
Toombs	26,067	6,358	18,624	4,019	21.6%	11,644	2,475	21.3%	Traditional Commission	5	4	Staggered	4	Combination	Electorate	Full-time
Towns	9,319	17	7,802	16	0.2%	6,862	2	0.0%	Sole Commissioner	1	1	Concurrent	4	At-large		Full-time
Treutlen	6,854	2,283	5,073	1,561	30.8%	3,712	1,119	30.1%	Traditional Commission	5	5	Staggered	4	District	Board	Part-time
Troup	58,779	18,919	42,406	12,489	29.5%	29,884	8,020	26.8%	Commission-Administrator	5	5	Staggered	4	Combination	Electorate	Part-time
Turner	9,504	3,905	6,707	2,456	36.6%	3,965	1,292	32.6%	Traditional Commission	5	5	Staggered	4	District	Board	Part-time
Twiggs	10,590	4,648	7,731	3,204	41.4%	5,530	2,338	42.3%	Commission-Administrator	5	4	Concurrent	4	Combination	Electorate	Part-time
Union	17,289	111	13,830	91	0.7%	11,778	16	0.1%	Sole Commissioner	1	1	Concurrent	4	At-large		Full-time
Upson	27,597	7,757	20,565	5,383	26.2%	13,802	3,475	25.2%	Traditional Commission	5	4	Staggered	4	Combination	Electorate	Part-time
Walker	61,053	2,458	45,937	1,692	3.7%	31,810	968	3.0%	Sole Commissioner	1	1	Concurrent	4	At-large		Full-time
Walton	60,687	8,897	43,464	5,759	13.3%	36,939	3,824	10.4%	Traditional Commission	7	6	Staggered	4	Combination	Electorate	Full-time
Ware	35,483	10,032	26,679	6,922	25.9%	14,213	3,292	23.2%	Commission-Manager	5	5	Staggered	4	Combination	Electorate	Part-time
Warren	6,336	3,783	4,666	2,570	55.1%	3,222	1,780	55.2%	Traditional Commission	3	2	Concurrent	4	Combination	Electorate	Full-time
Washington	21,176	11,325	15,472	7,803	50.4%	10,391	4,700	45.2%	Commission-Administrator	5	4	Concurrent	4	Combination	Electorate	Part-time
Wayne	26,565	5,481	19,674	3,864	19.6%	12,095	1,709	14.1%	Commission-Administrator	5	5	Concurrent	4	District	Board	Part-time
Webster	2,390	1,125	1,787	816	45.7%	1,334	598	44.8%	Traditional Commission	5	4	Staggered	4	Combination	Electorate	Full-time
Wheeler	6,179	2,069	4,796	1,580	32.9%	2,706	731	27.0%	Traditional Commission	3	3	Concurrent	4	District	Board	Part-time
White	19,944	467	15,322	344	2.2%	11,965	141	1.2%	Commission-Administrator	3	2	Staggered	4	At-large	Electorate	Part-time
Whitfield	83,525	3,504	60,691	2,345	3.9%	35,044	1,415	4.0%	Commission-Administrator	5	4	Staggered	4	Combination	Electorate	Part-time
Wilcox	8,577	3,122	6,624	2,336	35.3%	3,505	953	27.2%	Traditional Commission	5	5	Staggered	4	District	Board	Part-time
Wilkes	10,687	4,642	8,126	3,416	42.0%	5,847	2,273	38.9%	Traditional Commission	5	4	Staggered	4	Combination	Electorate	Full-time
Wilkinson	10,220	4,197	7,437	2,839	38.2%	5,531	2,271	41.1%	Commission-Manager	5	4	Concurrent	4	Combination	Electorate	Part-time
Worth	21,967	6,532	15,683	4,129	26.3%	9,829	2,437	24.8%	Commission-Administrator	5	4	Staggered	4	Combination	Electorate	Part-time

Sources:

Census Data: 2000 Census of Population and Housing
Registration Data: Georgia Secretary of State. Feb. 2006 Report of Voter Registration
Form of Government: ACCG (Association County Commissioners of Georgia) 2003. Prepared by the Carl Vinson Institute of Government, Governmental Services Division, January 2004.

Appendix 4B

Historical Census Data for Georgia Counties

Sorted by 2000 Black Percentage

	Total POP 2000	Black POP 2000	Black Share of Total Pop. 2000	Total POP 1990	Black POP 1990	Black Share of Total Pop. 1990	Total POP 1980	Black POP 1980	Black Share of Total Pop. 1980
Hancock	10,076	7,855	78.0%	8,908	7,077	79.4%	9,466	7,238	76.5%
Talbot	6,498	4,037	62.1%	6,524	4,067	62.3%	6,536	4,160	63.6%
Stewart	5,252	3,261	62.1%	5,654	3,578	63.3%	5,896	3,734	63.3%
Terrell	10,970	6,693	61.0%	10,653	6,377	59.9%	12,017	7,151	59.5%
Clay	3,357	2,044	60.9%	3,364	2,044	60.8%	3,553	2,193	61.7%
Calhoun	6,320	3,845	60.8%	5,013	2,953	58.9%	5,717	3,239	56.7%
Taliaferro	2,077	1,261	60.7%	1,915	1,167	60.9%	2,032	1,299	63.9%
Dougherty	96,065	58,154	60.5%	96,311	48,387	50.2%	100,718	42,531	42.2%
Macon	14,074	8,419	59.8%	13,114	7,694	58.7%	18,546	6,544	35.3%
Warren	6,336	3,783	59.7%	6,078	3,656	60.2%	6,583	3,829	58.2%
Randolph	7,791	4,648	59.7%	8,023	4,645	57.9%	9,599	5,222	54.4%
Jefferson	17,266	9,756	56.5%	17,408	9,700	55.7%	18,403	9,852	53.5%
DeKalb	665,865	368,516	55.3%	545,837	230,425	42.2%	483,024	129,933	26.9%
Washington	21,176	11,325	53.5%	19,112	9,874	51.7%	18,842	9,546	50.7%
Clayton	236,517	124,550	52.7%	182,052	43,403	23.8%	150,357	10,405	6.9%
Burke	22,243	11,421	51.3%	20,579	10,756	52.3%	19,349	10,171	52.6%
Richmond	199,775	101,328	50.7%	189,719	79,639	42.0%	181,629	67,253	37.0%
Baker	4,074	2,062	50.6%	3,615	1,861	51.5%	3,808	1,859	48.8%
Dooly	11,525	5,743	49.8%	9,901	4,852	49.0%	10,826	5,182	47.9%
Sumter	33,200	16,359	49.3%	30,228	14,045	46.5%	29,360	12,771	43.5%
Early	12,354	5,996	48.5%	11,854	5,226	44.1%	13,158	5,538	42.1%
Mitchell	23,932	11,524	48.2%	20,275	9,647	47.6%	21,114	10,029	47.5%
Bibb	153,887	73,402	47.7%	149,967	62,526	41.7%	150,256	57,627	38.4%
Quitman	2,598	1,227	47.2%	2,209	1,107	50.1%	2,357	1,318	55.9%
Webster	2,390	1,125	47.1%	2,263	1,132	50.0%	2,341	1,159	49.5%
Peach	23,668	10,816	45.7%	21,189	10,075	47.5%	19,151	9,588	50.1%
Screven	15,374	6,995	45.5%	13,842	6,209	44.9%	14,043	6,257	44.6%
Fulton	816,006	369,014	45.2%	648,951	324,008	49.9%	589,904	300,952	51.0%
Greene	14,406	6,434	44.7%	11,793	5,887	49.9%	11,391	5,875	51.6%
Muscogee	186,291	83,157	44.6%	179,278	68,161	38.0%	170,108	57,362	33.7%
Liberty	61,610	27,467	44.6%	52,745	20,655	39.2%	37,583	13,605	36.2%
Twiggs	10,590	4,648	43.9%	9,806	4,501	45.9%	9,354	4,639	49.6%
Baldwin	44,700	19,573	43.8%	39,530	16,706	42.3%	34,686	12,816	36.9%
Crisp	21,996	9,624	43.8%	20,011	8,153	40.7%	19,489	7,520	38.6%
Wilkes	10,687	4,642	43.4%	10,597	4,909	46.3%	10,951	4,925	45.0%
Taylor	8,815	3,778	42.9%	7,642	3,300	43.2%	7,902	3,098	39.2%
Meriwether	22,534	9,560	42.4%	22,411	9,989	44.6%	21,229	9,413	44.3%
Turner	9,504	3,905	41.1%	8,703	3,534	40.6%	9,510	3,446	36.2%
Wilkinson	10,220	4,197	41.1%	10,228	4,302	42.1%	10,368	4,584	44.2%
Chatham	232,048	95,242	41.0%	216,935	82,608	38.1%	202,226	76,648	37.9%
Jenkins	8,575	3,496	40.8%	8,247	3,412	41.4%	8,841	3,543	40.1%
Decatur	28,240	11,353	40.2%	25,511	10,070	39.5%	25,495	9,818	38.5%

Appendix 4B

Historical Census Data for Georgia Counties

Sorted by 2000 Black Percentage

	Total POP 2000	Black POP 2000	Black Share of Total Pop. 2000	Total POP 1990	Black POP 1990	Black Share of Total Pop. 1990	Total POP 1980	Black POP 1980	Black Share of Total Pop. 1980
Brooks	16,450	6,529	39.7%	15,398	6,390	41.5%	15,255	6,678	43.8%
Thomas	42,737	16,745	39.2%	38,986	14,759	37.9%	38,098	14,358	37.7%
Telfair	11,794	4,568	38.7%	11,000	3,773	34.3%	11,445	3,517	30.7%
McDuffie	21,231	8,045	37.9%	20,119	7,320	36.4%	17,747	1,900	10.7%
McIntosh	10,847	4,042	37.3%	8,634	3,719	43.1%	5,297	2,415	45.6%
Johnson	8,560	3,168	37.0%	8,329	2,839	34.1%	8,660	2,725	31.5%
Wilcox	8,577	3,122	36.4%	7,008	2,225	31.7%	7,682	2,418	31.5%
Seminole	9,369	3,263	34.8%	9,010	2,943	32.7%	9,057	2,907	32.1%
Laurens	44,874	15,619	34.8%	39,988	13,304	33.3%	36,990	12,009	32.5%
Pulaski	9,588	3,313	34.6%	8,108	2,632	32.5%	8,950	3,043	34.0%
Lincoln	8,348	2,883	34.5%	7,442	2,826	38.0%	6,716	2,795	41.6%
Marion	7,144	2,465	34.5%	5,590	2,306	41.3%	14,003	7,752	55.4%
Lowndes	92,115	31,767	34.5%	75,981	24,241	31.9%	67,972	20,312	29.9%
Emanuel	21,837	7,318	33.5%	20,546	6,681	32.5%	20,795	6,491	31.2%
Wheeler	6,179	2,069	33.5%	4,903	1,474	30.1%	5,155	1,504	29.2%
Treutlen	6,854	2,283	33.3%	5,994	1,984	33.1%	6,087	1,989	32.7%
Evans	10,495	3,477	33.1%	8,724	2,963	34.0%	8,428	2,886	34.2%
Ben Hill	17,484	5,754	32.9%	16,245	5,088	31.3%	16,000	4,793	30.0%
Troup	58,779	18,919	32.2%	55,536	16,694	30.1%	50,003	15,449	30.9%
Tattnall	22,305	7,084	31.8%	17,722	5,177	29.2%	18,134	5,208	28.7%
Schley	3,766	1,194	31.7%	3,588	1,222	34.1%	3,433	1,208	35.2%
Chattahoochee	14,882	4,701	31.6%	16,934	5,235	30.9%	21,732	6,948	32.0%
Spalding	58,417	18,341	31.4%	54,457	15,785	29.0%	47,899	12,760	26.6%
Elbert	20,511	6,360	31.0%	18,949	5,718	30.2%	18,758	5,681	30.3%
Lamar	15,912	4,895	30.8%	13,038	4,442	34.1%	12,215	4,122	33.7%
Grady	23,659	7,207	30.5%	20,279	6,395	31.5%	19,845	6,214	31.3%
Putnam	18,812	5,703	30.3%	14,137	4,748	33.6%	10,295	4,236	41.1%
Clinch	6,878	2,057	29.9%	6,160	1,682	27.3%	6,660	1,937	29.1%
Worth	21,967	6,532	29.7%	19,745	6,051	30.6%	18,064	6,086	33.7%
Charlton	10,282	3,057	29.7%	8,496	2,355	27.7%	7,343	2,147	29.2%
Dodge	19,171	5,670	29.6%	17,607	4,864	27.6%	16,955	4,426	26.1%
Cook	15,771	4,645	29.5%	13,456	4,031	30.0%	13,490	4,053	30.0%
Butts	19,522	5,705	29.2%	15,326	5,438	35.5%	13,665	5,226	38.2%
Bulloch	55,983	16,271	29.1%	43,125	11,226	26.0%	35,785	9,423	26.3%
Morgan	15,457	4,481	29.0%	12,883	4,459	34.6%	11,572	4,689	40.5%
Miller	6,383	1,848	29.0%	6,280	1,726	27.5%	7,038	1,956	27.8%
Tift	38,407	10,880	28.3%	34,998	9,371	26.8%	32,862	8,393	25.5%
Ware	35,483	10,032	28.3%	35,471	9,238	26.0%	37,180	8,284	22.3%
Monroe	21,757	6,127	28.2%	17,113	5,406	31.6%	14,610	5,386	36.9%
Upson	27,597	7,757	28.1%	26,300	7,272	27.7%	25,998	7,083	27.2%
Clarke	101,489	28,165	27.8%	87,594	22,935	26.2%	74,498	17,356	23.3%
Jasper	11,426	3,145	27.5%	8,453	2,940	34.8%	7,553	2,999	39.7%

Appendix 4B

Historical Census Data for Georgia Counties

Sorted by 2000 Black Percentage

	Total POP 2000	Black POP 2000	Black Share of Total Pop. 2000	Total POP 1990	Black POP 1990	Black Share of Total Pop. 1990	Total POP 1980	Black POP 1980	Black Share of Total Pop. 1980
Candler	9,577	2,623	27.4%	7,744	2,405	31.1%	7,518	2,359	31.4%
Montgomery	8,270	2,262	27.4%	7,163	2,026	28.3%	7,011	2,122	30.3%
Glynn	67,568	18,147	26.9%	62,496	15,941	25.5%	54,981	14,371	26.1%
Coffee	37,413	9,806	26.2%	29,592	7,504	25.4%	26,894	6,730	25.0%
Irwin	9,931	2,585	26.0%	8,649	2,630	30.4%	8,988	2,738	30.5%
Lanier	7,241	1,878	25.9%	5,531	1,470	26.6%	5,654	1,378	24.4%
Houston	110,765	28,046	25.3%	89,208	19,376	21.7%	77,605	15,687	20.2%
Long	10,304	2,576	25.0%	6,202	1,342	21.6%	4,524	1,130	25.0%
Bleckley	11,666	2,891	24.8%	10,430	2,332	22.4%	10,767	2,342	21.8%
Toombs	26,067	6,358	24.4%	24,072	5,637	23.4%	22,592	5,668	25.1%
Crawford	12,495	3,019	24.2%	8,991	2,757	30.7%	7,684	2,998	39.0%
Colquitt	42,053	9,989	23.8%	36,645	8,861	24.2%	35,376	8,083	22.8%
Jones	23,639	5,569	23.6%	20,739	5,317	25.6%	16,579	4,993	30.1%
Newton	62,001	14,008	22.6%	41,808	9,357	22.4%	34,489	8,706	25.2%
Camden	43,664	9,077	20.8%	30,167	6,079	20.2%	13,371	4,277	32.0%
Wayne	26,565	5,481	20.6%	22,356	4,358	19.5%	20,750	3,903	18.8%
Oglethorpe	12,635	2,548	20.2%	9,763	2,419	24.8%	8,929	2,749	30.8%
Appling	17,419	3,450	19.8%	15,744	3,268	20.8%	15,565	3,103	19.9%
Atkinson	7,609	1,506	19.8%	6,213	1,658	26.7%	6,141	1,662	27.1%
Harris	23,695	4,662	19.7%	17,788	4,571	25.7%	15,464	5,215	33.7%
Hart	22,997	4,517	19.6%	19,712	4,002	20.3%	18,585	4,042	21.7%
Cobb	607,751	118,229	19.5%	447,745	44,154	9.9%	297,718	12,947	4.3%
Douglas	92,174	17,653	19.2%	71,120	5,597	7.9%	54,573	2,792	5.1%
Rockdale	70,111	13,092	18.7%	54,091	4,355	8.1%	36,747	3,145	8.6%
Coweta	89,215	16,286	18.3%	53,853	12,194	22.6%	39,268	10,564	26.9%
Carroll	87,268	14,647	16.8%	71,422	11,231	15.7%	56,346	9,600	17.0%
Bacon	10,103	1,627	16.1%	9,566	1,480	15.5%	9,379	1,391	14.8%
Lee	24,757	3,889	15.7%	16,250	3,135	19.3%	11,684	2,749	23.5%
Jeff Davis	12,684	1,932	15.2%	12,032	1,834	15.2%	11,473	1,805	15.7%
Henry	119,341	17,976	15.1%	58,741	6,068	10.3%	36,309	6,213	17.1%
Pike	13,688	2,056	15.0%	10,224	2,053	20.1%	8,937	2,257	25.3%
Walton	60,687	8,897	14.7%	38,586	7,105	18.4%	31,211	6,459	20.7%
Bryan	23,417	3,431	14.7%	15,438	2,293	14.9%	10,175	2,159	21.2%
Gwinnett	588,448	81,804	13.9%	352,910	18,175	5.2%	166,903	4,070	2.4%
Polk	38,127	5,209	13.7%	33,815	4,791	14.2%	32,386	4,786	14.8%
Floyd	90,565	12,345	13.6%	81,251	11,106	13.7%	79,800	10,141	12.7%
Effingham	37,535	4,985	13.3%	25,687	3,620	14.1%	18,327	3,365	18.4%
Stephens	25,435	3,148	12.4%	23,257	2,787	12.0%	21,763	2,611	12.0%
Fayette	91,263	10,832	11.9%	62,415	3,380	5.4%	29,043	1,261	4.3%
Chattooga	25,470	2,960	11.6%	22,242	1,941	8.7%	21,856	1,867	8.5%
Columbia	89,288	10,375	11.6%	66,031	7,282	11.0%	40,118	5,841	14.6%
Berrien	16,235	1,882	11.6%	14,153	1,648	11.6%	13,525	1,649	12.2%

Appendix 4B

Historical Census Data for Georgia Counties

Sorted by 2000 Black Percentage

	Total POP 2000	Black POP 2000	Black Share of Total Pop. 2000	Total POP 1990	Black POP 1990	Black Share of Total Pop. 1990	Total POP 1980	Black POP 1980	Black Share of Total Pop. 1980
Pierce	15,636	1,746	11.2%	13,328	1,569	11.8%	11,897	1,618	13.6%
Heard	11,012	1,221	11.1%	8,628	1,163	13.5%	6,520	1,084	16.6%
Barrow	46,144	4,675	10.1%	29,721	3,354	11.3%	21,354	3,115	14.6%
Franklin	20,285	1,837	9.1%	16,650	1,681	10.1%	15,185	1,519	10.0%
Bartow	76,019	6,829	9.0%	55,911	5,026	9.0%	40,760	4,686	11.5%
Madison	25,730	2,216	8.6%	21,050	1,849	8.8%	8,046	3,607	44.8%
Glascock	2,556	218	8.5%	2,357	298	12.6%	2,382	368	15.4%
Jackson	41,589	3,356	8.1%	30,005	2,904	9.7%	25,343	2,722	10.7%
Hall	139,277	10,486	7.5%	95,428	8,195	8.6%	75,649	6,766	8.9%
Paulding	81,678	5,952	7.3%	41,611	1,648	4.0%	26,110	1,198	4.6%
Echols	3,754	261	7.0%	2,334	264	11.3%	2,297	374	16.3%
Oconee	26,225	1,731	6.6%	17,618	1,315	7.5%	12,427	1,255	10.1%
Haralson	25,690	1,443	5.6%	21,966	1,427	6.5%	18,422	1,330	7.2%
Habersham	35,902	1,708	4.8%	27,621	1,554	5.6%	25,020	1,316	5.3%
Whitfield	83,525	3,504	4.2%	72,462	2,901	4.0%	65,789	2,503	3.8%
Brantley	14,629	612	4.2%	11,077	596	5.4%	8,701	555	6.4%
Walker	61,053	2,458	4.0%	58,340	2,246	3.8%	56,470	2,307	4.1%
Gordon	44,104	1,633	3.7%	35,072	1,321	3.8%	30,070	1,310	4.4%
Banks	14,422	477	3.3%	10,308	364	3.5%	8,702	429	4.9%
Cherokee	141,903	3,851	2.7%	90,204	1,693	1.9%	51,699	1,101	2.1%
White	19,944	467	2.3%	13,006	360	2.8%	10,120	390	3.9%
Lumpkin	21,016	343	1.6%	14,573	238	1.6%	10,762	232	2.2%
Catoosa	53,282	767	1.4%	42,464	357	0.8%	36,991	289	0.8%
Pickens	22,983	308	1.3%	14,432	247	1.7%	11,652	264	2.3%
Rabun	15,050	146	1.0%	11,648	41	0.4%	10,466	62	0.6%
Murray	36,506	304	0.8%	26,147	41	0.2%	19,685	32	0.2%
Forsyth	98,407	770	0.8%	44,083	14	0.0%	27,958	1	0.0%
Dade	15,154	103	0.7%	13,147	101	0.8%	12,318	109	0.9%
Union	17,289	111	0.6%	11,993	19	0.2%	9,390	3	0.0%
Dawson	15,999	73	0.5%	9,429	4	0.0%	4,774	0	0.0%
Gilmer	23,456	76	0.3%	13,368	37	0.3%	11,110	22	0.2%
Towns	9,319	17	0.2%	6,754	-	0.0%	5,638	1	0.0%
Fannin	19,798	32	0.2%	15,992	5	0.0%	14,748	7	0.0%
Statewide	8,186,453	2,393,425	29.2%	6,478,216	1,746,565	27.0%	5,463,105	1,448,137	26.5%

Appendix 4C

Distribution of Black Population in Georgia by Black Share of County Total Population

1980 and 2000

Black Share of Total Population in County	1980		2000	
0-9.9%	56,714	3.9%	52,089	2.2%
10-19.9%	73,049	5.0%	375,032	15.7%
20-29.9%	324,709	22.4%	243,235	10.2%
30-39.9%	463,696	32.0%	200,834	8.4%
Subtotal: 0 to 39.9% Counties	***918,168***	***63.4%***	***871,190***	***36.4%***
40-49.9%	136,850	9.5%	789,277	33.0%
50-59.9%	374,495	25.9%	645,808	27.0%
60-69.9%	11,386	0.8%	79,295	3.3%
70-79.9%	7,238	0.5%	7,855	0.3%
Subtotal: 40 to 79.9% Counties	***529,969***	***36.6%***	***1,522,235***	***63.6%***
Statewide	**1,448,137**		**2,393,425**	

Appendix 5: State of Georgia -- 2000 Census Language Minority Determination Data

Table 5-A: Statewide Totals for Total and Language-Minority Populations

Group	Total Pop.	Voting Age Pop.	Citizen Voting Age Pop.	Citizen Voting Age LEP Pop.	LEP Share of Total Citizen Voting Age Pop.	Illiteracy Rate
All Persons	**8,186,455**	**6,020,680**	**5,675,210**	**97,850**	**1.72**	**5.56**
Spanish/Hispanic/Latino	**429,975**	**296,520**	**110,755**	**28,595**	**0.50**	**10.70**
Asian (All Groups)	**199,610**	**145,230**	**75,505**	**23,530**	**0.41**	**6.63**
Vietnamese	31,630	22,895	9,430	5,670	0.1	6.79
Korean	31,770	22,980	12,410	4,865	0.09	2.67
Chinese (Including Taiwanese)	31,985	23,970	13,495	4,760	0.08	7.77
Asian Indian	49,450	36,390	17,445	3,535	0.06	3.25
Laotian	5,265	3,630	1,975	1,015	0.02	20.2
Filipino	15,785	10,950	8,155	955	0.02	4.71
Cambodian	4,030	2,710	1,395	880	0.02	21.02
Other Asian	9,915	6,690	4,195	720	0.01	13.19
Japanese	10,865	8,245	4,280	445	0.01	0.9
Pakistani	5,195	3,615	1,685	345	0.01	2.9
Thai	3,100	2,455	1,320	295	0.01	10.17
Hmong	1,280	750	385	165	0	21.21

Source: Bureau of the Census Voting Rights Determination Data
http://www.census.gov/rdo/www/voting%20rights.htm

Statewide data were suppressed by the Bureau of the Census for the following single-language Asian groups: Bangladeshi, Indonesian, Malaysian and Sri Lankan.

Table 5-A: Statewide Totals for Total and Language-Minority Populations (cont.)

Group	Total Pop.	Voting Age Pop.	Citizen Voting Age Pop.	Citizen Voting Age LEP Pop.	LEP Share of Total Citizen Voting Age Pop.	Illiteracy Rate
American Indian (All Groups)	**59,720**	**44,775**	**41,360**	**1,460**	**0.03**	**10.96**
Aian Check Box	18,530	13,480	12,455	540	0.01	14.81
Cherokee	22,140	17,215	17,190	305	0.01	0
Latin American Indian	3,625	2,840	690	250	0	12
Other American Indian Tribes	4,525	3,380	3,225	120	0	0
Apache	900	630	625	55	0	45.45
Blackfeet	1,400	1,045	1,035	30	0	0
Sioux	1,210	820	820	25	0	0
Creek	2,455	1,740	1,730	20	0	0
Seminole	735	525	525	20	0	0
Choctaw	1,285	890	885	10	0	0
Iroquois	1,015	685	655	10	0	0
Chippewa	520	440	435	4	0	0
Yuman	-	-	-	-	0	0

Statewide data were suppressed by the Bureau of the Census for the following single-language Indian groups:
Cheyenne, Chickasaw, Colville, Comanche, Cree, Crow, Delaware, Houma, Kiowa, Lumbee, Menominee, Navajo, Osage, Ottawa, Paiute, Pima, Potawatomi, Pueblo, Puget Sound Salish, Shoshone, Tohono O'odham, Ute, Yakama, Yaqui, Alaskan Athabascan, Aleut, Eskimo, Tlingit-haida and Other Alaska Native Group.

Table 5-B: Jurisdictions in Which the LEP of a Single Language-Minority Group Exceeds One Percent of the Total CVAP and / or 2,000 Persons

County (Group)	Total Pop.	Voting Age Pop.	Citizen Voting Age Pop.	Citizen Voting Age LEP Pop.	LEP Share of Total Citizen Voting Age Pop.	Illiteracy Rate
Gwinnett County (Spanish)	63,575	43,955	14,200	4,300	1.18	9.42
Fulton County (Spanish)	47,735	35,405	12,535	3,235	0.57	9.89
Cobb County (Spanish)	46,945	32,690	12,055	3,090	0.76	9.87
DeKalb County (Spanish)	51,585	38,860	9,935	2,980	0.68	11.58
Hall County (Spanish)	27,320	17,490	3,515	1,475	1.71	13.90
Whitfield County (Spanish)	18,340	11,380	2,480	1,285	2.50	8.95
Atkinson County (Spanish)	1,325	780	175	95	2.02	4.21
Chattahoochee County (Spanish)	1,575	1,045	890	130	1.27	7.69
Coffee County (Spanish)	2,565	1,710	630	295	1.15	15.25
Liberty County (Spanish)	5,010	3,170	2,460	455	1.14	4.40
Tattnall County (Spanish)	1,905	1,200	415	185	1.13	8.11