

1 NCVR HEARING - ATLANTA, GA - 11/20/2013

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6 NATIONAL COMMISSION ON VOTING RIGHTS

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9 ATLANTA, GEORGIA HEARING ON VOTING

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The Martin Luther King Jr Center

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449 Auburn Avenue, NE

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Atlanta, GA

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WEDNESDAY, NOVEMBER, 20, 2013

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3:09 P.M. - 7:23 P.M.

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Reported by:

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Judith Leitz Moran

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Job 67985

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 2 OPENING AND CLOSING REMARKS BY:
 3 MEREDITH HORTON
 4 Lawyers Committee for Civil Rights Under Law
 5
 6
 7 PANEL OF COMMISSIONERS:
 8 HELEN BUTLER
 9 Executive Director, Georgia Coalition for the
 10 Peoples' Agenda
 11
 12 DR. FRANCYS JOHNSON
 13 President, Georgia State Conference NAACP
 14
 15 LAUGHLIN MCDONALD
 16 Special Counsel and Director Emeritus, ACLU Voting
 17 Rights Project
 18
 19 RUBY MOORE
 20 Executive Director, Georgia Advocacy Office
 21
 22
 23
 24
 25

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 2 PANEL WITNESSES (CONT.):
 3 SHARON BLACKWOOD
 4 Board Member, League of Women Voters of Georgia
 5
 6 RICHARD BARRON
 7 Fulton County Director of Elections and
 8 Registration
 9
 10 EMMA DARNELL
 11 Fulton County Board of Commissioners
 12
 13 MELINDA SHELDON
 14 Deputy Director, Georgia Equality
 15
 16 SARITA MCCOY GREGORY
 17 Kennesaw State University
 18
 19 RONNIE MOSLEY
 20 Morehouse student
 21
 22 REVEREND ALBERT E. LOVE
 23 President & CEO, The Voter Empowerment
 24 Collaborative (VEC)
 25

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 2 PANEL WITNESSES:
 3 LAURA TORO
 4 Program Manager, Georgia Association of Latino
 5 Elected Officials
 6
 7 REVEREND HENRY FICKLIN
 8
 9 DR. NANCY DENNARD
 10
 11 REPRESENTATIVE VIRGIL FLUDD
 12 Georgia House of Representatives
 13
 14 REPRESENTATIVE TYRONE BROOKS
 15 Georgia Association of Black Elected Officials
 16
 17 EMMET J. BONDURANT
 18 Partner, Bondurant Mixson & Elmore LLP
 19
 20 HELEN KIM HO
 21 Executive Director, Asian American Legal Advocacy
 22 Center, Inc.
 23
 24 CHERI MITCHELL
 25 Georgia Advocacy Office, Inc.

1 NCVR HEARING - ATLANTA, GA - 11/20/2013
 2 OPEN MIC COMMENTS - FIRST SESSION:
 3
 4 JOE CARN
 5 REVEREND JEFFREY BENOIT
 6 KATHY HOLMES-BASS
 7 THOMAS AQUELL
 8 MINISTER KAREN REAGLE
 9
 10 OPEN MIC COMMENTS - SECOND SESSION:
 11
 12 PHYLLIS BAILEY
 13 MARGO WATERS
 14 GARRETT SCOTT
 15 MARTHA ALEXANDER
 16 RON SHAKIR
 17 JOHN BENSON
 18 MAMIE CHANCELLOR
 19 YOLANDA CHANCELLOR
 20 JOHN E. JONES
 21 DR. GRETCHEN C. LOCKETT
 22
 23
 24

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2 P R O C E E D I N G S

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2 against racial injustice and inequality.

3 - - -
4 MEREDITH HORTON: Good afternoon,
5 everyone. It would be great if everyone can start
6 by taking their seats.

3 We continue our work today in a variety
4 of issue areas, fair housing, employment
5 discrimination, education, and, of course, voting
6 rights, the reason that we are all here today.

7 Welcome.

7 So today's hearing in Georgia is the
8 first in a series of nationwide fact finding
9 hearings convened by our National Commission on
10 Voting Rights.

8 My name is Meredith Horton and I'm with
9 the Lawyers' Committee for Civil Rights Under Law
10 in Washington, D.C., and I want to welcome you to
11 the inaugural hearing of the National Commission on
12 Voting Rights.

11 I'm especially honored to get us started
12 and really quick off this nationwide series right
13 here in Georgia, such an important state in the
14 voting rights landscape.

13 On behalf of the Lawyers' Committee, we
14 want to thank you for your participation and
15 support of this event this afternoon.

15 As many of you know, this summer the U.S.
16 Supreme Court struck down a key protection of the
17 Voting Rights Act, really stripped it away, one
18 that protected Georgia voters in particular from
19 discriminatory voting changes.

16 And right at the outset I want to thank
17 the King Center for hosting us in such a beautiful
18 and really fitting venue for a discussion about one
19 of the most fundamental aspects of our democracy,
20 the right to vote.

20 The Court released states like Georgia
21 with a troubling history of discrimination and
22 voting from a critical responsibility, and that was
23 to show and demonstrate up front that voting
24 changes would not disadvantage minority voters.

21 A little bit about the Lawyers'
22 Committee. We're a nonprofit, nonpartisan civil
23 rights organization. We were founded at the
24 request of President Kennedy 50 years ago to engage
25 private law firms and the private bar in the fight

25 Now, the Court found that this

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2 requirement was outdated and perhaps no more longer
3 related to current needs. We believe the Court got
4 it wrong.

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2 advocacy and reform at the local, state and
3 national level.

5 So one of our main purposes to these
6 national hearings is to identify the needs for
7 strong protections against discrimination in
8 voting, and looking at the current record in states
9 across the country. Again, starting with Georgia.

4 The testimony that we receive today and
5 after the hearing will be used by the National
6 Commission to prepare two reports. One on voting
7 discrimination, another on election administration
8 and election reform matters.

10 So in addition today, we want to hear
11 from you about election administration and election
12 reform issues.

9 The reports and records from these
10 hearings will be available to anyone seeking new
11 reform or improve existing laws and systems. That
12 includes policy makers, advocates, the voting
13 public, your neighbor, whomever.

14 So across the country over the past few
15 years we've seen a wave of restrictive voting laws.
16 Those laws are even making it harder for eligible
17 individuals to just cast a ballot. They've taken
18 the form of strict photo ID laws in some states,
19 proof of citizenship registration laws in others.

14 We expect the reports also to help inform
15 Congress and educate the public regarding recent
16 record of voting discrimination and also changes to
17 look out for in your communities, you know, as time
18 goes on.

19 Further, we've continued to see sort of
20 similar election administration challenges cycle
21 after cycle related to whole work or training,
22 voter registration procedures, provisional ballot
23 use.

19 So now I would like to introduce our
20 Panel of Commissioners for today's hearing.

24 So your input on all of these issues in
25 Georgia is critical for our ongoing efforts for

21 Presiding over our event are four Georgia
22 Commissioners, each with a deep commitment to
23 protecting access to the ballot for all on equal
24 terms.

25 We have Helen Butler, Executive Director

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 2 of the Georgia Coalition for the Peoples' Agenda.
 3 Dr. Francys Johnson, President of the
 4 Georgia State Conference of the NAACP.
 5 Laughlin McDonald, Special Counsel and
 6 Director Emeritus of the ACLU Voting Rights
 7 Project.
 8 And Ruby Moore, Executive Director of the
 9 Georgia Advocacy Office.
 10 Our commissioners will preside over
 11 today's hearing and receive testimony from several
 12 panels of witnesses and ask follow-up questions, if
 13 they choose, just to ensure that we create a robust
 14 record about the state of voting in Georgia.
 15 Now, just a few housekeeping items for
 16 the afternoon. If you've been confirmed on a panel
 17 in advance, and you would know that because you've
 18 received an e-mail from me confirming you, then,
 19 please make sure you checked in at the sign-in
 20 table and our commissioners will call your name to
 21 have you come up to sit in one of the four chairs
 22 when it's time for your testimony.
 23 For the individuals who are here today
 24 and would like to share their voting experiences
 25 but have not yet been assigned to a panel, that's

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 2 language services towards the back, Maria and
 3 Gabriel can assist you there with headsets. And we
 4 also have signage interpreters here in front who
 5 can also provide some more assistance.
 6 Finally, I have been asked to say from
 7 our communications group that if you're a tweeter,
 8 and I am not yet, we have a hash tag. So our hash
 9 tag for the event is NCVR for National Commission
 10 on Voting Rights.
 11 My organization's handle is at
 12 lawyerscomm, L-A-W-Y-E-R-S-C-O-M-M.
 13 So I will get big kudos back home if
 14 there are like tweets going out. So feel free.
 15 And finally, before I turn it over to our
 16 commissioners, I just wanted to add a few huge
 17 thank yous.
 18 In addition to the King Center, our
 19 hosts, I want to thank our law firm sponsors, King
 20 & Spalding and Kilpatrick, Townsend & Stockton for
 21 helping us secure this beautiful venue and
 22 providing transcription services and translation
 23 services.
 24 I would also definitely like to thank our
 25 Panel of Commissioners for their time this

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 2 okay, too, we definitely want to hear from you.
 3 So please make sure that you sign in on
 4 the outside table on the witness sign-up sheet and
 5 follow the instructions given by one of the
 6 volunteers.
 7 We need you to put your name on one of
 8 the index cards, including the topic that you would
 9 like to testify on. I will make sure that those
 10 cards get to our commissioners who will call you up
 11 during one of the open mic sessions this afternoon.
 12 There is a microphone stand in the
 13 audience to my left that you may use to testify
 14 from.
 15 A few other items.
 16 Our hearing is being transcribed by a
 17 court reporter down in front. So please speak
 18 clearly, especially your name.
 19 In addition, please be mindful of the
 20 timekeepers who will also be down in front and
 21 their signs. Be kind to the timekeepers. We'd
 22 like to make sure we try to accommodate as many
 23 people as we can this afternoon.
 24 Third, we also have Spanish and sign
 25 language interpreters on site today. For Spanish

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 2 afternoon, all of our witnesses, and the numerous
 3 Georgia-based organizations that have been so
 4 helpful in the planning and promoting of this
 5 event. It has truly been a really fun effort and
 6 I'm finally excited to be on the ground meeting all
 7 of you.
 8 You'll hear from me again later, but for
 9 now I will turn it over to our witnesses -- I'm
 10 sorry, our commissioners, if they'd like to make
 11 any opening remarks, and they will call up the
 12 first panel of witnesses. Thank you.
 13 (APPLAUSE.)
 14 COMMISSIONER BUTLER: Good afternoon.
 15 I'm Helen Butler, Executive Director of
 16 the Coalition for the Peoples' Agenda and Advocacy
 17 Organization convened by Dr. Joseph Lowery.
 18 And of course, our primary mission is to
 19 improve governance through public policy reform.
 20 And of course, one of those issues is voting and
 21 voting rights. And definitely that is on the
 22 forefront.
 23 As you know, Dr. King and Dr. Lowery and
 24 Rita and others made sure we had the right to vote
 25 for communities of color, so we are so happy to be

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 2 here today. We want to hear your testimony, that
 3 is most important.
 4 COMMISSIONER JOHNSON: Thank you, Helen.
 5 My name is Francys Johnson, and I'm
 6 President of the Georgia NAACP. Professionally I
 7 am in private practice in southeast Georgia and
 8 practice before the state and federal courts here
 9 in Georgia.
 10 Additionally, I am a minister and pastor
 11 of the Mount Moriah Missionary Baptist Church in
 12 Pembroke, Georgia, and the Magnolia Missionary
 13 Baptist Church in Statesboro, Georgia.
 14 I come to this work after previously
 15 teaching at the university level, particularly
 16 courses on civil rights and race and the law.
 17 On behalf of the NAACP, I bring you
 18 greetings. On behalf of our interim president and
 19 CEO, Lorraine C. Miller, and chairwoman of our
 20 board of directors, Roslyn McCallister Brock, and
 21 the over 2200 units which make up the NAACP in all
 22 50 states in many places around the world.
 23 The NAACP's original mandate was to
 24 strengthen this nation's democracy and to guarantee
 25 provisions of the constitution. And of course,

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 2 And then, secondly, the Court expressly
 3 upheld another major provision of the Voting Rights
 4 Act, and that is Section 2. Section 2 protects the
 5 equal right of racial and language minorities to
 6 participate in the political process and elect
 7 candidates of their choice.
 8 So, you know, both before the Shelby
 9 County decision was handed down and after it was
 10 handed down, the civil rights community has held
 11 weekly and biweekly telephone conferences to
 12 determine how to respond to Shelby County. And
 13 there have been 25, 30, 40 people on these
 14 telephone calls. And there are a number of things
 15 which people have discussed that need to be done to
 16 rewrite the coverage formula.
 17 I think another thing that needs to be
 18 done is to strengthen the bail-in provision. There
 19 is a provision in the Voting Rights Act that says
 20 if a court finds that a jurisdiction committed a
 21 violation of the Fourteenth or Fifteenth
 22 Amendments, it can bail it into Section 5 coverage.
 23 And there have been two states that have
 24 been bailed in under the jurisdictions and about
 25 seven other states have been bailed in.

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 2 that remains the mainstay of our work today.
 3 104 years later the NAACP is still
 4 advocating and working to remove some of the
 5 hostile obstacles that remain and linger. And
 6 we're very happy to be here today and hear your
 7 testimony and add to the growing record of
 8 rollbacks in terms of the access to the ballot and
 9 the right to vote here in Georgia.
 10 COMMISSIONER McDONALD: Well, I'm
 11 Laughlin McDonald with the ACLU Voting Rights
 12 Project. I've been there since the early 1970s.
 13 We've done literally hundreds and hundreds of
 14 voting rights cases on behalf of racial minorities
 15 in the south and also on behalf of language
 16 minorities, including, Alaskan natives, American
 17 Indians in the west.
 18 I want to stress that in the Shelby
 19 County case, the Supreme Court did not invalidate
 20 Section 5 itself, it only struck down the coverage
 21 formula.
 22 And in writing the majority opinion, the
 23 Court said we understand that racial discrimination
 24 still exists and that it's up to Congress to
 25 redraft the coverage formula.

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 2 But the problem is, you have to find a
 3 constitutional violation. And I think that one of
 4 the ways to strengthen the bail in would be to
 5 include a violation of any federal statute that
 6 protects the voting rights of racial or language
 7 minorities. So and you don't have to prove
 8 discriminatory purpose, only that it has an adverse
 9 racial effect.
 10 There are other things that could be
 11 done. Section 2 could be strengthened.
 12 The problem with Section 2 is that it
 13 depends as far as enforcement on private plaintiffs
 14 of the United States bringing a lawsuit. And when
 15 you bring the lawsuit, you have the burden of
 16 proof.
 17 Under Section 5, the jurisdiction has the
 18 burden to show no retrogressive effect, but you
 19 have the burden to prove it.
 20 We've been involved in literally hundreds
 21 of these Section 2 cases and some of them can last
 22 for years. We've had a case in Wyoming that was
 23 resolved recently that was in the court like seven
 24 years before it was finally decided.
 25 We were involved in a case in South

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 2 Carolina, Lexington County, at-large members
 3 elected to the school board, and it went on for six
 4 years before we finally got the decision.
 5 And they can be very expensive. You have
 6 to have experts, demographers, statisticians, you
 7 might want historians, political scientists. So
 8 there should be some way to strengthen Section 2 so
 9 that it does not impose that kind of burden there.
 10 There's lots of ways people are talking about.
 11 Now, had this group of people come up
 12 with concrete, agreed upon ways to respond to
 13 Shelby County? Well, not exactly.
 14 But they are getting closer to coming up
 15 with things to propose to Congress. And there are
 16 members of Congress who have made a commitment to
 17 doing something to deal with the coverage formula
 18 and to respond to show the county. So we'll have
 19 to see what the Congress will do.
 20 But all of us, believe me, have to play a
 21 role in making Congress do the right thing and
 22 respond to the Shelby County decision.
 23 COMMISSIONER MOORE: Good afternoon.
 24 I'm Ruby Moore. I'm the Executive
 25 Director of the Georgia Advocacy Office. We are

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 2 the independent designated protection and advocacy
 3 system for people with disabilities in Georgia.
 4 As such, our primary mission is to
 5 prevent abuse and neglect and discrimination in its
 6 many forms. And in attempting to protect the
 7 rights of people with disabilities, that cuts
 8 across every demographic and every population and
 9 base of citizenry of Georgia.
 10 I'm very honored to be here to hear what
 11 people have to say. We are in a state where --
 12 well, our work every day, we're seeing
 13 discrimination every day, of all manner of things.
 14 And I'm very honored to be here to be
 15 able to hear what people have to say and to help
 16 with the process.
 17 Your testimony goes straight into the
 18 record. We have qualified people here to make sure
 19 that your voices are heard. And hopefully we can
 20 change the policies and practices and laws that are
 21 keeping people from exercising their citizenship
 22 right to vote.
 23 COMMISSIONER BUTLER: As everyone has
 24 said, the testimony that you give here today is
 25 critical to be on the record to ensure that we have

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 2 our voices heard because we must. The power is in
 3 the people and you are the people. And your voice
 4 and your vote counts and so we want to hear what
 5 you have to say with regards to what is going on in
 6 the state of Georgia with regards to voting rights
 7 and election administration.
 8 So our first panel will consist of Laura
 9 Toro, Program Manager, for the Georgia Association
 10 of Latino-Elected Officials.
 11 And we're going to ask that you come up
 12 and take the table to the left. The panel will sit
 13 to the table to the left.
 14 Reverend Henry Ficklin from Macon, City
 15 Councilman, will come up.
 16 And Laura will give a little information
 17 about Gainesville litigation under Section 2.
 18 Reverend Ficklin will talk about
 19 Macon-Bibb redistricting.
 20 And of course, we have with us Dr. Nancy
 21 Dennard from Quitman, Georgia, to talk about the
 22 Quitman 10 case and what happened down in her
 23 county.
 24 Representative Virgil Fludd from the
 25 Georgia house of representatives will be talking

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 2 about the at-large voting system in Fayette County.
 3 LAURA TORO: Good afternoon.
 4 AUDIENCE: Good Afternoon.
 5 LAURA TORO: Good afternoon, everybody.
 6 Thank you for inviting us -- inviting me
 7 here to speak today on behalf of GALEO.
 8 In 2003, the Georgia Association of
 9 Latino-Elected Officials, also known as GALEO, was
 10 created to promote the civic engagement and
 11 leadership development of the Latino community in
 12 Georgia.
 13 In 2004, the GALEO Latino Community
 14 Development Fund was created as the 501(c)(3)
 15 counterpart to GALEO.
 16 Through GALEO's work, Latino civic
 17 engagement and leadership development has
 18 noticeably increased in Georgia.
 19 To begin with, our organization was the
 20 main entity which led the 2010 census outreach
 21 efforts for the Latino community in the state of
 22 Georgia.
 23 Through our work and outreach to both
 24 urban and rural communities, the Latino population
 25 in Georgia nearly doubled and then counted 28

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 2 percent of Georgia's growth.
 3 In addition, through our ongoing Georgia
 4 Latino Vote Campaign efforts, the Latino electorate
 5 has grown from only 10,000 registered voters in
 6 2003 to well over 184,000 in 2012. That's 174,000
 7 people in nine years.
 8 Also, GALEO has been a leading advocate
 9 voice in Georgia for the most pressing issue within
 10 the Latino immigrant population, namely immigration
 11 reform.
 12 The city of Gainesville, Georgia, has an
 13 at-large voting process to elect all of its five
 14 city council members, and we claim that this system
 15 dilutes the voting power of a growing Latino
 16 electorate, in violation of Section 2 of the Voting
 17 Rights Act.
 18 The Latino community currently comprises
 19 45 percent of the city's population and has a
 20 majority population in three out of the five wards
 21 or districts.
 22 According to the 2012 census numbers used
 23 for the most recent redistricting effort by the
 24 city of Gainesville, Ward 3 has 54 percent Latino
 25 population, Ward 4 has 56 percent, Ward 5 has 61

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 2 The at-large voting process further
 3 disenfranchises the Latino vote by creating real
 4 voter dilution situations which impede Latino
 5 citizens from being able to elect their candidates
 6 of choice.
 7 The population in the City of Gainesville
 8 is heavily comprised by Mexican immigrants who have
 9 come to work in the area's poultry industry. And
 10 poultry workers have made claims regarding
 11 significant abuse and mistreatment at the
 12 processing plants.
 13 The Latino population is of significantly
 14 lower economic class in comparison to other
 15 population segments in the city. And there are
 16 persistent racial tensions against the Latino
 17 community within the city and the power structure.
 18 In fact, Gainesville was the stage for an
 19 anti-Latino Klu Klux Klan activity in 1998, an
 20 anti-immigrant policy, such as the adoption by Hall
 21 County of Section 287(G) of the Immigration and
 22 Nationality Act, have further alienated the Latino
 23 and immigrant population within the city and
 24 surrounding the areas.
 25 The pervasiveness of discrimination and

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 2 percent Latino population.
 3 But despite these majority figures, the
 4 facts have shown that the voting of Latinos is
 5 depressed in the City of Gainesville with the
 6 Latino voter participation rate of nearly 30
 7 percent, which stands in stark contrast to national
 8 Latino voter participation rate of 48 percent
 9 during the last presidential election.
 10 We are currently in the process of filing
 11 a complaint against the City of Gainesville. And
 12 this case will be one of the first of its kind in
 13 the southeastern United States and will have far
 14 reaching impact well beyond the state of Georgia.
 15 There are many other at-large
 16 municipalities in the southern areas where the
 17 Latino community has grown tremendously and where
 18 there is also a hostile environment against Latinos
 19 due to the pending immigration reform debate in the
 20 U.S. Congress.
 21 For example, many voting practices have
 22 been implemented to discourage and disenfranchise
 23 Latino voters from fully exercising their right to
 24 vote, such as voter ID and citizen verification
 25 laws.

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 2 abuse makes access to an elected official who
 3 represents the interests of the Latino community in
 4 Gainesville all the more pressing. Which is why
 5 GALEO has taken on the heavy task of confronting
 6 the city regarding its at-large voting process.
 7 The potential for the Latino electorate
 8 to have greater influence on elected candidates of
 9 choice would encourage the increase of Latino voter
 10 participation and engagement.
 11 In addition, the elimination of the
 12 at-large voting process in the City of Gainesville
 13 would set the stage for a similar outcome in
 14 another Georgia city with similar demographics, the
 15 City of Dalton.
 16 Furthermore, the state's most populace
 17 county, Gwinnett County, is home to the most Latino
 18 registered voters and all of the local
 19 municipalities in Gwinnett County currently have
 20 at-large voting process.
 21 Symbolically, should GALEO prevail in the
 22 case, it will send a powerful message across the
 23 state of Georgia and the southeastern United
 24 States.
 25 Thank you.

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 2 COMMISSIONER BUTLER: Okay. Thank you.
 3 And I'm going to tell the panel that our
 4 timekeeper is there with the red shirt so that you
 5 can be mindful of that.
 6 Laura, you worked very well.
 7 I know that you and Reverend Ficklin had
 8 to leave. Any of the panel have questions for
 9 Laura?
 10 COMMISSIONER McDONALD: Well, I guess
 11 just one question.
 12 You gave some registered voter figures at
 13 the end, but the initial figures you gave, was that
 14 total population or was it voting age population or
 15 citizen voting age population?
 16 LAURA TORO: The figures that I gave at
 17 first, is that what you're referring to, that we
 18 registered --
 19 COMMISSIONER McDONALD: Yes.
 20 LAURA TORO: -- 174,000 people in nine
 21 years?
 22 COMMISSIONER McDONALD: Well, you talked
 23 about the increase in the population. There's no
 24 question that there has been an increase in the
 25 Latino population. But are we satisfied that it's

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 2 voting age citizen population?
 3 LAURA TORO: In Ward 5, yes. And there
 4 are some other figures that will be coming out in
 5 January.
 6 COMMISSIONER McDONALD: All right.
 7 COMMISSIONER BUTLER: My question is, how
 8 many Latino candidates have run -- actually run at
 9 large?
 10 LAURA TORO: There was one person who ran
 11 in the mid-'90s. We don't -- and not enough --
 12 there was not enough voter turnout to really get
 13 figures for that. And there was also somebody who
 14 ran for mayor in the most recent election now in
 15 2013. He did not prevail.
 16 COMMISSIONER MOORE: So do you believe
 17 that the current practice actually discourages
 18 people from even running?
 19 LAURA TORO: It is our contention that
 20 the current at-large process discourages people
 21 from getting involved and getting involved in the
 22 civic process. Voting, running for office, being
 23 involved in their communities, yes.
 24 COMMISSIONER BUTLER: Our next witness is
 25 Reverend Henry Ficklin.

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 2 REVEREND FICKLIN: Thank you so much.
 3 Good afternoon.
 4 This testimony comes as a follow-up to a
 5 conversation with Attorney Anna Baldwin of the U.S.
 6 Justice Department Voting Rights Section 2 on June
 7 19th, 2013, at approximately 11:15 or thereabout,
 8 wherein we discussed the situation surrounding the
 9 consolidated governments of Macon and Bibb County
 10 and the situation that our legislative delegation
 11 caused for Payne City making them a people without
 12 representation, and that such a manner possibly
 13 would be more appropriately addressed by Section 2
 14 of the Voting Rights Act rather than Section 5.
 15 Upon further investigation into Section 2
 16 of the Voting Rights Act, it appears that my
 17 complaints regarding the above-stated references
 18 are indeed more appropriately addressed by Section
 19 2. Therefore, I now, under Section 2 of the Voting
 20 Rights Act, make a formal -- make formal my
 21 complaints concerning all of the aforementioned
 22 references upon the grounds that they were all
 23 developed in an invidious manner to set forth the
 24 following:
 25 1. The history of official

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 2 voting-related discrimination in Georgia and the
 3 City of Macon, Bibb County, are well-known and
 4 established by numerous news stories over the
 5 years.
 6 2. Voting in the elections of Macon,
 7 Bibb County, is racially polarized and is evidenced
 8 by the election statistics which will show that
 9 white voters overwhelmingly vote for white
 10 candidates, as in the recent 2011 mayoral race,
 11 while black citizens vote for both white and black
 12 candidates.
 13 3. The population shift has made black
 14 voters the majority in Bibb County when elections
 15 are partisan, as they have traditionally been in
 16 Bibb County for decades, therefore, black
 17 candidates experience the most success in partisan
 18 elections.
 19 4. The legislative delegation in Bibb
 20 County during the reapportionment seized an
 21 opportunity to change the government and draw new
 22 districts designed to defeat black candidates and
 23 current black-elected officials.
 24 5. The Republican-led delegation used
 25 voting practices and procedures that tend to

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 2 enhance the opportunity for discrimination against
 3 blacks, such as, a consolidated government, usually
 4 large by election districts within the consolidated
 5 government, unusually large election districts, the
 6 addition of a Republican legislator to the Bibb
 7 County delegation in order to ensure that the
 8 Republicans, who are all white, will control the
 9 delegation, and a prohibition against a partisan
 10 election which greatly enhances and decreases
 11 black-elected officials. Enhances a decrease in
 12 black-elected officials.

13 6. House Bill 514, which amends the
 14 original consolidation bill passed in 2003 Georgia
 15 General Assembly by the Republican-led delegation
 16 signed into law a Republican -- by Republican
 17 Governor, Nathan Deal, was expressly done to reduce
 18 minority participation in the voting process. It
 19 was passed in the last minutes of the legislative
 20 session without input from the community or the
 21 chair of the Bibb delegation, who was a black
 22 woman.

23 The movement of the election for a mayor
 24 and commissioners of the new consolidated
 25 government from November, which was in the original

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 2 the north part of Bibb County, which is mostly
 3 white, if citizens didn't vote to consolidate. The
 4 consolidation bill overwhelmingly won in north Bibb
 5 County, while losing in every minority precinct.

6 There were other --
 7 LAURA TORO: Oh, sorry.
 8 REVEREND FICKLIN: I wasn't looking at
 9 the time.
 10 COMMISSIONER BUTLER: Go ahead and finish
 11 your statement.
 12 REVEREND FICKLIN: Okay.
 13 COMMISSIONER BUTLER: If it's quick.
 14 REVEREND FICKLIN: I will just skip to
 15 the first lines.
 16 COMMISSIONER BUTLER: Okay.
 17 REVEREND FICKLIN: I have been elected to
 18 public service in the pre-consolidated jurisdiction
 19 for more than 30 years.

20 The precincts in the new district, 2, are
 21 Howard 4, a white Republican precinct with a 92
 22 percent voter turnout; East Macon 4, a white
 23 Republican precinct with 88 percent voter turnout;
 24 Godfrey 1, a minority precinct, with 31 percent
 25 turnout; and a portion of Godfrey 2, a minority

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 2 bill, to July, when statistically black voters turn
 3 out in lower numbers, was specifically to increase
 4 the chances of electing a mostly white commission.
 5

6 This was also the strategy used to pass
 7 the initial consolidation bill by scheduling the
 8 vote in July despite the plea from the minority
 9 community to have it in November when the
 10 presidential election was on the ballot.

11 7. Black voters in Bibb County bear the
 12 effects of discrimination in education, as the
 13 graduation rate for the minority populated public
 14 high schools is less than 40 percent; the
 15 unemployment rate for minorities in Bibb County is
 16 higher than the national average; the health for
 17 blacks in Bibb County is one of the most staggering
 18 statics in the state, with more than 10 dialysis
 19 centers located in or near the minority community
 20 in Bibb County. And all of this tends to hinder
 21 the ability of blacks to participate effectively in
 22 the political process.

23 8. The wealthy Republican legislator who
 24 is mainly the driving force behind most of these
 25 actions, Representative Allen Peake, used a subtle
 racial threat that he would formulate a new city in

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 2 precinct, with 37 percent turnout; and a portion of
 3 Godfrey 4, a majority black precinct with 36
 4 percent turnout.

5 The Republican-controlled delegation
 6 added one more element to their consolidation bill,
 7 which proves the invidious nature of the entire
 8 plan. The bill calls for nine commissioners to be
 9 elected.

10 And, of course, the election was set for
 11 September the 17th, after a federal lawsuit to get
 12 it changed from the original July 16th after the
 13 Supreme Court had -- Justice Department had stopped
 14 it and Supreme Court ruled.

15 And therefore, some of the Republican
 16 candidates went back to court and had the election
 17 set at the next possible earliest date which was
 18 September the 17th.

19 There were many complaints of serious
 20 irregularities in the election and called for
 21 the --

22 COMMISSIONER BUTLER: Reverend. Reverend
 23 Ficklin, I'm going to have to ask --

24 REVEREND FICKLIN: Okay.

25 COMMISSIONER BUTLER: -- if you could

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 2 just sum one final sentence what it is, we're going
 3 to have to get the testimony of the other
 4 panelists.
 5 REVEREND FICKLIN: Okay, thank you so
 6 much. I apologize.
 7 And basically we are in court now
 8 fighting to get a new election because of some of
 9 the irregularities that occurred during this time.
 10 One of the main things was that voters
 11 were drawn outside of the district and allowed to
 12 vote in another district and not allowed to vote in
 13 their correct district, and we had that happening
 14 all over the county.
 15 COMMISSIONER BUTLER: Okay. Questions of
 16 the commissioners?
 17 COMMISSIONER McDONALD: Well, so then
 18 there was an election held under the new plan?
 19 REVEREND FICKLIN: Yes, there was on
 20 September 17th.
 21 COMMISSIONER McDONALD: And how did
 22 minorities do?
 23 REVEREND FICKLIN: Minorities in,
 24 basically, a minority district did pretty good.
 25 There were four of them drawn -- actually, there

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 2 sworn to secrecy.
 3 And after that, they came out with this
 4 plan and they went to Atlanta and next thing we
 5 know they had voted it in. We did not have any
 6 input in it.
 7 COMMISSIONER BUTLER: The Department of
 8 Justice actually had withheld that consolidation;
 9 is that correct?
 10 REVEREND FICKLIN: They, well, contested
 11 the date of the election because we had -- after
 12 the plan had been put in operation and our
 13 legislative delegation, minority legislative
 14 delegation offered apparently no, you know, nothing
 15 against it. So, DOJ went ahead with it.
 16 But then we, in the community, we had a
 17 wide campaign to write letters to the DOJ. And of
 18 course, they heard us and they stopped the election
 19 on July 16th based upon statistical evidence that
 20 minorities show up better in November. And they
 21 stopped it.
 22 But in the ensuing time, the Supreme
 23 Court ruled and struck down Section 5 of the Voting
 24 Rights Act. When that happened, the Republicans
 25 went back into court and got a federal judge to

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 2 were five minority districts drawn and -- but as I
 3 was pointing out, they added in heavy voting
 4 Republican districts to overshadow the low turnout
 5 in the minority districts. And District 2 was one
 6 of those districts.
 7 COMMISSIONER McDONALD: But how many
 8 minorities were actually elected?
 9 REVEREND FICKLIN: Actually, four
 10 minorities were actually elected. And of course,
 11 the contest between myself, who is minority, and
 12 another -- a gentleman who was white.
 13 COMMISSIONER JOHNSON: I'm concerned with
 14 what input the community had in the redistricting
 15 plans. Were they announced and advertised planning
 16 sessions? Did this come up through the planning
 17 commission? What was the development of the plan?
 18 REVEREND FICKLIN: The legislative
 19 delegation announced that they had sequestered
 20 themselves away from the community and that they
 21 would come forth with a plan when they got through
 22 with it. We tried to get in, find out what was
 23 going on.
 24 One legislator did come forth, but he
 25 couldn't say anything because he said he had been

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 2 issue an order to have the election at the next
 3 available date, which was September the 17th.
 4 COMMISSIONER BUTLER: Any other
 5 questions?
 6 Our next speaker is Dr. Nancy Dennard
 7 with the Quitman 10.
 8 DR. NANCY DENNARD: Hello. I'm Nancy.
 9 I represent a group of individuals from
 10 Quitman, Georgia, which is in southwest Georgia.
 11 It's probably 10 minutes short of the borderline.
 12 Our current population is probably 16,300
 13 and that's based on the 2009 census. 62.3 percent
 14 white, 35.8 percent black, and 1.9 percent other.
 15 Our voting population is estimated around
 16 36 percent black -- oh, I'm sorry. This is the
 17 voting population. 36 percent black, 59 percent
 18 white and 5 percent other.
 19 And the significance of our case is that
 20 in 2009 -- well, prior to that, 2006, I ran
 21 unsuccessfully for the school board and it was just
 22 getting to the line of always not having enough
 23 votes. That seems to be the typical thing when we
 24 have elections.
 25 And we ran -- even in Black districts,

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 2 you just got right there and you would be winning
 3 in the polls, but when you got down to the
 4 courthouse and did the final tabulations,
 5 miraculously we lost. You go to bed thinking you
 6 had won, the next morning you realized you had
 7 lost.

8 And so I started doing some research on
 9 this and thinking of other ways that we've got to
 10 get our community engaged. And make sure that when
 11 we are engaged that what we're doing is being
 12 recorded and it's able to go back and we're able to
 13 -- I said count it and recount it. That was the
 14 base that we used.

15 And so I ran in 2009 in special election
 16 and I was successful in April of winning and that
 17 was by the process of getting out and doing
 18 tremendous door-to-door knocking and educating
 19 people on the ways they can vote.

20 And like I said, this was after the state
 21 changed the early voting -- absentee voting
 22 regulations to where now you could -- at that time
 23 you could vote by void or reason if you wanted to,
 24 there wasn't the stipulation of age and out of the
 25 district and things like that.

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 2 superintendent allowed two of the candidates to
 3 switch positions, they just happened to be at-large
 4 and from that same district, switch positions. We
 5 challenged them in court and we were -- and we were
 6 overruled on that.

7 And so, subsequent we went back to the
 8 polls in November and we won all three elections.
 9 We were initially told election night that one of
 10 the candidates had lost by 60 votes. She was
 11 notified on Friday at 4:45 before the vote was sent
 12 to the state to be certified that she had won by
 13 nine votes. It was a challenge, we had a recount,
 14 and she eventually ended up winning by 11 votes.

15 And then we are secure in our belief that
 16 that was only because we did paper ballots.
 17 Majority of the votes were on paper and they were
 18 recounted and recounted.

19 Had that not have happened, I think the
 20 initial results that were reported to us on that
 21 Tuesday night would have stood.

22 But after that the community really got
 23 involved and they saw that the power of their vote
 24 and it was just this wave of enthusiasm went
 25 through our community.

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 2 And I educated people about that and said
 3 how easy it was to do and then there's other ways
 4 they can do it.

5 And we did the massive educational voting
 6 campaign in our community. We went out and we just
 7 really -- we had rallies in churches and we -- just
 8 where we could find people we would stop and have a
 9 conversation with them and stress how important it
 10 was for them to get involved.

11 If you're that dissatisfied with your
 12 government, you need to get involved by either
 13 running or replacing those that are in office that
 14 are being ineffective.

15 In 2010 -- I was successful in 2009 with
 16 my election. In 2010, another group of individuals
 17 got together and decided, you know, they want to
 18 challenge some of the races that were occurring
 19 that year. And so we had several run for the
 20 school board and some were running for the county
 21 commissioner, and they were all successful in the
 22 July primary.

23 After the July primary, because of -- we
 24 have an at-large system in our school system,
 25 school board positions, the voter election

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2 This happened in November. And in
 3 December 21st of that same year, 10 citizens,
 4 myself included, were arrested and were charged
 5 with -- of voter fraud, of things assisting voters
 6 by -- illegally assisting voters, improper handling
 7 of absentee ballots, and things of that nature.
 8 That was in December of 2010.

9 It wasn't until November of 2011 that we
 10 were indicted. By the time we were indicted, there
 11 were two others added to the indictment. But it
 12 went on and one thing led to another, but we
 13 finally had a court date.

14 One of the persons had a court date this
 15 past September, the 23rd, which ended in a mistrial
 16 by the judge.

17 And during that time we found out some
 18 nice information during the testimony that the
 19 prosecution had, which the defense never had the
 20 opportunity to have with witnesses, that do the
 21 prosecution.

22 But we found out things like over 350
 23 people that were interviewed by the GBI, 95 percent
 24 of them were African-American. The GBI used
 25 intimidations and threats of arrest to elicit

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2 untruthful statements for some of the voters. The
3 prosecutor never was able to produce documentation
4 the DA supposedly used to elicit the GBI's
5 involvement.

6 A postal worker testified that he kept
7 logs of the absentee ballot mailings. He locked
8 the returned absentee ballots in his cash drawer
9 for retrieval at a later time and then he furnished
10 all of this activity to a private investigator. He
11 was not authorized by any legal means by the postal
12 services to keep this data.

13 Also, we learned that the postal worker
14 kept these logs at his house, which is why no one
15 else had access to them. This is personal
16 identifying information of citizens within our
17 county.

18 We also learned that the board elections
19 deputy registrar testified that she took returned
20 absentee ballots home on several occasions so she
21 could get them logged in because she was getting
22 behind in her work.

23 With these type of irregularity that was
24 going on, it just kind of justifies the reasons we
25 had to do what we had to do. How we had to come

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2 local postmaster and they're like, well, nothing's
3 really happening here, but it'll get better.

4 And we had a recent election two weeks
5 ago for our new mayor, which I'm glad to add it was
6 our first ever elected black mayor in our city, and
7 we had the same problems that came on, too. And we
8 just decided, you know, we're -- well, to answer
9 your question, we're still in the legal process of
10 having some reports filed into that and
11 investigations into that.

12 But not to be deterred in this last
13 election, what we decided to do is notify people
14 and walk them in. Bypass the post office, walk
15 them in. If they're not there in a timely manner,
16 come in and have counsel and vote anyway. Just do
17 not deny your right to vote.

18 COMMISSIONER BUTLER: Is the election
19 official that improperly took absentee ballots
20 home, which is against the code and the process for
21 administering absentee ballots in the voting
22 process, was that person removed from office?

23 DR. NANCY DENNARD: She resigned. What
24 happened -- we didn't have an election board. Our
25 particular case brought about a lot of changes in

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2 together. We had all of these agencies working
3 against us.

4 Let me say that was in 2010. Obviously,
5 the trial was in 2013, it ended in mistrial. We
6 suspect that they'll come back again and try to
7 bring some other things. But these are just some
8 of the things that we went through in our ordeal,
9 trying to have a fair election in Brooks County.

10 COMMISSIONER BUTLER: Questions?

11 COMMISSIONER MOORE: This sounds like it
12 was made for movie.

13 What happened to the postal worker who --

14 DR. NANCY DENNARD: We're in the process
15 now of -- well, prior to that, we've always
16 suspected that was part of the problem, the postage
17 handling. Because it was right after my first
18 election 50 absentee ballots came in the day after
19 election. That was the kind of trick that was
20 going on.

21 And then the new board of elections would
22 say, but we're mailing them out, we don't know why
23 they're not getting back in.

24 And I filed complaints with the postal
25 inspector's department. I had meetings with our

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2 our local government.

3 They formulated an election board. And
4 so at that time she was -- she no longer had
5 anything to do. Her original job, which is a tax
6 collector, assessor or something in the tax
7 collector's office, so she was taking -- that
8 responsibility was taken from her.

9 We're also in the process of pursuing
10 that, too, because, you know, she violated the laws
11 at the time, too.

12 We were just kind of curious that all of
13 this came out in open court testimony, the court
14 reports and all of that, and there was no mention
15 of it later that that should have been evidence
16 that the GBI should pursue if truly they were going
17 after to see and protect the integrity of the
18 voting right.

19 COMMISSIONER JOHNSON: Was the indictment
20 brought in regular session of the grand jury or was
21 it a special grand jury convened for this purpose?

22 DR. NANCY DENNARD: It was during the
23 term of the grand jury that was convened, but it
24 was a special session. They called them back.

25 They convened the grand jury, I think, in October,

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2 but they didn't have the -- our particular case
3 presented until November.

4 And this all played into the part -- the
5 part I didn't mention, too, it all played into a
6 part, that Governor Deal had enacted the new law
7 that took into effect in July of 2012 where you can
8 remove elected officials and all of that.

9 So this became effective, the three board
10 members -- and like I said, I was -- this is not
11 even my election. I was involved and it wasn't
12 even my election.

13 And we were removed by Governor Deal in
14 July -- excuse me, January of 2012 because the
15 prosecution neglected to do what they were supposed
16 to do in a timely manner, according to the statute
17 we were removed by. We were reinstated in October
18 of that year.

19 In November of that year, it was my turn
20 to run for re-election, and I have since ran for
21 re-election, I've been elected for another
22 four-year term. I was elected again school board
23 president.

24 And that was another thing, too, it was
25 the first time ever we had majority minority on the

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2 school board, and I became the school board
3 president. I am currently again school board
4 president.

5 COMMISSIONER McDONALD: So, as I
6 understand it, none of the Quitman 10 plus 2 have
7 been convicted of any offense?

8 DR. NANCY DENNARD: That's correct. Only
9 one is --

10 COMMISSIONER McDONALD: And all those who
11 have been removed have been returned to office?

12 DR. NANCY DENNARD: Yes.

13 COMMISSIONER McDONALD: And I know that
14 was a huge public outcry for Quitman.

15 DR. NANCY DENNARD: It was.

16 COMMISSIONER McDONALD: And do you think
17 that played a significant role in the fact that
18 there's been no conviction and everybody's been
19 returned to office?

20 DR. NANCY DENNARD: Yes, and I think --
21 another role, too, was the timing of it. We're
22 going into four years of this. This happened in
23 2010.

24 It took a year -- you know, the election
25 that was supposed to be in question was the July

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2 primary. We have in November an election and there
3 was nothing done. It wasn't until after that
4 November election where they were allowed to switch
5 candidates and their candidates were still
6 unsuccessful.

7 I guess the next point then was to see
8 what we can do to damage reputations or whatever.
9 And so we were arrested, like I said, four day --
10 one morning, 7:00 in the morning, they had the GBI,
11 the state trooper, the local police, the sheriff's
12 office, and GBI, the Secretary of State's office.
13 I mean, it was just covered. Our little town is
14 really small.

15 And I had like five cars come to my
16 house, wake me up out of the middle of the morning
17 and take me down, and we had mugshots put
18 everywhere.

19 And we're educators. You know, four of
20 the -- the four city board members,
21 African-Americans, are either retired educators or
22 a current educator. You know, we're all
23 professional people.

24 And to say -- all we wanted to do was
25 educate people on how to vote or how important it

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2 was. And this was a stem from President Obama's
3 election.

4 Okay. Did you know we -- we're all --
5 the committee was on that role. I'm just saying,
6 well, we can do that here, you know, we've got
7 elected officials that are not performing and we
8 need you to, you know, hold them accountable. So
9 here's some things that we can do and we just
10 got -- I'm sorry.

11 COMMISSIONER JOHNSON: Just one more
12 question, if I could.

13 What was the cost of defending this case,
14 your reputation and the right to participate in
15 government?

16 DR. NANCY DENNARD: I would even hate to
17 speculate if we had to put a cost because we're
18 going into four years of it. But we had wonderful
19 attorneys that got together and they sent out a
20 massive call to other attorneys throughout the
21 state of Georgia.

22 And we had a meeting in Macon and we had
23 over 30 people to volunteer, 30 attorneys to
24 volunteer pro bono for this case. And we had --

25 (APPLAUSE.)

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 2 DR. NANCY DENNARD: -- Chevene B. King in
 3 Albany, Georgia, Lori Copeland and Carl Parker in
 4 Valdosta and Tiffany Simmons in the Atlanta area.
 5 But even now, I mean, we get phone calls
 6 now for updates because we know this is not the
 7 end. There are still -- I guess to them it's that
 8 leverage that, you know, I'm sitting here with
 9 indictments, you know.
 10 COMMISSIONER JOHNSON: Oh, absolutely.
 11 DR. NANCY DENNARD: I'm a professional
 12 with indictments, yes.
 13 COMMISSIONER BUTLER: Okay, great.
 14 And that was an at-large voting system;
 15 is that correct?
 16 DR. NANCY DENNARD: Right.
 17 COMMISSIONER BUTLER: Okay.
 18 DR. NANCY DENNARD: The one with Diane
 19 Thomas, she ran at-large. And like I said, the
 20 numbers earlier, we only had 39 percent
 21 African-American at large and she won by over 500
 22 votes. Not once, but twice in the primary and in
 23 the general election. And it wasn't all
 24 African-American votes that put her in there and
 25 kept her there.

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 2 county was founded in 1821 and the county seat is
 3 Fayetteville and part of the ARC.
 4 Moving back to about 1980, the population
 5 of Fayette was just over 30,000 and over 92 percent
 6 of that population was white and just over 5
 7 percent black.
 8 Today the population is over 108,000 with
 9 68 percent white, 20 percent black, 6 percent
 10 Latino, and 4 percent Asian.
 11 The African-American population is
 12 largely concentrated in the northern half of the
 13 county. The City of Fayetteville is about 25
 14 percent black, and the City of Tyrone where I live
 15 was about one-third black.
 16 In 2012, President Obama got about 34
 17 percent of the vote. The poverty rate is
 18 5.5 percent compared to 15 percent for the rest of
 19 the state. High school graduation rate is over
 20 90 percent compared to 70 percent in the rest of
 21 the state.
 22 The median household income is \$79,600
 23 compared to \$46,400 in Georgia, and \$50,000 across
 24 the country.
 25 Interestingly, the median income for

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 2 COMMISSIONER BUTLER: Great. Thank you.
 3 DR. NANCY DENNARD: So it's a clear
 4 message that everyone wanted change.
 5 COMMISSIONER BUTLER: Thank you.
 6 COMMISSIONER JOHNSON: Very good.
 7 COMMISSIONER BUTLER: Our next witness
 8 will be Representative Virgil Fludd.
 9 REP. VIRGIL FLUDD: Good afternoon and
 10 thank you.
 11 My name is Virgil Fludd, I'm a state
 12 representative serving in my eleventh year in
 13 office and for that duration of my time I
 14 represented parts of Fayette and parts of Fulton
 15 County.
 16 Thank you for the -- Ms. Horton and the
 17 Commission for allowing me to bring testimony and
 18 give us some insight on what's going on in Fayette
 19 County.
 20 There are a number of people here from
 21 Fayette County. If you don't mind just standing,
 22 please.
 23 While they're standing, Fayette County is
 24 located just south of Atlanta, what is known as
 25 Spalding, Coweta, Fulton and Clayton counties. The

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 2 blacks is higher than that of whites. \$86,000 for
 3 blacks compared to \$78,000 for whites.
 4 In the history of the county, however, no
 5 black person has ever been elected to the County
 6 Commission or to the Board of Education. Over a
 7 dozen people have run, both Democrat and
 8 Republican, but none of them have been successful.
 9 In August of 2011, the NAACP and 11
 10 plaintiffs filed suit against the county for
 11 disenfranchising Black voters. The plaintiffs
 12 asserted that Fayette County's at-large method of
 13 electing members to these boards, given the racial
 14 -- levels of racially polarized voting, guarantees
 15 precisely this result. Elections in Fayette County
 16 show a clear pattern of racially polarized voting.
 17 Although, Black voters are politically cohesive,
 18 bloc voting by other members of the electorate
 19 consistently defeats black-preferred candidates.
 20 In his 81-page ruling on May 21st of this
 21 year, Judge Timothy Batten, a George W. Bush
 22 appointee, ruled that, quote: The Court is
 23 satisfied under the totality of the circumstances,
 24 African-Americans in Fayette County are denied
 25 meaningful access to the political process on

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2 account of race or color.

3 As you know, Georgia is legally required
4 to comply with the Voting Rights Act because of its
5 past racial discrimination. And the lawsuit
6 alleges that Fayette's at-large voting process
7 violates Section 2, which prohibits applying or
8 imposing any voting qualifications or prerequisite
9 to voting or standard, practice or procedure, that
10 is either the purpose or the result of denying or
11 abridging the right to vote on account of race.

12 David Bositis of the Joint Center for
13 Political and Economic Studies said that at-large
14 voting elections were historically instituted
15 specifically to keep African-Americans from voting
16 in this country.

17 Before the lawsuit, other remedies were
18 attempted. The Boards could have changed the
19 system on their own but chose not to do so after
20 repeated requests by its citizens.

21 In 2005, I introduced legislation to
22 redraw the district boundaries and eliminate the
23 at-large system. The legislation failed on a
24 partisan vote. I introduced legislation again in
25 2008 and the bill was defeated again along partisan

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2 As Mr. McDonald can tell you, that there
3 have been over a hundred cases of at-large voting
4 where the plaintiffs have won. The cost of
5 litigation of residents in this county now exceeds
6 \$300,000. The people of Fayette County deserve
7 better. The people of Georgia deserve better.

8 Thank you.

9 COMMISSIONER BUTLER: Questions of the
10 panel?

11 COMMISSIONER McDONALD: What's the
12 problem with the remedy? Why is the court not
13 acting a lot quicker than it is?

14 REP. VIRGIL FLUDD: That's a very good
15 question. I believe that the court has already
16 ruled that there's a remedy that will allow for a
17 district that would be of voting age -- black
18 voting age population in excess of 50 percent that
19 can be drawn.

20 He asked that the plaintiffs and the
21 defendants both provide different -- their versions
22 of the map as the remedy, but he has not selected
23 an alternative or an option at this point.

24 COMMISSIONER McDONALD: Well, the
25 plaintiffs I know have proposed a plan, but have

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2 lines.

3 Again, earlier this year, the federal
4 judge ruled that at-large voting in Fayette County
5 not only weakens the voting strength of Black
6 voters, but violates Section 2 of the Voting Rights
7 Act.

8 Most of the cases arising under Section
9 2, as you're probably aware, since its enactment,
10 it involves challenges to at-large elections, but
11 the section's prohibition against discriminating
12 and voting applies to any voting standard,
13 practice, or procedure that results in the denial
14 or abridgement of the right of any citizen to vote
15 on account of race.

16 The facts in this case are indisputable
17 and a federal court and the judge that was
18 appointed by George W. Bush has now ruled that the
19 at-large voting system in Fayette discriminates
20 against Black voters. Unfortunately, the remedy in
21 this case is still to be determined as Judge Batten
22 has not issued a final disposition as of this date.

23 Even still, I expect that the county will
24 appeal the case and waste even more scarce dollars
25 on a case that they cannot win.

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2 the defendants proposed a plan, too; and if so,
3 what does it look like?

4 REP. VIRGIL FLUDD: I don't know what it
5 looks like, but it can't be substantially different
6 than the one that the plaintiffs have submitted
7 because there aren't very many options to draw at
8 50 percent black history in Fayette County. But it
9 is clearly doable and it's defensible as Judge
10 Batten ruled.

11 COMMISSIONER MOORE: And both of those
12 plans are before the judge already or is there a
13 date certain when that will happen?

14 REP. VIRGIL FLUDD: They are before the
15 judge as we speak.

16 COMMISSIONER MOORE: Okay.

17 REP. VIRGIL FLUDD: He has asked for a
18 special adviser to give him some assistance, but
19 that's been at least 60 days, 30 days.

20 COMMISSIONER JOHNSON: What are the
21 residential housing patterns in Fayette County?

22 You noted that the median income for
23 African-American households exceeds that of white
24 households, so it would -- which is quite unusual
25 from a normal pattern --

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 2 REP. VIRGIL FLUDD: Yep.
 3 COMMISSIONER JOHNSON: -- in terms of the
 4 impact of residential discrimination as well in
 5 discriminatory housing patterns. So how does that
 6 play in Fayette?
 7 REP. VIRGIL FLUDD: So two things. One,
 8 the bulk of the African-Americans in Fayette County
 9 that live north, in the north end of the county,
 10 the population is heavily single family households.
 11 Interestingly enough, as the Black
 12 population has grown, not only has the income level
 13 grown, the education -- the high school graduation
 14 rate has grown. Housing prices have grown. And so
 15 as Black people have moved in, the quality of life
 16 has gotten better.
 17 COMMISSIONER BUTLER: We want to thank
 18 our witnesses here. Let's give them a round of
 19 applause for being able to be here.
 20 (APPLAUSE.)
 21 COMMISSIONER BUTLER: Our next panel,
 22 while we ask questions after each testimony, we
 23 won't do that in the next panel. We did that
 24 because some had to leave early. And so we thank
 25 you for providing your testimony.

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 2 We're going to get ready for our second
 3 panel. And we're going to ask them to move forward
 4 to the stage as well.
 5 Attorney Janice Mathis from Rainbow PUSH.
 6 Representative Tyrone Brooks from the
 7 Georgia Association of Black-Elected Officials.
 8 Attorney Emmet J. Bondurant, Partner with
 9 Bondurant, Mixson & Elmore, LLP.
 10 So if you all would make it to the stage,
 11 we would appreciate it.
 12 Thank the two distinguished gentleman for
 13 being on this panel.
 14 We're going to start with representative
 15 Tyrone Brooks for the Georgia Association of
 16 Black-Elected Officials.
 17 And your topics that you'll be discussing
 18 with regards to discrimination and election reform
 19 issues, I take it.
 20 So Representative Brooks.
 21 REP. TYRONE BROOKS: Well, thank you very
 22 much, Helen, and good evening, everyone.
 23 I am honored to be here today to talk
 24 about my lifelong experiences and voting rights
 25 starting in the Southern Christian Leadership

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 2 Conference where I was raised and trained and grew
 3 up. And talk in general about some of the
 4 important cases that I worked on throughout the
 5 south and throughout America.
 6 Happy to see my partner, Attorney
 7 Laughlin McDonald, ACLU Regional Director for many
 8 years who represented us in many of the challenges
 9 that we embattled.
 10 And just listening to Dr. Nancy Dennard,
 11 the President of the Brooks County Board of
 12 Education Quitman, I can tell you that has been one
 13 of the most challenging movements in my life.
 14 Going to Quitman with you, Helen,
 15 Representative David Lucas, Senator Robert -- the
 16 late Senator Robert Brown in May of '011.
 17 Then going down for the annual GABEO
 18 conference in February of '012 and having
 19 Dr. Joseph Lowery, and you, and Rita Samuels, and
 20 many others, and march with over a thousand people
 21 on the courthouse in February of '012.
 22 I think that was a defining moment as to
 23 where Quitman ended up being in terms of those
 24 elected officials who were indicted, removed from
 25 office, and are still serving, still serving today

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 2 even though they are under indictment, removed by
 3 the government, are reinstated, winning re-election
 4 in November of '012.
 5 I was there during the election of '012
 6 all day and African-Americans saying we're not
 7 going to let anybody turn us around.
 8 Keysville, Georgia. Laughlin McDonald
 9 and I worked in Keysville in the mid-'80s to revive
 10 the town and we had enormous challenges. We were
 11 sued numerous occasions by the county. And we were
 12 supported, of course, by the Attorney General of
 13 Georgia, Michael Bowers. We had Secretary of State
 14 Max Cleland with us. But every turn we made we
 15 were sued. We had to fight back, we had to fight
 16 back. My life was threatened many times. I had to
 17 be escorted in by the GBI and state troopers. It
 18 was an awesome, awesome experience.
 19 But we won that county, Burke County.
 20 City of Keysville was still functioning.
 21 African-American mayor and counsel Emma Gresham was
 22 the first mayor. Maggie Cartwright was the second
 23 mayor. We have a new mayor today.
 24 The most egregious case that I've ever
 25 worked on was Pickens County, Alabama, Adamsville,

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 2 Alabama, 1982.
 3 Maggie Bozeman and Julia Wilder were
 4 leading the voter registration educational efforts.
 5 Running candidates of public office. They were
 6 arrested by Alabama state officials, county
 7 officials, and they were prosecuted.
 8 I remember Joe Lowery was our president
 9 at SCLC and we marched from Adamsville, Alabama, to
 10 Washington, D.C., and demanded that the Reagan
 11 Justice Department intervene to give these women
 12 support. We also challenged President Reagan to
 13 sign an extension of the Voting Rights Act in 1982.
 14 So when I speak about voting changes and
 15 I think about the impediments that we face today as
 16 a matter of law in this state and across America
 17 and the Supreme Court suspending the implementation
 18 of the Voting Rights Act, Section 4 and 5, I think
 19 what we see is, as Dr. Lowery says, in so many
 20 words, everything has changed but nothing has
 21 changed.
 22 AUDIENCE MEMBER: That's right.
 23 REP. TYRONE BROOKS: The struggle to
 24 maintain our voting rights is as important today as
 25 it has ever been.

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 2 AUDIENCE MEMBER: That's right.
 3 REP. TYRONE BROOKS: I was on the voting
 4 rights march in Selma to Montgomery when Dr. King
 5 led us all the way. I was not in the first march
 6 with Hosea Williams and John Lewis and others, but
 7 I was in that last March, the third march actually.
 8 They went all the way to Montgomery.
 9 And I thought in 1965 that by now, just
 10 looking forward, we would have to fight these
 11 battles.
 12 But when you listen to Representative
 13 Virgil Fludd, who is an outstanding leader in the
 14 Democratic party and the House of Representatives,
 15 you listen to Dr. Dennard, you listen to all of
 16 these leaders who have spoken today, you can see
 17 that the struggle to keep our voting rights intact
 18 and maintain that constitutional promise is as
 19 important today as ever before.
 20 And I pray to God that we can get the
 21 United States Congress to respond to the Supreme
 22 Court challenge of creating a new formula so that
 23 we can have implementation of Section 4 and 5
 24 again.
 25 Because if we don't, we're going to lose

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 2 political positions, we're going to see more
 3 impediments created as a matter of law, we're going
 4 to see all kinds of schemes, at-large voting,
 5 dilution of minority votes, we're going to see
 6 everything under the sun.
 7 We're going to see more voter ID laws and
 8 voter verification laws and anything they can do to
 9 turn the clock back.
 10 And I'm just hoping from these hearings
 11 there can be some fire put under the members of
 12 Congress and the White House to begin to work
 13 toward an agreement where we can move legislation
 14 forward because, otherwise, we will have no
 15 enforcement.
 16 And Georgia, along with many other states
 17 outside of the south, are working every day to
 18 create more impediments as a matter of law.
 19 I remember in '011, the first -- January,
 20 the first day of the session, there was a bill
 21 introduced to cut out early voting days from 45 to
 22 21. We had fought hard to get, you know, early
 23 voting.
 24 And the leadership of the Republican
 25 party, unfortunately some Democrats, voted and

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 2 signed the bill, but the bill passed. It cut your
 3 early voting days from 45 to 21.
 4 And that was in response to President
 5 Obama winning in '08 across America. He didn't
 6 carry Georgia, but he got a huge vote out of
 7 Georgia because most of us had voted early.
 8 And so we know that there is a need to
 9 extend the Voting Rights Act. I just wonder if
 10 there's a will. And hopefully these hearings can
 11 create the kind of energy that will determine
 12 whether or not there's a will on the part of the
 13 Administration, the House and the Senate to move a
 14 bill forward so that we can have the implementation
 15 and coverage that we so deserve under the 1965
 16 Voting Rights Act, which is the most important law
 17 adopted since the emancipation proclamation.
 18 COMMISSIONER BUTLER: We have with us on
 19 this panel as well a distinguished attorney who
 20 fought a lot of the photo ID law, I know, and so
 21 Mr. Emmet Bondurant.
 22 EMMET BONDURANT: Thank you.
 23 William Faulkner once wrote The past is
 24 never dead, it's never even past. That could be
 25 not -- nothing could be more true of the struggle

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 2 to protect voting rights against discriminatory
 3 legislation to prevent people from voting,
 4 especially in the south, but also in other parts of
 5 the country.
 6 Ohio, Pennsylvania, a number of states
 7 have enacted restrictive legislation aimed at
 8 suppressing the votes predominantly of Democratic
 9 constituencies, predominantly Black people,
 10 Latinos, elderly people, poor people, and the
 11 disabled.
 12 There are a number of articles that have
 13 been recently written, one that appeared last week
 14 in Rolling Stones, a copy of which I happened to
 15 have brought. But has the appropriate title,
 16 essentially, voter suppression in Georgia, and
 17 gives a series of examples in counties around the
 18 state.
 19 For example, in the Peoples' Republic of
 20 Athens where I grew up someone proposed they reduce
 21 the number of voting places to two, both police
 22 stations. In other counties they have cut polling
 23 places down to make voting less accessible for
 24 voters.
 25 There are a number of other things that

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 2 have occurred. Tyrone referred to a reduction in
 3 early voting period.
 4 North Carolina thought to be one of the
 5 more aggressive states in the south has just
 6 enacted a whole series of voter suppression
 7 legislation. Photo ID, very strict, reducing voter
 8 days, eliminating early voting on Sundays,
 9 eliminating college registration automatically for
 10 voting, reductions in numbers of voting practices,
 11 all of which are now being challenged.
 12 The other big challenge, besides photo ID
 13 and these restricted legislation, of which there
 14 are many examples, are political gerrymanders.
 15 The New York Times recently wrote an
 16 extensive article that I commend to the
 17 Commission's consideration describing the strategy
 18 of which Georgia is a classic example of which the
 19 General Assembly reapportion Congressional
 20 districts to systematically eliminate white
 21 Democrats by pairing them against black Democrats
 22 and thus creating a -- depriving minority voters of
 23 their natural allies, reducing the number of
 24 Democrats in the General Assembly and creating an
 25 essentially all white legislative delegation in the

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 2 House and Senate.
 3 Of 125 House members, there is only one
 4 person of color who is a Republican -- out of 180
 5 there is only one Republican member of their 125
 6 members is a person of color.
 7 In the Senate in which they have more
 8 than a super majority, of the 56 members of the
 9 Senate, there are no people of color.
 10 In Atlanta and Fulton County, they
 11 deliberately paired white Democrats and black
 12 Democrats and since created ribbon districts to
 13 include white areas in the surrounding counties to
 14 prevent the Fulton County delegation from having a
 15 predominately black majority and enacting local
 16 legislation. And at the same time we segregate the
 17 political parties.
 18 If you look at statistics in Georgia of
 19 those who vote in Republican primaries, 98 percent
 20 are white. That's through the systematic effort of
 21 eliminating white representation in the Democratic
 22 party. The plan is to drive white voters into the
 23 Republican party, and guess what we will have
 24 created, the all white primaries that were held
 25 unconstitutional in 1948 when they were carried out

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 2 by guess who, the Democratic party.
 3 Let me talk about photo ID for a minute
 4 which is something I know something about. And
 5 let's talk about Georgia.
 6 Photo ID came not from any evidence of
 7 fraud, it came from the American Legislative
 8 Exchange Council, a group that operates in secret
 9 primarily financed by large corporations that bring
 10 Republican legislators and feeds them with model
 11 legislation to take back to the states.
 12 That's where the Georgia photo ID came
 13 from, that's where the Indiana photo ID came from
 14 and that's where all the others came from.
 15 When it was enacted in Georgia, a claim
 16 that it was to decide -- it was intended to prevent
 17 voter fraud. There was not a single example of
 18 fraud and in-person voting in Georgia that anybody
 19 could point to over the last 15 or 20 years.
 20 The effect of it was targeted to suppress
 21 predominantly Democratic constituencies, Black,
 22 Latino, poor, elderly and the disabled by making a
 23 Georgia driver's license the ticket to be allowed
 24 to vote in person in Georgia.
 25 You don't have to have a photo ID to

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2 register to vote in Georgia, you can register to
3 vote at a grocery store at a voter registration
4 drive. You don't have to go to the courthouse.
5 But to get a photo ID, you got to go to the
6 courthouse.

7 Let me give you the statistics from the
8 Georgia photo ID case that will demonstrate, I
9 think, beyond any reasonable doubt that the effect
10 of that is to suppress minority votes.

11 During the litigation, the state election
12 board ran a database match between registered
13 voters and the DDS database of people with driver's
14 licenses.

15 What they found was that there were
16 198,000 registered voters who had no match in the
17 database. There were 91,000 more registered voters
18 who had had Georgia driver's licenses but didn't
19 have them in their possession because they had
20 expired or revoked. That totals 289,000 voters or
21 5 percent, almost 6 percent, of the registered
22 voters in Georgia.

23 But there were another 216,000 voters who
24 were registered to vote in Georgia who have never
25 been in the DDS database for the last 40 years.

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2 community survey of the census shows that of white
3 households with no access to a car, ergo, no
4 driver's license with their picture on it, 3.8
5 percent were white households and black households
6 were 13.1 percent. Four times as many.

7 Well, Georgia says we cured the problem
8 by making photo IDs available at the courthouse or
9 in Fulton County at the northern access, the
10 southern annex, the southern thing, and down on
11 Pryor Street.

12 Do you know how many photo IDs have been
13 issued to that 505,000 people who didn't have
14 Georgia driver's licenses in 2007? A total of
15 26,000 as of February of 2012. 26,000.
16 2,000 in 2006. 4,000 in 2007. 12,000 in
17 2008. 2,500 in 2009. 2,600 in 2010. 2,000 in
18 2011.

19 What does this mean? Photo ID suppresses
20 votes. How does it suppress votes? What you have
21 done is say to people who are the least mobile in
22 the society because they don't have a car. In
23 Georgia many live in counties that have no public
24 transportation.

25 In order to exercise your privilege of

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2 They had never owned a car, never driven a car,
3 never had a driver's license of any kind.

4 The combined total is 505,000 voters.
5 That's 10 percent of all registered voters in the
6 2008 election.

7 If you looked at votes of merely the
8 289,000 voters who didn't have matching records in
9 the database, who had surrendered licenses, and,
10 therefore, couldn't vote because they didn't have a
11 photo ID in their possession, over 44,000 of them
12 or 49 percent were African-American. Over half.

13 And if you looked at census data -- if
14 you ever doubt that this was targeted as much as a
15 missile can be targeted from a drone at Black
16 voters, all you had to do was look at the census.

17 The 2000 census data, which we used,
18 showed that there was 142,000 African-American
19 households in Georgia who did not have access to a
20 car. That compared to 89,000 white households.
21 Even though African-Americans were only 27 percent
22 of the population and whites were over 70 percent
23 of the population.

24 If you brought that up-to-date to the
25 current census, under the 2010 census, the American

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2 voting as a citizen, even though you are duly
3 registered and a lawful voter, you must make a
4 special trip to the courthouse, that people with
5 driver's licenses don't have to make, just for the
6 sole purpose of getting your picture taken so that
7 you may vote at the polls.

8 I have three recommendations for this
9 Commission that I would urge that they consider
10 nationally.

11 First is the obvious one, we've got to
12 revitalize Section 5 of the Voting Rights Act and
13 we should make it nationwide.

14 Why do I say that?

15 COMMISSIONER BUTLER: Amen.

16 AUDIENCE: Amen.

17 EMMET BONDURANT: Remember Ohio in 2004
18 in which the Secretary of State said, God told him
19 to deliver Ohio for George W. Bush.

20 There were vastly more voting machines
21 available in white precincts than there were in
22 black precincts. That was not an accident.

23 Pennsylvania has enacted restrictive
24 photo ID. That's being litigated.

25 Indiana, enacted restrictive photo ID.

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2 And it was upheld by a split decision of the
3 Supreme Court of the United States.

4 Judge Posner, as you maybe have recently
5 read on the Seventh Circuit, who cast the deciding
6 two to one vote in that case to uphold it, has now
7 said he was wrong. He certainly was, but it's a
8 little late in recognizing it.

9 The second recommendation would be that
10 Congress should utilize its power granted by
11 Article 1, Section 4, of the Constitution to make
12 or alter regulations governing the time, place, and
13 manner of elections of federal officials to
14 prescribed uniform nationwide voting regulations
15 for federal elections.

16 A uniform kind of voting machine, a
17 uniform ballot design so you don't have butterfly
18 ballots and hanging chads and paper ballots used in
19 some place and voting machines with no paper trail
20 in another.

21 Uniform periods for early voting,
22 including voting on Sundays when it is convenient
23 for many church goers to go vote.

24 Uniform rules for identification of
25 voters.

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2 Anybody in another country thinks we are
3 stark raving mad that we have 50 states, 50 state
4 legislatures off on their own prescribing times,
5 places and manners of elections not of -- just of
6 state officials, but of members of the U.S. Senate,
7 members of Congress and members of the President.

8 If you had uniform rules, what is going
9 on in many of these places would not happen because
10 you would have taken away the principal motivation
11 which is to influence predominantly federal
12 elections. And state elections would conform
13 because it is impractical to operate two other
14 systems.

15 The third thing that needs to happen is
16 the federal courts need to pull up their robes and
17 do their job and declare political gerrymanders
18 unconstitutional.

19 The Court has ruled in no fewer than
20 three cases that it has jurisdiction to do that.
21 But the justices cannot agree on a standard.

22 AUDIENCE MEMBER: That's right.

23 EMMET BONDURANT: Justice Powell, Justice
24 Stevens and Justice Kennedy have suggested two
25 standards that are entirely workable.

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2 One, a first amendment standard that
3 would say you cannot discriminate against the voter
4 based on religion, you can't discriminate against a
5 voter based on race, and you can't discriminate
6 against a voter based on association, that is,
7 membership in the Democrat or Republican party. Or
8 based on how he or she has cast their vote. That
9 is voting history.

10 That is the essence of political
11 gerrymanders. You are discriminating against
12 voters, white or black, based on how they voted in
13 the past election.

14 In fact, Justice O'Connor invited that in
15 the North Carolina case, Shaw v. Reno, in which is
16 said under the voting rights you can't talk about
17 race, but you can talk about political affiliation,
18 because we did that when I was in the Arizona
19 legislature.

20 Well, you don't have to be a dummy to
21 realize that Black voters, Latino voters, poor
22 voters, minority voters of all kinds are the core
23 of the Democratic constituents. And if you want to
24 discriminate against Democrats, and we just used
25 that language, all you have to do is discriminate

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2 against Black voters. And that is what has been
3 done in political gerrymanders in Georgia and
4 throughout the country.

5 So those three reforms, redoing the
6 Voting Rights Act and making it effective and
7 making it nationwide to get Ohio, Indiana, and
8 Arizona and Alaska as well as Quitman, Georgia,
9 that is the first step.

10 Secondly, uniform nationwide standards
11 governing the elections of federal officials which
12 Congress has the power to enact. And there is no
13 states rights issue to back, as Justice Roberts
14 thought there was, in connection with the Voting
15 Rights Act.

16 An interesting little bit of information,
17 the Carter Center, right here in Atlanta, has
18 monitored over 100 elections throughout the world;
19 Nepal, Egypt, the Palestinian election, a number of
20 others, South Sudan's independence election.

21 The Carter Center will not monitor an
22 election in the United States because there are no
23 uniform voting standards that can be enforced by
24 international standards. We should be embarrassed
25 as a nation that that is the case. We should be

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 2 embarrassed.
 3 And the courts, if they did their jobs as
 4 they did with reapportionment, outlawed political
 5 gerrymandering as a form of First Amendment
 6 discrimination on equal protection discrimination,
 7 violating the very fundamental principle in which
 8 everybody in this room and everybody in the Supreme
 9 Court can agree, governments do need us to be
 10 neutral when it comes to election.
 11 It is not the duty or the right of a
 12 political party in power to keep themselves in
 13 power by preventing the opposition from having a
 14 fair shot if they can get a majority of people to
 15 vote for them and improperly draw on districts.
 16 AUDIENCE MEMBERS: Amen.
 17 EMMET BONDURANT: Thank you.
 18 (APPLAUSE.)
 19 COMMISSIONER BUTLER: Thank you.
 20 All right. We have two passionate people
 21 here and I want to ask Tyrone a question about
 22 felony enfranchisement in Georgia.
 23 I know you've done a couple of bills with
 24 regards to that.
 25 REP. TYRONE BROOKS: Yes.

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 2 COMMISSIONER BUTLER: Tell us how that
 3 works in Georgia.
 4 REP. TYRONE BROOKS: Well, Representative
 5 Bob Holmes and I have been working to improve what
 6 Georgia started in the mid-'80s in terms of making
 7 sure that once you complete your sentence, you
 8 serve your time, you're not on probation or parole,
 9 that you can register to vote in this state.
 10 That's Georgia.
 11 Many other states, of course, put you
 12 through all kind of hoops so you have to go and
 13 petition the parole boards, to get governors to
 14 grant you clemency, but Georgia has a system where
 15 once you complete your sentence, you can register
 16 to vote.
 17 Several years ago Representative Holmes
 18 was no longer in the legislature. He was the chair
 19 for the Governmental Affairs Committee for many
 20 years. He served 32 years and left. But Bob and I
 21 were working to make sure that at some point, one
 22 of these days, those who have served their time,
 23 upon leaving the institution, at walking out the
 24 door, you could register to vote again, whether
 25 you're on parole or probation or whatever. That

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 2 takes it a step further.
 3 But in this state once you complete your
 4 sentence today, you can register to vote. We want
 5 to move it where in once you -- upon your release,
 6 no matter what the offense is, you can register to
 7 vote again. That's it. That's what we're working
 8 on now.
 9 (APPLAUSE.)
 10 COMMISSIONER McDONALD: I had two
 11 questions. One I'll ask Tyrone first.
 12 Tyrone, do you have any plans for
 13 redrafting Section 5, any suggestions about how
 14 that ought to be done?
 15 REP. TYRONE BROOKS: Yes, I do. And I'm
 16 going to need your help to fine-tune it.
 17 I do have a lot of ideas and I hope that
 18 we can get our Congressional delegation on board,
 19 particularly the Democrats.
 20 On November 2nd, some of you were down
 21 the street at Big Bethel AME church when I
 22 challenged those members of Congress who were there
 23 to, again, to make this a priority.
 24 Every issue before Congress is important.
 25 But I don't think there's any issue as important as

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 2 responding to the Supreme Court mandate in passing
 3 the formula so that we can have another Voting
 4 Rights Act, again, as we've had since 1965.
 5 Laughlin, you and I have been partners on
 6 a lot of things. We sued the state in 1988 to
 7 create more opportunities for African-Americans to
 8 become judges.
 9 We sued the State Board of Education to
 10 deal with at-large voting in judicial circuits, and
 11 our numbers went up tremendously. Now they're
 12 going down.
 13 We sued the state in 1989 to address the
 14 issue of second primaries, run-off elections, that
 15 were created in 1964 with the specific purpose of
 16 keeping Negroes and liberals from voting and
 17 winning.
 18 Now, those were the words of
 19 Representative Denmark Groover who has now gone
 20 onto glory. He introduced a bill and he said one
 21 way to stop the Negroes and liberals from winning,
 22 meaning labor unions, is to have a majority vote
 23 feature in our election code.
 24 We sued on that issue in 1989. We may
 25 have to sue again. The problem is finding a

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 2 friendly venue in the federal judiciary. Very
 3 difficult today.
 4 But I think, Laughlin, we have to come
 5 together to make sure we have something that we can
 6 get at least the Democratic members of Congress in
 7 this state to agree on to go forward with.
 8 I would love to see a bipartisan kind of
 9 coalition that we saw in '64-'65 of Hubert
 10 Humphrey, Everett Dirksen. We saw a huge vote from
 11 the Republican side to pass the Voting Rights Act
 12 and the Civil Rights Act.
 13 That's not going to happen in this
 14 political climate. But if we can just get the
 15 Democrats on board from this region and push it,
 16 maybe we can see some movement on the other side.
 17 COMMISSIONER McDONALD: Well, do you have
 18 any specific suggestions about what the redrafting
 19 should look like?
 20 REP. TYRONE BROOKS: I agree with some of
 21 what Attorney Bondurant has articulated as relates
 22 to a national scope.
 23 I do believe, in spite of the fact it's
 24 going to be difficult, many states will say, we
 25 don't have a history of discriminating against

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 2 African-Americans in voting, well, why should we be
 3 covered?
 4 But we're beginning to see more and more
 5 states create impediments. More and more states
 6 passing laws to do exactly what the southern states
 7 were doing for many years, and that's why they were
 8 included in the Section 5.
 9 So I agree with a lot that Emmet has
 10 proposed. I think we need to think it out clearly
 11 because there may be some legal challenges we might
 12 have to overcome as we talk about our national
 13 laws.
 14 We discussed that in '06, you know, as we
 15 were getting President Bush ready to sign the
 16 extension and holding hearings around the country.
 17 You and I testified before Congress, Laughlin, you
 18 and I testified in '06 before Congress.
 19 So I think the lawyers in the room and
 20 beyond have to help us get over those legal
 21 questions that may be there as we talk about a
 22 national law.
 23 I think we've got to be more considerate
 24 of other minority groups in other states. And I
 25 think we have to continue to work to make sure that

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 2 state legislatures are not allowed to turn the
 3 clock back with voting impediments and there must
 4 be consequences if they do.
 5 (APPLAUSE.)
 6 COMMISSIONER McDONALD: I have one last
 7 question --
 8 COMMISSIONER BUTLER: All right.
 9 COMMISSIONER McDONALD: -- for Emmet.
 10 And I want to preface it by saying that, as we all
 11 know, jurisdictions can bail out from Section 5.
 12 So if you're in a covered state, if you
 13 can show for the preceding 10 years you had no
 14 violations of voting rights and you've taken
 15 affirmative steps to increase political
 16 participation by minority groups, you can bail out.
 17 So I just want to ask Emmet if he would
 18 want to enlarge in some way or incorporate, you
 19 know, the bail-out provision in his universal or
 20 nationwide coverage formula?
 21 EMMET BONDURANT: The answer is yes.
 22 As you know, Laughlin, that I have
 23 written John Lewis a long letter in which I had
 24 suggested, and I think if this happens pretty easy
 25 to correct, that, in fact, you don't have to enact

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 2 any coverage formula.
 3 Because the result of Shelby County, if
 4 you take the Supreme Court at its word, which, of
 5 course, is a hazardous occupation, the result of
 6 Section 5 is to simply strike the limitation on the
 7 coverage formula.
 8 The limitation of Section 5 to the states
 9 defined by a formula that Justice Roberts said
 10 violated states rights provided for states equal
 11 protection of the law. Unprecedented ruling.
 12 The statute contains what is called a
 13 severability clause which Congress decided if any
 14 part of that statute is declared unconstitutional,
 15 it was the intent of Congress with the rest of the
 16 statute, including Section 5, remain in effect.
 17 And there's beaucoup Supreme Court cases
 18 that have so held, including Robert's own opinion
 19 upholding the constitutionality of the Affordable
 20 Care Act.
 21 If you did that, the legal effect should
 22 be that every jurisdiction is covered.
 23 Well, then, there are two provisions, one
 24 which Laughlin has referred to. Any jurisdiction
 25 that is totally innocent, has never discriminated,

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2 has no likelihood of discrimination can apply to
3 Justice to be exempted from the preclearance
4 requirements.

5 And the Department of Justice has the
6 authority to grant that simply by conceding the
7 point. Thus, the innocent can escape the burden of
8 preclearance if it is a burden.

9 The people who ain't so innocent, who
10 can't carry that burden, however, would have to
11 file for preclearance. And you have a plethora of
12 examples.

13 What's gone on in Georgia described by
14 the preceding panel in the last three months since
15 Shelby County, there is an enormous need for them
16 to have to bring those to light one by one to
17 Justice, ask for preclearance and get it.

18 Let me give you a bit of history. When
19 Georgia enacted its photo ID in 2005, it submitted
20 preclearance to the Justice Department. The career
21 staff of the Voting Rights section of the Justice
22 Department wrote a 50- or 75-page memorandum, a
23 copy of which I have that was supposed to be a
24 secret, which found, guess what, that it
25 discriminated against Black voters, that it was

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2 COMMISSIONER JOHNSON: I think it's
3 important to note that the Supreme Court did not
4 overrule the preclearance as a principle and I
5 think that's part of what you're saying.

6 However, let me also thank you on behalf
7 of the NAACP. You represented the NAACP in those
8 voter ID cases back in 2005 and '6.

9 EMMET BONDURANT: And I was proud to have
10 the opportunity to do so.

11 COMMISSIONER JOHNSON: That's right.
12 That's right.

13 Matter of fact, my grandfather was one of
14 the named plaintiffs in that action. He's in a
15 nursing home now at 98 years old without a photo ID
16 and is still facing those same challenges.

17 Let me tell you even under preclearance,
18 when you look at other impediments that were there,
19 for example, John Barrow's district in District 12,
20 which is pure political gerrymandering, as you have
21 defined it, and Brother Brooks has defined it as
22 well, written out of his own district each time, a
23 coalition of voters are choosing to send him back
24 to Congress at each session, electing the candidate
25 of their choice.

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2 retrogressive, made it more difficult for Black
3 voters to vote and ought to be denied preclearance.

4 The next day the political appointees,
5 Hans von Spakovsky particularly, who was a member
6 of the Fulton County Election Board and now is
7 employed by The Heritage and one of the right-wing
8 foundations, overruled that as a political
9 decision.

10 Photo ID would never survive preclearance
11 under Section 5 properly applied. And there is a
12 legal way to do it. But there is a need not to
13 confine this to the former confederate states.
14 Ohio was not a confederate state. Indiana was not
15 a confederate state.

16 Missouri was not a confederate state.
17 But its Supreme Court, unlike our Supreme Court,
18 declared photo ID unconstitutional under their
19 constitution that is very similar to ours.

20 So we ought not to give up that fight,
21 but we ought not to play small ball and shoot for
22 covering Quitman, Georgia, but not covering
23 Columbus, Ohio.

24 COMMISSIONER BUTLER: Thank you.
25 (APPLAUSE.)

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2 That went to the Justice Department under
3 Section 5, while it was still in effect, and it
4 passed muster.

5 EMMET BONDURANT: Well, it really didn't
6 past muster. What Justice has been doing since the
7 decision in the Texas Water District case, which
8 presaged the Shelby County case in which Roberts
9 ruled that Section 5 was really not intended to
10 cover little water districts, and that to avoid a
11 Constitutional issue, which it was later under
12 Section 5 when they ruled it wasn't covered.

13 After that Justice had no backbone, no
14 balls, to go after anything but the most egregious
15 and the clearest cases.

16 And second, Shelby County didn't come
17 about because Justice was too aggressive in forcing
18 Section 5. Shelby County filed that lawsuit
19 against the government without going through the
20 Section 5 process.

21 So Justice was afraid that the right-wing
22 of the Supreme Court was going to do what they did
23 in Shelby County, and, therefore, avoided at all
24 cost, including the sacrifice of principle and
25 backbone, any challenge that was even remotely

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 2 questionable.
 3 COMMISSIONER BUTLER: Thank you.
 4 EMMET BONDURANT: As you can tell, I am
 5 not a fan of the Justice in all circumstances.
 6 COMMISSIONER JOHNSON: Let me ask this
 7 question of Brother Brooks who has been there
 8 throughout these struggles.
 9 So you talked about the reauthorization
 10 in '82.
 11 REP. TYRONE BROOKS: Right.
 12 COMMISSIONER JOHNSON: Reauthorization in
 13 '06.
 14 REP. TYRONE BROOKS: Yes.
 15 COMMISSIONER JOHNSON: Republican
 16 presidents.
 17 REP. TYRONE BROOKS: Yes.
 18 COMMISSIONER JOHNSON: What's the role of
 19 the White House in pressing this claim and bringing
 20 the attention to this, particularly being the fact
 21 that a lot of these rollback provisions, both of
 22 your testimonies, are really a result of the 2008
 23 election?
 24 REP. TYRONE BROOKS: I think the White
 25 House should take aggressive leadership. If you

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 2 And I think we've got to say to the
 3 President, Mr. President, we love you, we voted for
 4 you, but you've got to make this a priority.
 5 Tell your leaders in the House and the
 6 Senate to push it and call on McConnell and Boehner
 7 to join with you, and Cantor, who says he's working
 8 with John Lewis. Eric Cantor says he's working
 9 with John Lewis.
 10 He came down to Selma with John Lewis on
 11 the memorial and the pilgrimage. He said he wanted
 12 to work with John Lewis. Now, let's see if he's
 13 real. Let's see if they really want to do
 14 something to move this issue forward.
 15 Because if we don't, we're just kind of
 16 frozen in time. There will be no enforcement.
 17 Impediments will continue to be codified as a
 18 matter of law and we'll continue to go backwards.
 19 So these elected official positions that
 20 we hold -- and by the way, Georgia is 30 percent
 21 African-American. 30 percent of the people of this
 22 state are Black folk. Only 6 percent are elected
 23 officials. Only six, S-I-X, are elected officials.
 24 And you think we haven't made it across
 25 the U.S.A. Less than 2 percent are black across

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 2 study history and you watch Lyndon Johnson's role,
 3 he didn't wait. He said, we're going to move
 4 legislation forward.
 5 After Father James Reeb had been beaten
 6 to death in Selma and the nation had seen his
 7 bloody body lying on the sidewalk in Selma,
 8 Alabama, President Johnson said, Now, it's time to
 9 pass the Voting Rights Act.
 10 I think we need the President to speak
 11 clearly and forcefully on a new formula being
 12 addressed by Congress.
 13 I think it's important to talk about
 14 immigration, budget deficit and all of those
 15 important issues, and affordable healthcare, but,
 16 ladies and gentlemen, if we don't have the
 17 protection of our voting rights, nothing else
 18 matters.
 19 AUDIENCE MEMBERS: That's right.
 20 REP. TYRONE BROOKS: And I think that the
 21 White House has got to make this a priority and we
 22 should accept no less of this President. We
 23 wouldn't accept it from Bush, we wouldn't accept it
 24 from Reagan, we wouldn't accept it from Johnson,
 25 Kennedy.

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 2 the United States of America. So we've made some
 3 progress but we have not arrived.
 4 Don't assume that just because you see a
 5 few of us here and there that we've made it over
 6 the hump. No, we have not.
 7 And the few numbers that we have in
 8 different states, particularly in the south, where
 9 we're strong, you're going to see those numbers
 10 drop tremendously.
 11 The other thing I would ask this
 12 Commission to do is to consider what I've seen in
 13 Brazil and Australia, making voting mandatory. How
 14 do we do that, lawyers? Do we need statutory law,
 15 do we need to amend the Constitution? Voting
 16 mandatory in the United States of America.
 17 COMMISSIONER BUTLER: Thank you very much
 18 to this panel, distinguished panel. Thank you very
 19 much.
 20 (APPLAUSE.)
 21 COMMISSIONER BUTLER: We're running
 22 behind and I'm going to catch us back up.
 23 We're going to have open mic and we're
 24 not going to question the open mic speakers unless
 25 there is something that really needs clarification.

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2 So we're going to start with -- if you
3 signed up outside, we have an open mic session and
4 we'll have a second open mic session a little later
5 on.

6 But the first person -- and we're going
7 to ask everyone to -- that I call your name, please
8 come towards the mic so we will all be in line and
9 be ready to give your testimony.

10 The first one will be Mr. Joe Carn,
11 Vice-Mayor of College Park. Reverend Jeffrey
12 Benoit for -- will be second. Mr. Thomas Aquell
13 will be third. And Ms. Karen Reagle will be
14 fourth. Minister Karen Reagle, I'm sorry.

15 JOE CARN: Are we ready?

16 COMMISSIONER BUTLER: Yes.

17 JOE CARN: All right. Good afternoon.

18 COMMISSIONER BUTLER: Good afternoon.

19 And we're going to ask you to watch the
20 timekeepers here. You'll have three minutes.

21 JOE CARN: Well, I'm glad to be here.
22 Good information. And I have to say, I guess, this
23 is advanced voting and situations involved in that.

24 The last election two weeks ago, it was
25 reported that Fulton County had 17 percent voter

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2 turnout of eligible registered voters. DeKalb was
3 18 percent. Clayton County was about 5 percent.

4 And my question is, you know, how do you
5 expect to have good government, on school boards on
6 up, when 80 percent of the public doesn't bother to
7 show up election day?

8 COMMISSIONER BUTLER: Is that your
9 testimony?

10 JOE CARN: Well, that's my testimony and
11 question as well. Because, you know, it's a
12 situation where --

13 COMMISSIONER BUTLER: Well, are you
14 recommending that certain things happen from an
15 election administration purpose, reform, is there
16 something that you think would make participation
17 greater?

18 JOE CARN: Well, I think we got to start
19 making participation relevant to younger folks. I
20 guess, I'm a little younger. I used to be really
21 young. I'm a little older than I used to be.

22 But, you know, I mean, there's hardly any
23 people in this audience under 25 years old. And if
24 they're not excited about voting and they're not
25 excited about elections, you know, you're going to

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2 have the same kind of turnouts that you had two
3 weeks ago.

4 And we've got to figure out a way to wake
5 up young folks and let them understand that, you
6 know, this process is about them.

7 When these folks under the Gold Dome are
8 talking and discussing issues, they're discussing
9 young folks nine times out of ten. They're talking
10 about people who can't even vote actually.

11 You know, but the ironic part about the
12 elections two weeks ago, they were smaller
13 elections. And most of your tax money goes towards
14 the school boards. Whereas, people will go out and
15 vote for president more so, but the majority of
16 your money and your funds go towards the small
17 elections, school boards, city councils, and the
18 like.

19 So I just think as a community we got to
20 figure out a way to get younger people
21 understanding how this process really affects them.

22 It seems like it doesn't hit people until
23 they're over 50 apparently, you know, so...

24 COMMISSIONER BUTLER: All right. Thank
25 you.

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2 JOE CARN: Thank you.

3 COMMISSIONER BUTLER: Reverend Benoit.

4 REVEREND JEFFREY BENOIT: Good afternoon.
5 Again, my name is Reverend Jeffrey Benoit
6 from Clayton County.

7 Although, the Board has spoke on a
8 plethora of issues and all of them are much bigger
9 than what I have and they said there's no issue to
10 big to be put on the Board.

11 And mine is that the information. The
12 Secretary of State is required to give information
13 down to the counties as to any changes that are
14 taking place or when the voting, particular
15 registration and deadlines, that type of thing is
16 going to be cut off.

17 As of yesterday, just as of yesterday,
18 going to my local elections office, they did not
19 have this information. And of course, I'm going to
20 continue to go back and back and back and try to
21 get this information.

22 But the problem is this. When that
23 information is released, will it be released in
24 time enough for us to respond and get that
25 information out to those who may or may not be wise

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2 to that, as to our seniors and into our senior
3 homes, things of that nature.

4 All too often if we don't get that
5 information on time, it will not get out to the
6 people in time. Therefore, I think there's a valid
7 problem here by holding that information to the
8 last minute so that we can't make good use of it.

9 And I think that the Secretary of State
10 has an ominous responsibility to get that out. If
11 not, then he should be held reliable or accountable
12 for that.

13 Oftentimes when contracts are written,
14 the consequences of the offer is never there. So I
15 want the author to have consequences as those
16 consequences would be to me.

17 If I don't get the information on time, I
18 can't vote in time and know what I'm voting for.
19 If he can't get it out in time, he should have some
20 kind of consequences as to law. A law as to what
21 he will suffer as to fail to do his job as he has
22 been elected to do.

23 Give that information to the people or
24 get out of office.

25 COMMISSIONER BUTLER: What kind of

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2 information are you talking about? The election
3 dates?

4 REVEREND JEFFERY BENOIT: As it applies
5 to all of the information that the Secretary of
6 State is supposed to get out to the county, it
7 doesn't matter what it is, by virtue of having a
8 deadline date to get that information out. They
9 are really dragging their feet as to when this
10 information is going to be released.

11 My election individual who I talked to
12 yesterday, heard counselors at the desk had no
13 information. She has some information, but it
14 wasn't put out to them to put out because it hadn't
15 came down through the channels.

16 And so I'm saying, what is the
17 deadline --

18 COMMISSIONER BUTLER: I'm trying to
19 understand what kind of information?

20 REVEREND JEFFREY BENOIT: Well, I was
21 asking as to what are the deadlines for individuals
22 to qualify, various things like that, the changes
23 that are being made in our particular county as it
24 relied -- as it relates to voter election and
25 location and shutting down precincts. Various

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2 different things like that.

3 Again, nobody no knows what's going on.
4 We go to the last precinct to find out that
5 precinct is no longer there.

6 This kind of information needs to be
7 given to us well before the day we need it. You
8 can't do anything with the information the day you
9 need it. You need it before the day as to having
10 an opportunity to respond to the changes. If we
11 don't know the changes, we can't respond.

12 COMMISSIONER BUTLER: Which county are
13 you?

14 REVEREND JEFFREY BENOIT: I'm in Clayton
15 County. But this is across the state, information
16 getting out in a timely manner.

17 COMMISSIONER BUTLER: Okay. Thank you.

18 This young lady has -- did you have a
19 question?

20 COMMISSIONER JOHNSON: I wanted to
21 provide a resource for that, Brother. If you
22 contact the Clayton County NAACP, they'll get you
23 those dates. Those are already available.

24 REVEREND JEFFREY BENOIT: Okay. Well,
25 again, I understand what you're saying. But there

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2 should be some information out there that we don't
3 have to go there, that they should have that. But
4 I gotcha. There's no consequences to getting
5 information out there at a delayed date.

6 COMMISSIONER BUTLER: This next person, I
7 know I'm calling her out of order, but I didn't
8 have her information, but she has to leave.

9 Ms. Kathy Holmes-Bass with Delta Sigma
10 Theta.

11 KATHY HOLMES-BASS: Hello, my name is
12 Kathy Holmes-Bass. And I just want to say
13 historically I am from Gulfport, Mississippi, and
14 I've been by voting process a lifetime member of
15 the NAACP under President Gilbert Mason, late
16 great.

17 And also, my grandfather was the first
18 black man of Biloxi, Mississippi, to vote because
19 he could pay poll taxes.

20 And I'm a bit nervous.

21 My concern is I am a visually impaired
22 voter and I became visually impaired on July 2nd,
23 1996, when I was in Mississippi. But I moved or
24 relocated to Atlanta, Georgia, in November of that
25 year so I could obtain services at the Center For

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2 the Visually Impaired because I had gone from 20/20
3 vision to total blindness in 45 minutes.

4 As a result of that, I carried a driver's
5 license at the time. But in 2000, I had to
6 reinstate, not a driver's license, but a
7 non-driving state ID, okay?

8 Well, I went to Georgia seven times to
9 get the Georgia ID because nobody there could even
10 say I needed a driving history, which I didn't have
11 at that point. So we had -- again, I had to
12 reinstate my non-driving ID in 2010, which expires
13 in 2020.

14 So there are two issues that I'm
15 concerned about, but I'll start with the first one.

16 First, voter suppression as it relates to
17 the use of ID. But I contacted the Secretary of
18 State Office in the last election just, what, two
19 weeks ago, two or three weeks ago, I was told that
20 my name was not on the list.

21 And I didn't understand why until the
22 gentleman explained to me that I might not have
23 been in their system. I thought they were wrong
24 and they were confused, okay?

25 I don't have a voter's ID, okay? And in

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2 workable for me. But the screen reading program
3 for the blind are very expensive. You have to be
4 trained on them and you have to go through voc
5 rehab to get the training.

6 So a person who is -- that has never been
7 trained, like, a rural carrier or someone on a
8 waiting list, will not be able to access the ballot
9 because they won't know how to use the equipment.
10 It's very sophisticated. You use keyboard
11 application and a numbers pad.

12 So when you're not trained, that's a
13 technical training, then you don't know how to
14 access this.

15 And then also at the poll, the poll
16 workers are so sweet to me there, but some of them
17 put me on the wrong machine because they're not
18 aware of that accessibility.

19 So blind people who have not been trained
20 on JAWS or MAGic are denied access. It's not a
21 reasonable accommodation.

22 COMMISSIONER JOHNSON: Let me ask you a
23 question as it relates to -- and this is to the
24 best of your knowledge.

25 Absentee ballots, are they available to

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2 2005, I guess, when it was legislated that I had to
3 have one, I had been voting at Thoreau High School.
4 I had registered to vote on May 1st, 1998, in the
5 city of Atlanta, but I built a house in 2000, so I
6 transferred. So at this point I went to Thoreau.
7 They have a screen reading program for the blind
8 there and they used my card.

9 That's No. 2. The issue of the screen
10 reading program for the blind requires technical
11 assistance and also training from the Center For
12 the Visually Impaired. Therefore, a lot of blind
13 people are not able to use it, it's laborious,
14 tedious.

15 And I catch a cab to the polls. So I
16 have to pay money to get a way to vote.

17 And so, I think we need to modify their
18 screen reading program so that we can -- that all
19 blinds can, blind people, can use the equipment at
20 the polls and acquire the technical assistance.

21 COMMISSIONER BUTLER: Are you saying the
22 ballots -- the audio ballot is not workable for
23 you?

24 KATHY HOLMES-BASS: No, I'm trained from
25 the Center For the Visually Impaired. It's

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2 the visually impaired in Braille?

3 KATHY HOLMES-BASS: Well, what happened
4 -- and that, I don't know, because I like to do
5 early voting. But right on the last day, I
6 couldn't get a ride to the cab -- from the cab
7 driver in time. I called the Secretary of State's
8 office -- the Fulton County Elections Board and I
9 requested an absentee ballot. And the lady told me
10 on that Friday that she couldn't mail it to me
11 because I wouldn't get it by Tuesday, so, I don't
12 know. I don't have the answer for that, sir.

13 COMMISSIONER JOHNSON: On the next
14 election, make sure you contact your local NAACP.
15 They'll give you a ride to the polls.

16 KATHY HOLMES-BASS: I would love it. It
17 would save me some money. Yes, sir.

18 COMMISSIONER MOORE: Or you can call the
19 Georgia Advocacy Office as well. We can give you
20 that information.

21 KATHY HOLMES-BASS: Okay. I would
22 appreciate that very much.

23 Thank you so very much.

24 COMMISSIONER BUTLER: Okay. Mr. Thomas
25 Aquell.

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 2 And the timekeeper is here.
 3 THOMAS AQUELL: Thank you very much.
 4 In the name of God first.
 5 I'm glad to be here. And I'm speaking on
 6 behalf of ex-felons or prisoners. I wish there
 7 were more here to be encouraged to register to
 8 vote.
 9 Now, myself personally, I was taken off
 10 the voter registration during the voting process of
 11 President Obama. But I was allowed to vote during
 12 the president -- canvassing of President Bill
 13 Clinton and George Bush.
 14 But when I got to the process of voting
 15 for President Obama, I got a notice in the mail
 16 that I've been stripped of my voting rights due to
 17 my past criminal record. And I had been out of
 18 prison 17 years and requested my citizenship back,
 19 made my life to God, and, you know, it just wasn't
 20 right. So I thank God that I didn't let it go
 21 before they never allowed me to vote.
 22 So I went -- and another brother went
 23 with me -- and I reinstated my voting rights. And
 24 I got the paperwork right here from the attorney
 25 that I've been stripped of my voting right. And I

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 2 got my voter registration card right here that I
 3 was blessed by God to get it back.
 4 So, you know, discrimination is still
 5 going, as we all know, not only because of the
 6 color of the skin, naturally it's still going, but
 7 because of your background, your criminal
 8 background.
 9 So I thank God that we are all here for
 10 this event and I thank God that it will be a
 11 success and don't let nobody just keep you from
 12 voting.
 13 And I appreciate the opportunity to say
 14 what I had to say.
 15 COMMISSIONER BUTLER: Okay. Thank you.
 16 (APPLAUSE.)
 17 COMMISSIONER BUTLER: Minister Karen
 18 Reagle. She's going to talk about the ballots and
 19 precinct -- provisional ballots and precinct
 20 designations.
 21 MINISTER KAREN REAGLE: I have served
 22 several years with election protection and I
 23 volunteered or was volunteered to help with
 24 supervising elections, kind of checking in with
 25 different precincts to find out how the voting was

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 2 going in early November of this year.
 3 I wound up spending all of my time in
 4 Atlanta at the Saint James Methodist Church.
 5 We anticipate -- the poll manager
 6 anticipated 1700 votes. By 8:00 in the evening, we
 7 had had 1,075 people voting. We had given out 25
 8 provisional ballots.
 9 The provisional ballots were primarily
 10 racially blind. They weren't black folks and they
 11 were predominantly white folks. But the range of
 12 why they were issued provisional ballots was all
 13 over the map. It was shocking to me.
 14 I've been involved in elections for a
 15 very long time. Started in Chicago, so I cut my
 16 teeth in a good place.
 17 One woman whose address is the same as
 18 her husband, he was told to vote at Saint James,
 19 she was told that she had to vote in Ridgeview.
 20 Ridgeview is in Sandy Springs. The ballots are
 21 very different and it didn't match.
 22 Another person recorded that -- they were
 23 elders, they were brought by their assisted living
 24 place, and they were told that they had requested
 25 absentee ballots and they both knew that they had

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 2 not, they had not received them, they had not
 3 requested them. They had to vote provisional
 4 because of that.
 5 Another one was told that she had already
 6 voted, which she had not. And this was another
 7 problem.
 8 Katie had voted in this particular
 9 precinct at this particular location since 1967,
 10 but there were no records of her for this
 11 particular precinct on that day.
 12 Two other people, man and wife, were sent
 13 to Sarah Smith, but his card said, his voter card,
 14 said that he should vote at Saint James. Go
 15 figure.
 16 Then Jane was sent to Ridgeview. She
 17 lives in Atlanta with her husband and he was able
 18 to vote a regular ballot. She, however, had to
 19 vote provisional.
 20 Jonathan and his wife both live in
 21 Atlanta, but they were assigned to Ridgeview in
 22 Sandy Springs. Again, not a ballot that they were
 23 interested in because it wouldn't represent them.
 24 Patricia couldn't find -- they couldn't
 25 find her in the system and she had been voting in

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2 this particular precinct for 20 years.

3 John said -- the system said John had
4 already voted in another precinct, which he had
5 not.

6 There were a lot of people, all were
7 given the orange flyer that told them how to make
8 sure that their vote was counted, but those that I
9 saw I can't tell you how angry they were. You
10 could see the smoke coming out of their ears and
11 their nostrils they were so upset.

12 I suggested to them that they write to
13 their senators and their representatives to
14 reinstate Section 4. They were confused, they were
15 angered and the changes that were made to their
16 voting records and their voting rights were very
17 nonsensical.

18 As I said, the provisional voting was
19 racially blind in that it was not all white or all
20 black. And the poll manager did a fantastic job of
21 meeting the needs of the pollers -- of the voters
22 in that particular precinct. But it's alarming.

23 COMMISSIONER BUTLER: Thank you.

24 And just for the records, in Georgia, if
25 they hadn't received their absentee ballot and

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2 hadn't voted an absentee ballot, there was a
3 cancellation process that they were entitled to
4 receipt and were entitled to vote a regular ballot
5 and not a provisional ballot.

6 MINISTER KAREN REAGLE: That was not
7 clear.

8 COMMISSIONER BUTLER: Okay. Thank you.
9 Thank you so much.

10 And we're going to go back now to our
11 next panel, then we'll have an open session a
12 little later on. But we're going to go now back to
13 our next panel.

14 We're going to have Helen Kim Ho,
15 Executive Director of the Asian-American Legal
16 Advocacy Center.

17 We're going to ask that you take the
18 stage to the left. My left, rather.

19 And then we're going to have Cheri
20 Mitchell for the Georgia Advocacy Office.

21 Sharon Blackwood is a Board Member from
22 the League of Women Voters.

23 And Richard Barron who is the Fulton
24 County Director of Elections and Registration.

25 Our timekeeper, once again, is down

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2 front. And we ask that you be mindful of the time
3 as we go.

4 The next open mic will be about 6:00 or
5 thereabout.

6 Helen Ho will talk about naturalized
7 citizen voting and registration.

8 And --

9 CHERI MITCHELL: Cheri.

10 COMMISSIONER BUTLER: Cheri, I'm sorry.

11 CHERI MITCHELL: No problem.

12 COMMISSIONER BUTLER: Cheri Mitchell will
13 be talking about HAVA. And topic, individuals with
14 disabilities.

15 Sharon Blackwood will be also talking
16 about naturalization, registration, and polling
17 place consolidation.

18 And then Mr. Barron will talk about
19 ElectioNet which is a new voter registration system
20 for Georgia.

21 We're going to hold our questions until
22 the end and then we'll ask the questions.

23 So we're going to ask Helen Ho to start
24 us off.

25 And for those people who are wishing to

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2 speak for open mic, you need to sign up outside.

3 HELEN KIM HO: Okay. Thanks so much for
4 the invitation to testify. I've provided some
5 written materials and some photos actually to help
6 along.

7 You know, just briefly, the Asian
8 American Legal Advocacy Center for the first
9 non-profit law center dedicated to promoting the
10 civil rights of Asians, Pacific Islanders and
11 Asian-ethnic refugees in Georgia and the Southeast.

12 Our goal and purpose is to increase the
13 civic participation of AAPIs. And so we do civic
14 engagement and voter engagement work all year
15 around.

16 I think I included a photo of our
17 billboard from last year that was very successful
18 and wanted to share with you on the second page
19 some voter statistics of Asian Americans and
20 Pacific islanders in our state.

21 Asian Americans have experienced the
22 second highest rate of voter registration, second
23 to Latinos, over the past several years. Even
24 though Latinos are double to us in number of
25 population size, we are pretty much the same in

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 2 terms of the make-up of percentage of voters
 3 according to the Secretary of State.
 4 And we have an especially high
 5 concentration in Gwinnett County, which is the
 6 second largest county in the state.
 7 And when you put Asians together with
 8 Latinos and African-Americans, Gwinnett County is a
 9 majority minority state -- county. Soon will be a
 10 majority minority state as well.
 11 Believe it.
 12 COMMISSIONER BUTLER: Wishful thinking.
 13 HELEN KIM HO: On the third page of --
 14 just a quick highlight -- I was going to talk about
 15 some of the problems we experienced last year in
 16 our voter registration work for the Presidential
 17 elections.
 18 But just quickly, we helped to register
 19 more than 1400 new voters. We ran 82 registration
 20 drives. At least two dozen of them were at
 21 naturalization ceremonies in partnership with the
 22 USCIS.
 23 That work spurred, you know, more
 24 naturalization work in partnership with the League
 25 and other groups that we partner with.

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 2 We did a ton of door-to-door canvassing.
 3 Basically, what we did was, if we got
 4 permission from the new applicant to hold on and
 5 mail their registration forms, we would input their
 6 data into a voter database and follow up with them
 7 directly through phone bank and multiple touches.
 8 Before I talk about the problems, it's so
 9 easy to talk about the problems, I do want to say
 10 our voter engagement work, I think, worked and made
 11 an impact. I'll just give an example of one of the
 12 precincts we worked in.
 13 While naturally there was a dip in voter
 14 rates, there was a 3.45 percent increase in this
 15 particular precinct in Gwinnett. And in fact, that
 16 precinct at the state house level had redistrict a
 17 Democratic incumbent into a majority Republican
 18 district. That district happened to be going up
 19 into New Koreatown in Duluth.
 20 So because of the numbers we did, our
 21 voter engagement work there and -- that Democratic
 22 incumbent won by the largest margin ever. Which
 23 shows, you know, it's about maybe the issues, but
 24 -- and the next page shows that specific race.
 25 So what I want to talk about are

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 2 basically the issues we encountered, and I would
 3 like to put it more from a personal perspective.
 4 We started getting calls mostly from
 5 newly naturalized citizens we helped to register
 6 telling us, Well, you said that it would take about
 7 two weeks to get our voter registration card, but I
 8 haven't gotten it yet.
 9 So after we got about six or seven of
 10 those calls, we decided -- or I decided to ask my
 11 staff and interns to go back and look at every
 12 single form we had on file and check on the
 13 Secretary of State website to see whether these
 14 people had been registered or not.
 15 What we found was that 40 percent of
 16 those we had on file or exactly 574 voters we
 17 helped to register were either being challenged or
 18 were unprocessed a week before the Presidential
 19 election. So that's just people that we helped to
 20 register.
 21 And I think in the past just -- you know,
 22 all of our groups are very, you know, underfunded,
 23 not very resourced, so in the past we hadn't been
 24 as methodical or scientific about keeping track of
 25 everything, but we did that and the results were,

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 2 of course, devastating.
 3 We tried to call the Secretary of State
 4 and we did, we spoke with Linda Ford, very nice
 5 woman, but didn't really get any answers as to why.
 6 So we sent a series of open letters which
 7 you can see. This was, again, a week before the
 8 elections. This led to reform coverage of what we
 9 found.
 10 Secretary of State didn't really respond.
 11 We asked them to please go ahead -- we actually
 12 sent them an Excel sheet of every one of those 575
 13 voters, last name, first name, date that they
 14 registered, what county, what Secretary of State
 15 website said. So there was no question, you know,
 16 they could easily track them.
 17 And said, Please, here's all the data
 18 that we have. We're not just one story, this is
 19 574 people. Please register, help clear these up
 20 and speed up the process.
 21 That didn't happen.
 22 In the interim in trying to work with
 23 them, we also found or was shared an informational
 24 memo that was given out to the different counties
 25 which we still believe creates more onerous

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 2 processing requirements for ID than what was
 3 precleared by the Department of Justice.
 4 And we also brought that up and I
 5 attached that memo to you.
 6 Really all that happened was it spurred a
 7 Department of Justice investigation, which I have
 8 no idea what happened to it.
 9 It also spurred a Secretary of State
 10 investigation into us, which is what can happen
 11 when you do things like this. And we were
 12 fortunate enough to have the support and the offer
 13 by Mr. Emmet Bondurant to represent us, and as soon
 14 as he stepped in, it kind of ended. Thankfully. I
 15 almost lost my cool when that happened to us.
 16 But I guess, you know, in closing, you
 17 know, the letters pretty much detailed what we saw
 18 and what the details of what we were identifying as
 19 the problems as to why these voters, especially
 20 newly naturalized voters, were not being
 21 registered.
 22 I think I will say from my experience
 23 there is an institutionalized deprioritization of
 24 new voters in Georgia. You know, when our
 25 elections are, it's no surprise to no person.

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 2 everyone. It is an honor to be here. And my name
 3 is Cheri Mitchell and I want to thank you for this
 4 opportunity.
 5 Justin Dart, the godfather of the
 6 Americans with Disabilities Act said this, he said,
 7 Vote as if your life depends on it, because it
 8 does.
 9 And I'm going to move real fast because
 10 ain't got but five minutes.
 11 I work for the Georgia Advocacy Office as
 12 their PAVA director. PAVA standing for Protection
 13 and Advocacy for Voting Access. I've been that
 14 person for the last six years.
 15 Voting discrimination against people with
 16 disabilities comes in many forms. People with
 17 disabilities, in my opinion, face the most barriers
 18 compared to any other voting population.
 19 And I'm going to start with the ABCs of
 20 discrimination. Attitude, building and
 21 communication.
 22 Attitude. People have to want people
 23 with disabilities to be a part of the voting
 24 process. And unfortunately that doesn't seem to be
 25 the story.

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 2 And it almost seems like from, again, the
 3 anecdotes and the stories and these 574 voters that
 4 it's almost a given that the first time you try and
 5 vote, you can't vote. That needs to change.
 6 And I just want to end with pictures of
 7 some of the people. I can't tell you, especially
 8 with the newly registered voters how excited they
 9 were to register to vote.
 10 We helped one Brazilian woman register to
 11 vote. And she said, The rest of my family's in
 12 Brazil, they're so excited I get to vote for the
 13 Presidential election. They're -- I feel like I'm
 14 voting not just for myself but my entire family.
 15 That's how excited she was. She was not
 16 allowed to vote.
 17 So, I guess my time is up. Thank you.
 18 COMMISSIONER BUTLER: Thank you.
 19 The timekeeper is down front. So if you
 20 would --
 21 HELEN KIM HO: Sorry.
 22 COMMISSIONER BUTLER: -- be aware. We're
 23 trying to stay on track.
 24 Cheri.
 25 CHERI MITCHELL: Okay. Good afternoon,

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 2 I've heard stories of poll workers
 3 refusing to assist people with disabilities,
 4 refusing to let the person of their choice assist
 5 them, making people with disabilities feel like
 6 second class citizens, or telling people that, You
 7 have a disability, so you're not competent.
 8 I've heard guardians, family members, and
 9 staff refusing to let a person with disabilities
 10 vote or refusing to support them to vote.
 11 I've been the director, like I said, for
 12 six years and I've reached out to the Secretary of
 13 State's office on several occasions and one day I
 14 hope to actually collaborate with them. I mean, we
 15 are the other HAVA, which is the Help America Vote
 16 Act funding recipients for the state of Georgia.
 17 You know, at one time I used to get all
 18 of my mail-in voter forms from them, I have -- at
 19 one point I was receiving to two to three thousand
 20 a year. They changed their policy. Now I have to
 21 go to the county election boards. And all the
 22 organizations that I'm working with, I'm having to
 23 send them to them because I can no longer get them
 24 from the Secretary of State's office.
 25 One of my best friends, her name is

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2 Renita Bundrage and I have her permission to tell
3 her story and her testimony. It's in the written
4 testimony that I submitted a week or so ago.

5 Renita is one of my best friends and
6 she's one of the smartest people I know, and she
7 has been president of People First of Atlanta three
8 times and is the current vice president for People
9 First of Georgia.

10 Because of her disabilities, on several
11 occasions poll workers have refused to let her
12 vote. I was moved by her story and this is what
13 she says. My first voting experience made me feel
14 like a second class citizen. Even now poll workers
15 act like I'm not capable. I am tired of being
16 treated like a second class citizen. This is not a
17 one-time happening. It happens almost all the
18 time.

19 She also said to me, she said, Stephen
20 Hawking's proved that just because you're nonverbal
21 don't mean that you aren't smart and aren't
22 capable.

23 And she said, And I am smart and I am
24 capable and I can actually talk a little.

25 Right? So I mean, it's ridiculous.

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2 Buildings. Is the voting polling place
3 accessible? Is the location convenient and can be
4 reached? You know, they love to use us as the
5 reason for condensing the polls. Well, all the
6 polls weren't accessible and it's true. And the
7 polls legally have to be accessible.

8 But, you know, the biggest problem we
9 have is getting to the polls. Not everybody has an
10 accessible vehicle. So this becomes a real
11 problem.

12 Another problem is I spent 27 minutes at
13 a poll one time waiting for them to unlock the
14 accessible entrance. It took me five minutes just
15 to get their attention. I was yelling from outside
16 in the parking lot to them on the inside.

17 Hello, I want to vote.

18 Communication. This includes written
19 communication in the form of the ballot itself.
20 Some people need special technologies to either
21 hear or see the ballots. Ballots in Braille a lot
22 of time are not available. And that's a shame.
23 Because it's not that big of a deal to make them.

24 There's supposed to be signage indicating
25 where the main entrance is if the main entrance is

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2 not the accessible entrance. It's like playing
3 hide and seek, where is the entrance, where is the
4 entrance.

5 Voter education is very important. In an
6 age where voter suppression is an issue, not just
7 for people with disabilities, but for everybody,
8 voter education is the issue.

9 I think you were the one that said, Why
10 aren't the young people turning out? Lack of voter
11 education.

12 Every year for I don't know how many
13 years now, it's been going on so long, our voting
14 funding through the HAVA Act has been decreased and
15 decreased and decreased and is still decreasing.
16 And that's a crying shame. Oh, man, that's a
17 crying shame.

18 Education is the key. Because when
19 people understand their rights and understand why
20 it's important to vote, they go vote.

21 AUDIENCE MEMBER: That's right. That's
22 right.

23 (APPLAUSE.)

24 CHERI MITCHELL: It is the key to solving
25 all of these problems. So the funding at the

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2 Georgia Advocacy, like I said, has been reduced.

3 We do a lot of train-the-trainer voting.
4 Because I'm one person, I wished I could be all
5 over the state at one time, but I can't.

6 So we do a lot of train-the-trainers with
7 self-advocacy organizations so that they can get
8 the information out and the tools to teach their
9 memberships about their voting -- their rights to
10 vote and their community.

11 We love to tell everybody, whether you
12 got a disability or not that it's important to
13 vote.

14 COMMISSIONER BUTLER: All right.

15 CHERI MITCHELL: The National Self
16 Advocates -- am I out of time?

17 Okay, well, I'm going to shut up now.

18 But I just want to say to you education
19 is the key. Poll workers need to be educated.

20 (APPLAUSE.)

21 CHERI MITCHELL: Seriously, they need to
22 be educated. And until we commit to funding real
23 voting education, it's always going to be a
24 problem.

25 COMMISSIONER BUTLER: Thank you.

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 2 (APPLAUSE.)
 3 COMMISSIONER BUTLER: Sharon Blackwood.
 4 SHARON BLACKWOOD: Thank you.
 5 I hope I can have a couple of extra
 6 minutes since I'm also testifying for someone else
 7 who is not here and I have several issues.
 8 I'm Sharon Blackwood. I'm on the State
 9 Board of League of Women Voters of Georgia.
 10 You ladies out there, you've only been
 11 able to vote for 93 years. So we came out of the
 12 suffrage movement and the League of Women Voters
 13 works for assess to voting, voter education, and
 14 will advocate for full voter participation.
 15 The first thing I want to talk about is
 16 something good. We are also working with GALEO,
 17 Pro Georgia, to register naturalized citizens at
 18 their naturalization ceremonies. We've got
 19 permission from the federal government to copy
 20 their naturalization papers with their permission,
 21 put them in the sleeve, and we hand deliver them to
 22 the Secretary of State's office. We are getting
 23 over 50 percent registered voters from these
 24 naturalization ceremonies.
 25 We have not yet had the time to process

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 2 all of the results from this last election so we
 3 will get that to you when we have it as far as how
 4 many of them were allowed to vote.
 5 Okay. Couple of anecdotes that I've
 6 witnessed myself.
 7 A young, lovely Asian woman came in to
 8 vote where I was poll watching. She was flagged
 9 with a purple check mark, was not allowed to vote,
 10 said she was not a citizen. We immediately got to
 11 work. After an hour and a half -- and her husband
 12 had to bring her naturalization papers to the poll
 13 -- she voted on a machine. Because if you vote a
 14 provisional ballot, you have to go back to the
 15 election board and certify that ballot. So you
 16 have to vote twice.
 17 Another young lady from the Caribbean
 18 Islands originally came in, was flagged as a
 19 noncitizen, had her valid U.S. passport, was not --
 20 was made to vote a challenge ballot.
 21 The spokesperson for the Secretary of
 22 State's office mother went to vote three weeks ago,
 23 was listed in the rolls as a felon and was not
 24 allowed to vote. This woman was horrified. She's
 25 been voting all of her life since she's been

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 2 eligible to vote. They worked all day to get her
 3 the right to vote, she finally got cleared to vote,
 4 but she refused to vote.
 5 These are just anecdotes that I have
 6 witnessed.
 7 I now am going to talk about
 8 consolidation of polling places in Carrollton,
 9 Georgia.
 10 There's been an effort to consolidate at
 11 least two polling places. Students at the
 12 University of West Georgia have found a location at
 13 the campus that allows students to vote officially.
 14 The proposal includes moving -- they are
 15 proposing to move this polling place to the
 16 Tabernacle Baptist Church. And it's 2.6 miles away
 17 from the campus. This place is a burden on
 18 students who live on campus and may not have the
 19 time or efficient transportation to able to vote.
 20 There are also studies that show polling
 21 places in churches have an influence on who shows
 22 up to vote at that polling place.
 23 Two other polling places were recommended
 24 to be combined that would greatly impact lower
 25 income and minority voters in the city of

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 2 Carrollton. These voters have been able to walk to
 3 their polling place and now they will have to walk
 4 two miles across a major thoroughfare in order to
 5 vote.
 6 An e-mail was sent out to council
 7 members, county commissioners, and four of the five
 8 members of their state delegation. One member did
 9 not receive this e-mail and we wonder if it's
 10 because he had objected to a closing of a polling
 11 place at Fairfield Plantation.
 12 In Athens, Georgia, there are concerns
 13 and I will discuss two of them. Local police
 14 stations -- this has been alluded -- spoken about
 15 before. Local police station and substations are
 16 being recommended as early voting sites.
 17 We feel that having to go to a police
 18 station to vote will be intimidating to voters,
 19 especially voters who vote early, thus
 20 disenfranchising many voters.
 21 I think it's totally inappropriate to
 22 have a voting place at a police station.
 23 Other polling places are proposed to be
 24 moved including the closing of the polling place on
 25 the campus of the University of Georgia.

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2 We're seeing this throughout the state of
3 Georgia where polling places for students to vote
4 are being closed.

5 The polling place near the arch downtown
6 is what they're saying that the students can use.
7 But it is above the north perimeter of the campus
8 that houses mostly administration and I think the
9 law school, and part of the business school. This
10 leaves the majority of the huge campus underserved.

11 Also, in Athens, polling places are being
12 moved that greatly impact low income and minority
13 voters, including the Cat Wood community in Athens.

14 Public transportation for these voters
15 will necessitate bus rides of one and a half hours
16 each way and changing of buses. If this change is
17 made, it will serve to suppress the vote in these
18 communities.

19 Now, in Carrollton and in Athens, these
20 have not been adopted yet, but became known by the
21 polling. There were objections. They will be
22 voted on, on Carrollton in January, Athens, I
23 believe, in January also.

24 I'm also -- I've got a proposed voting
25 map of Greene County, Georgia. It just so happens

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2 that's where I'm from and I was there this week.

3 Greene County is a county that is split
4 in two. You have Lake Oconee, which is very
5 wealthy, very white. You have the rest of the
6 county which is not very wealthy and white, and
7 African-American primarily.

8 I'm just going to give you this proposal
9 because this is outrageous. The City of
10 Greensboro, which is the county seat, has been
11 divided up into three, four, voting districts.

12 I will show you this. Here is one voting
13 district. It goes almost to Washington, Georgia,
14 which is on the Wilkes County line, goes all
15 around, it's on the west side of Greensboro, goes
16 all around the east side of Greensboro, all the way
17 up to the furthest point north to Oconee County,
18 and comes all the way down to the furthest point to
19 Putnam County.

20 So it will include the lake community.
21 The lake community is included in all of the three
22 out of the four districts for county commission.

23 They have -- there's a very popular, very
24 good commissioner who has been districted, a black
25 -- an African-American commissioner -- who has been

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2 districted out of his district.

3 So I will give you this.

4 COMMISSIONER BUTLER: All right.

5 SHARON BLACKWOOD: Thank you very much.

6 COMMISSIONER BUTLER: Thank you.

7 Mr. Rick Barron who is the Fulton County
8 Director of Elections. Thank you for attending.

9 RICHARD BARRON: I'm very happy to be
10 here listening to everyone. It has given me a
11 whole bunch of ideas for other topics.

12 But I am going to talk about ElectioNet
13 which is the state's voter registration system and
14 our experience with it.

15 I mean, imagine if you have a document --
16 you've worked out a document, you've printed --
17 written one, you print it out, and when you look at
18 the printout it's different than what you see on
19 your monitor. There are some errors here and there
20 on it and every time you go to fix one of those
21 errors, another one pops up.

22 That is the way -- I guess, the
23 experience that we had with ElectioNet for this
24 November election.

25 It's so important to have an accurate and

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2 well-designed voter registration system. We need
3 to have every voter in our county and actually
4 across the state to be able to vote and be
5 accurately represented in the system. They need to
6 be in the correct precincts.

7 And there was a lady here earlier that
8 was talking about a husband and wife that -- that
9 were -- one was in the correct precinct, one was in
10 the -- was told to vote in another precinct. That
11 is -- those were problems that we ran into as data
12 migrated from the old voter registration system to
13 this new one.

14 The state purchased ElectioNet to replace
15 Legacy which was the old one.

16 You know, given Fulton County's history
17 with elections we need to make sure that we have a
18 good system. And I want to advocate for the
19 counties in Georgia to be able to have their own
20 voter registration system do what other states do
21 where the state has an overall system but the
22 counties that want to can go offline, keep their
23 own data, keep their own servers and they aren't at
24 the mercy of the state servers, they aren't at the
25 mercy of being micro managed by the state.

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2 We were the last county to join
3 ElectionNet.

4 We had a backlog of 14,000 DDS
5 applications, which were those -- are the voters
6 that register to vote when they get their driver's
7 license.

8 We also had to deal with a long list of
9 exceptions. When the data migrated from Legacy,
10 the old system, to the new one it created all sorts
11 of problems in addresses, people's names, it would
12 put spaces in, dashes. So we had a lot of work to
13 do just from the data migration.

14 And once -- we had to then go ahead and
15 redistrict Atlanta, Milton, East Point and Sandy
16 Springs. And in all of those areas when we were
17 doing the redistricting, we would move a street
18 from one precinct to another, but the voters
19 wouldn't move. The street would move, the voters
20 would stay where they were.

21 So then we would have to go back in and
22 then move each voter individually. And sometimes
23 you're talking about hundreds of voters on a
24 street.

25 Some of these voters that were exception

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2 voters that had mistakes in their address or in
3 their -- you know, in their name maybe, an extra
4 space where the new system couldn't read it. We
5 would fix the street. And logically, you would
6 think once you fix the street the voter would move
7 with it. It didn't happen.

8 And I think one of the most concerning
9 aspects of this whole thing is that when you were
10 dealing at the street level, there's no audit
11 trail. So I have no way to go in and find out who
12 on my staff moved a street, when they moved a
13 street, because there isn't an audit trail at that
14 point. And that's just basic software design in my
15 mind.

16 We would have inaccurate reports. When
17 we would -- our Absentee Download Report File, the
18 apartment numbers would be listed with the voter.
19 But when you would go to send an absentee ballot by
20 mail, the apartment number would drop off or the
21 entire address would print on one line and run off
22 the envelope. So then we were having to copy and
23 paste all of the addresses to fix that.

24 Reports were untrustworthy. We were
25 unsure sometimes whether the reports that we would

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2 get out of ElectionNet were accurate.

3 Some of the positives -- there are some
4 positives with ElectionNet. It's easier to train
5 our staff in that system. Esthetically it looks
6 better.

7 Once a voter is assigned into a precinct
8 and we have it right, we can't override it, which
9 you could do in Legacy. And that is good. It's an
10 extra layer of security.

11 We can receive reports in PDF and Excel
12 instead of just a text file that we used to have to
13 manipulate.

14 And finally, we can update a voter record
15 to include a previous address, which is helpful for
16 searching.

17 But the negatives which I spoke about
18 earlier, the audit trail, we can't update a street
19 in that voter registration system in one day on the
20 same day. It's a three-day process. We have to
21 order reports overnight, so we can't look at the
22 work we've done on the same day.

23 The Poll Worker Module and the Petition
24 Module either have issues or they're
25 nonfunctioning.

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2 And I just think that in closing that
3 what we need to do in Georgia is follow some of the
4 models of many of the other states and allow the
5 counties to purchase their own voter registration
6 systems to protect the data and let us be the
7 stewards instead of being micro managed by the
8 state.

9 COMMISSIONER BUTLER: Thank you.

10 Before we go to our questions of this
11 panel, we have one person for the next panel that
12 needs to leave and we definitely want to get her
13 testimony before she leaves.

14 So I'm going to ask Fulton County
15 Commissioner Emma Darnell if she would come forward
16 and give her testimony and then we will come back
17 to questions for the rest of the panel, okay?

18 Up here.

19 COMMISSIONER DARNELL: Thank you very
20 much. I certainly don't want to hold up questions,
21 not for one minute.

22 And let me just say that we are extremely
23 pleased and honored and privileged to have the
24 National Commission on Voting Rights here.

25 AUDIENCE MEMBER: Right.

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2 COMMISSIONER DARNELL: It's always, of
3 course, a pleasure to be in the King Center.

4 We were blessed to be able to work on
5 this board for 25 years with Ms. Loretta Scott
6 King, who was extremely serious about freedom for
7 all people.

8 I have a written statement which I'm
9 going to leave with you. But I want to do a very
10 brief -- I think you said not longer than five
11 minutes. And a lot of folks don't believe me, but
12 I'm going to do it. It's going to be five minutes.

13 I'm deeply appreciative for the
14 opportunity to present facts that relate to a
15 historic and persistent record of discrimination
16 against minority voters in Fulton County because of
17 race.

18 The North Fulton Redistricting Plan, also
19 called the Fulton County Redistricting Plan, was
20 developed by a local delegation composed of
21 senators and representatives who reside outside
22 Fulton County in majority white districts.

23 That plan not only draws a line at
24 10th Street dividing Fulton County residents into
25 three majority white districts to the north, and

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2 unincorporated majority black North Fulton -- South
3 Fulton area voiced strong opposition but could not
4 vote because the legislation provided that only
5 residents of Sandy Springs, not the voters of the
6 entire county, were allowed to vote.

7 Another example. So-called Milton County
8 Movement proposed by several legislators from North
9 Fulton involves legislation to recreate a bankrupt
10 county, which would be majority white, and
11 encompass all of Fulton County north of the City of
12 Atlanta.

13 During the 2013 general session, which
14 created this redistricting plan, this group of
15 North Fulton legislators not only introduced and
16 adopted this redistricting plan without any input
17 from the Fulton County Board of Commissioners, more
18 than 15 local bills that adversely impacted the
19 operation of Fulton County were introduced and
20 adopted.

21 The state of minority voting rights in
22 Fulton County can be expressed best in the words of
23 William Faulkner, and I quote, The past is not
24 dead, it's not even past.

25 (APPLAUSE.)

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2 three majority black districts in the south, it
3 also creates a super black district in the south
4 that is 20 miles long and runs from Palmetto,
5 Georgia, to southwest Atlanta. Three minority
6 incumbents reside in the super black district.

7 A redistricting plan adopted by the Board
8 of Commissioners and submitted to the delegation in
9 2011 before the state redistricting plan changed
10 the delegation from majority black to majority
11 white was never considered by the General Assembly.

12 However, it must be emphasized that the
13 North Fulton plan, otherwise known as Fulton County
14 Redistricting Plan, cannot be understood without
15 placing it in the larger context of the concerted
16 efforts to take away the voting strength of
17 minorities in Fulton County for over 50 years.

18 Minority representation on the board of
19 commissioners in Fulton County was won by
20 litigation. Except for the intervention of the
21 federal courts, we would have never been on the
22 Board of Commissioners.

23 When Sandy Springs, the first of a series
24 of unincorporated areas in the majority white north
25 was incorporated in 2005, residents of the

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2 COMMISSIONER DARNELL: Thank you very
3 much.

4 COMMISSIONER BUTLER: Thank you.

5 COMMISSIONER DARNELL: I do have a longer
6 statement to fill in --

7 COMMISSIONER BUTLER: All right.

8 COMMISSIONER DARNELL: -- some of these
9 examples.

10 Thank you so much.

11 COMMISSIONER BUTLER: I'm going to ask
12 the panel if they have a question of Commissioner
13 Darnell before she leaves and then we'll go back to
14 the questioning of the rest of the panel.

15 Anyone have a question of Commissioner
16 Darnell?

17 COMMISSIONER McDONALD: Well, is there
18 any plan to challenge the plan, the Fulton County
19 plan in federal court?

20 COMMISSIONER DARNELL: How many times do
21 we have to challenge? We did send the plan to the
22 Justice Department immediately after the governor
23 signed it in May.

24 While the plan was at the Justice
25 Department, of course, the Shelby County decision

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 2 was signed by our chief justice, instructed us that
 3 conditions had changed here in the south.
 4 But in any case, as we know, once that
 5 Shelby County decision was made by the U.S. Supreme
 6 Court, the U.S. Justice Department could not move
 7 at all in terms of Section 5 preclearance.
 8 The Supreme Court stated in that decision
 9 that it would be necessary for the Congress of the
 10 United States to redefine the coverage formula.
 11 To my knowledge and based on information
 12 I have received from our county attorney, nothing
 13 has been done in Washington, nothing. Not one
 14 piece of legislation has been introduced by
 15 anybody, including our own representatives, to deal
 16 with redefining the coverage formula.
 17 Unless the coverage formula is redefined,
 18 of course, then voter preclearance formula was
 19 held, was not attacked, the Justice Department
 20 can't move.
 21 What we're looking at now in Section 2 of
 22 the act which allows either the attorney general or
 23 the voters to bring an action in federal court
 24 under Section 2.
 25 But it's extremely hard for hard working

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 2 people to develop the kinds of funds that are
 3 needed in order to go into federal court and prove
 4 discriminatory intent. I feel the courts --
 5 (APPLAUSE.)
 6 COMMISSIONER DARNELL: I feel the courts,
 7 you almost have to -- well, I won't say that.
 8 But discriminatory intent, our lawyers
 9 tell us, is extremely hard and expensive. You
 10 know, that's why we lack Section 5.
 11 But I will say this, that I am extremely
 12 frustrated that the Shelby County decision was made
 13 in June and not one piece of legislation has been
 14 introduced into Congress.
 15 And people kept saying, Well, what about
 16 the government shutdown? Congress people were
 17 taking care of their business during the shutdown.
 18 And when you have the largest county in the state
 19 where minority voters have been disenfranchised, we
 20 expect something to happen during the shutdown.
 21 (APPLAUSE.)
 22 COMMISSIONER DARNELL: I won't let my
 23 next answer be that long, I promise you.
 24 COMMISSIONER BUTLER: You said none of
 25 the citizens had input into the redistricting plan?

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 2 COMMISSIONER DARNELL: The Board of
 3 Commissioners of Fulton County was notified by our
 4 local delegation at the General Assembly early in
 5 2011. Senator Horace Tate was the chair. This is
 6 2011 now, before the redistricting of the state
 7 house.
 8 We were notified that the delegation
 9 would review our recommendations with respect to
 10 redistricting. We worked very, very hard, brought
 11 in outside counsel, developed a redistricting plan,
 12 which met the requirements of the equal protection
 13 law as well as Section 5 of the -- of the Voting
 14 Rights Act.
 15 We submitted that plan to our delegation,
 16 the General Assembly did nothing. It just sat
 17 there.
 18 They were waiting obviously for the
 19 redistricting of the legislation. Because by 2012,
 20 the composition of the delegation had changed from
 21 majority black to majority white.
 22 And the way it changed was they drew the
 23 lines so that persons could be members of the
 24 Fulton County delegation who didn't even live in
 25 Fulton County. And so by that time, of course,

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 2 they were ready to deal with redistricting.
 3 And what they did was certain North
 4 Fulton legislators, without notifying Democratic
 5 legislators, members of the delegation, black --
 6 majority black -- this is not a party issue. I
 7 realize a lot of redistricting has to do with
 8 party, but not this.
 9 You know, majority black members of the
 10 Senate delegation, majority black members of the
 11 House delegation to the Georgia General Assembly
 12 didn't even know when they were meeting.
 13 And certainly the Board of Commissioners
 14 did not have an opportunity to have input which
 15 happens in other states. You have an opportunity
 16 to have input. We did not.
 17 So this redistricting plan was conceived
 18 by certain North Fulton legislators, who have a
 19 history, this is nothing new, who have a history of
 20 attacking the minority voting strip of residents of
 21 Fulton County.
 22 So that's what happened.
 23 We did not have an opportunity to input
 24 and our lawyers indicated that that was somewhat
 25 serious. We knew they had the final decision, but

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 2 we thought they would at least look at our plan and
 3 let's talk about it. But they did not.
 4 We consider -- these 15 bills, including
 5 redistricting that they adopted in the 2013
 6 legislature, which includes, by the way, a bill
 7 that tells us who can be classified and who can be
 8 unclassified among the employees. It tells us who
 9 can be chairman of the elections board. It takes
 10 away from us the authority to appoint members to
 11 the board. That one got stalled a little bit, but
 12 it's coming up again.
 13 It's unbelievable the kind of legislation
 14 that was adopted by the 2013 Georgia General
 15 Assembly, signed by the governor, and the impact it
 16 has on a Board of Commissioners that is majority
 17 black.
 18 COMMISSIONER JOHNSON: What you describe
 19 is nothing less than the hollowing out of Fulton
 20 County. I know you're sounding the alarm through
 21 your testimony, but for the record, you have been a
 22 star worker on these issues.
 23 Can you forecast what this will mean in
 24 the everyday lives of citizens of Fulton County,
 25 particularly on the southern end?

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 2 COMMISSIONER DARNELL: Thank you for the
 3 question.
 4 What it means is that the steps that have
 5 been taken by this Commission to open up the
 6 government to establish a policy of inclusion
 7 rather than exclusion to -- in the allocation of
 8 resources, you know, in the allocation of
 9 resources, consider the assistance to senior
 10 adults, to low income families, to folks with
 11 developmental disabilities, human health,
 12 environmental health that have high priorities.
 13 The way we spend the money, I believe,
 14 incidentally, are motivations.
 15 We have heard over and over again you
 16 don't have but one responsibility and that's the
 17 courts and corrections and libraries, anything else
 18 that you do is extra.
 19 We've had North Fulton legislators to
 20 publicly state that providing services to senior
 21 citizens was not a mandated service, it was
 22 discretionary.
 23 So I think, you know, the impact upon
 24 people, frankly, is where I'm a little passionate.
 25 It's the impact upon people.

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 2 I believe, however, that it is
 3 appropriate where legislators disagree with our
 4 priorities, meet us at the polls. Don't go to the
 5 back room for goodness sake.
 6 (APPLAUSE.)
 7 COMMISSIONER DARNELL: Put somebody out
 8 there at the polls that expresses your view and let
 9 the people decide.
 10 AUDIENCE MEMBER: That's right.
 11 COMMISSIONER DARNELL: But, of course,
 12 you know, as you all know, being familiar with this
 13 whole area, that's not what happens with folks who
 14 decide the best way to get my policy enacted is to
 15 change the voting rules.
 16 COMMISSIONER BUTLER: Okay.
 17 COMMISSIONER DARNELL: We don't have poll
 18 taxes and we don't have literacy tests out here,
 19 but I want you to know voter ID and redistricting,
 20 they're doing just as good a job. Just as good a
 21 job.
 22 AUDIENCE MEMBERS: That's right.
 23 (APPLAUSE.)
 24 COMMISSIONER BUTLER: Thank you.
 25 Any more questions?

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 2 COMMISSIONER DARNELL: I just had a
 3 member of my staff to check the numbers on the
 4 recent Mayor race here in Atlanta. We didn't have
 5 20 percent of the registered votes. We didn't have
 6 20 percent.
 7 Now, we can't look at the voting
 8 registration rules and explain that. I think
 9 you're beginning to see cynicism, disappointment,
 10 frustration, desperation.
 11 AUDIENCE MEMBERS: That's right.
 12 COMMISSIONER DARNELL: Withdrawal from
 13 the process.
 14 AUDIENCE MEMBERS: Yes. Yes.
 15 EMMA DARNELL: And all of us know, of
 16 course, that we withdraw from this process at our
 17 peril.
 18 AUDIENCE MEMBER: Amen.
 19 COMMISSIONER BUTLER: All right. Thank
 20 you very much.
 21 We'll go back to the rest of the panel.
 22 COMMISSIONER DARNELL: Thank you all very
 23 much.
 24 (APPLAUSE.)
 25 COMMISSIONER BUTLER: We're going to go

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 2 back -- if you'll leave your written testimony,
 3 that would be fine.
 4 Panel, do you have questions of the
 5 previous panel with Helen Ho from the Asian
 6 community, and Cheri Mitchell from the disabilities
 7 community, Sharon Blackwood from League of Women
 8 Voters, and Mr. Barron.
 9 I do have some questions myself for
 10 Mr. Barron.
 11 Any of you have questions to any of them?
 12 COMMISSIONER McDONALD: Well, I had one
 13 question for Mr. Barron.
 14 Are you confident that the problems with
 15 ElectionNet will be corrected?
 16 RICHARD BARRON: I'm not sure when. I
 17 mean, it will happen.
 18 I can use an example of the state of
 19 Texas, where I worked prior to coming here, spent
 20 \$13.9 million on their voter registration system.
 21 They ended up putting another \$5 million into it
 22 because things weren't working. And now they've
 23 gone out to bid again, because their voter
 24 registration state-wide system still doesn't work
 25 the way they want it.

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 2 are experiencing this problem, do you know?
 3 RICHARD BARRON: As far as I'm aware, all
 4 of the counties. I mean, I spoke with somebody
 5 from Banks County, which I guess is the smallest
 6 county, and she said she was having issues and she
 7 only had 9,000 registered voters, so she couldn't
 8 imagine what we were going through.
 9 COMMISSIONER BUTLER: Okay. You said you
 10 had a backlog of 14,000 DDS applications. What is
 11 the process for handling DDS applications?
 12 RICHARD BARRON: Those come in on a daily
 13 basis. That was a -- something that my department
 14 -- that was completely on us.
 15 I mean, when I came into my job in June,
 16 those were all there. They had not -- the staff
 17 hadn't been entering them for months.
 18 COMMISSIONER BUTLER: And you said your
 19 staff was trained. Who is training? How many of
 20 you got trained and who did the training on this
 21 new system?
 22 RICHARD BARRON: The state has done the
 23 training and the voter registration staff has been
 24 trained on the system.
 25 COMMISSIONER BUTLER: And how many people

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 2 And Georgia only spent \$2.6 million on
 3 theirs.
 4 There are a lot of -- I think the basic
 5 architecture has a lot of problems and we can't get
 6 a good explanation as to, you know, why things
 7 happen the way they happen. I think they -- when
 8 they fix a problem, they do it and they aren't sure
 9 whether it's systemic.
 10 So I think eventually -- I mean, it's
 11 getting better, you know, by the day and they're
 12 working to make it better.
 13 But I saw a lot of improvement when they
 14 brought somebody in from Kennesaw State about six
 15 weeks before the election, but now he's -- that
 16 gentleman is back in Kennesaw. So we'll see how it
 17 goes.
 18 We have to go back into redistricting to
 19 do the Commissioner precincts. So, you know, I'm
 20 hoping that we don't end up -- we don't have a lot
 21 of time to get that done before qualifying in March
 22 the primaries.
 23 COMMISSIONER BUTLER: I have a question.
 24 Mr. Barron, there were 159 counties in
 25 Georgia that are on the system. How many counties

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 2 is there?
 3 RICHARD BARRON: Well, we have, I think,
 4 like six full-time people over there. But I think
 5 about eight or nine have been trained. There's
 6 been a few on the election side that have gone over
 7 for some training.
 8 COMMISSIONER BUTLER: Do you not see any
 9 value in having a uniform state-wide voter
 10 registration system?
 11 RICHARD BARRON: Yes. And I know that
 12 the state-wide system is a good idea, but I think
 13 what these other states do is they allow the
 14 counties to go what is called off line, they have
 15 their own system, and then they upload them to the
 16 state on a daily basis.
 17 And the vendor -- the counties have
 18 direct contact with their own vendor. And then the
 19 vendor deals with the state and the technology
 20 because right now we can't contact the vendor. The
 21 state is the middleman and the counties aren't
 22 allowed to talk to the vendor.
 23 COMMISSIONER BUTLER: And who is this
 24 vendor?
 25 RICHARD BARRON: PCC.

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 2 COMMISSIONER BUTLER: And what does PCC
 3 stand for?
 4 RICHARD BARRON: I'm not sure.
 5 COMMISSIONER BUTLER: Anyone else have
 6 any questions?
 7 COMMISSIONER MOORE: For Ms. Ho. I
 8 really appreciate your testimony.
 9 I just had a question about, are you
 10 solely or primarily doing outreach to newly
 11 naturalized citizens or do you have a broader
 12 constituency?
 13 HELEN KIM HO: Yeah, we'll register
 14 anyone everywhere. Last year it just happened that
 15 as part of our voter engagement strategies we
 16 thought why not go to the naturalization
 17 ceremonies.
 18 And when we look back at the end of the
 19 year, I'd say about 40 percent of those we
 20 registered were Asian American or Pacific
 21 Islanders. 60 percent were not Asian. Of course,
 22 we were registering everyone.
 23 But for significant -- I'd say for a --
 24 it's hard to say, quite frankly. Clearly, the
 25 naturalized citizens were first-time voters. But

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 2 And I think because we kept track of
 3 everyone, it was awfully hard to say it was kind of
 4 this one off exception. So, you know, I hope so.
 5 You know, when I echo some of the things
 6 that other people said, I know that there's kind
 7 of, like, is it a racial discrimination issue or is
 8 it a processing issue? I think it's both. I
 9 really do think it's both.
 10 So there's kind of an intersection with
 11 the way the system is working or not working. And
 12 like I say, and a deprioritization of new voters
 13 which are often voters of color.
 14 COMMISSIONER MOORE: Thank you.
 15 COMMISSIONER JOHNSON: Just a few
 16 follow-up questions for the Director of Elections,
 17 Fulton County.
 18 You stated that there was a backlog of
 19 14,000 DDS applications. How many remain today, do
 20 you know?
 21 RICHARD BARRON: Zero. Yeah, we took
 22 care of that in August. That was just one of the
 23 -- when we went online in July, that was one of the
 24 challenges that we had. We had to clear all of
 25 those. So we were able to get that done in

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 2 even those in Gwinnett County, that was our focus,
 3 where we registered voters, many of them,
 4 especially the Asian Americans were also first-time
 5 voters.
 6 COMMISSIONER MOORE: So some of the
 7 problems that you identified were fairly stunning.
 8 Do you have any confidence that any of your
 9 strategies have succeeded in changing that
 10 situation for the next group of people that are
 11 newly voting?
 12 HELEN KIM HO: Well, I mean, it started a
 13 more about -- you know, more groups that we work
 14 with to also want to do voter registration
 15 naturalization ceremonies. It sparked a renewed
 16 conversation about what we can do at the state
 17 policy level.
 18 I think what our work did, at least my
 19 knowledge of the past, was our groups would get,
 20 you know, one individual story and we'd lift it up
 21 to the press and look at this.
 22 But it's really easy when you just --
 23 when you don't quantify and keep all the data for,
 24 you know, elections people to say, well, that was
 25 just one situation.

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 2 probably less than two weeks.
 3 COMMISSIONER JOHNSON: Is that typical or
 4 do you have to isolate the causation of the
 5 backlog?
 6 RICHARD BARRON: The backlog was caused
 7 -- I probably shouldn't -- the backlog was caused
 8 by some things going on in the office at the time,
 9 so...
 10 COMMISSIONER JOHNSON: Like what?
 11 RICHARD BARRON: Probably some things
 12 that I shouldn't talk about publicly.
 13 COMMISSIONER JOHNSON: Well, they weren't
 14 systemic?
 15 RICHARD BARRON: No, no, no. This was
 16 just those applications were coming in and they
 17 were being held to be processed at a later time and
 18 they should have been processed in a matter of
 19 days.
 20 COMMISSIONER JOHNSON: How many folks do
 21 you have working in your office?
 22 RICHARD BARRON: My regular staff
 23 including me, 19.
 24 COMMISSIONER JOHNSON: Do you know how
 25 many people work in the tag office of Fulton

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 2 County?
 3 RICHARD BARRON: The tag.
 4 COMMISSIONER JOHNSON: Processing tags,
 5 automobile tags for Fulton County?
 6 RICHARD BARRON: No.
 7 COMMISSIONER JOHNSON: Thank you.
 8 COMMISSIONER BUTLER: Any other
 9 questions?
 10 COMMISSIONER MOORE: I just have one
 11 more.
 12 COMMISSIONER BUTLER: I do, too.
 13 COMMISSIONER MOORE: Cheri, you made a
 14 very strong case for voter education and outreach.
 15 And I wondered if -- you were specifically talking
 16 about people with disabilities.
 17 Do you have any other recommendations
 18 that you think -- one or two recommendations that
 19 would really make a difference with people with
 20 disabilities across Georgia?
 21 CHERI MITCHELL: Well, I think, again,
 22 it's about knowing your rights, knowing who to go
 23 to when they're violate -- when you feel like
 24 they've been violated or you think there's a
 25 possibility.

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 2 doing this same type of consolidation that you are
 3 talking about in Greene County that specifically
 4 gerrymanders, consolidates precincts, and make it
 5 inconvenient for voters to get to their polling
 6 locations?
 7 SHARON BLACKWOOD: This was a fairly new
 8 topic for me so these were the only two counties
 9 that I looked at. Greene County, I took that over
 10 from another person who was going to be here to
 11 speak and he wasn't here specifically to Greene
 12 County.
 13 And since I'm from Greene County and I
 14 was there this week, I just decided I would do some
 15 research on that and report on that. So I am not
 16 familiar with any other.
 17 COMMISSIONER BUTLER: Okay. I believe
 18 there are some other consolidations going on
 19 throughout the state.
 20 Mr. Barron, a lot of the problems that
 21 were enumerated earlier from some of the testimony
 22 had to do with poll workers not knowing what to do
 23 and how to handle, especially with regards to
 24 provisional ballots, absentee voting, that kind of
 25 thing.

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 2 Which, you know, I want everybody to know
 3 that's our job at the Georgia Advocacy Office. You
 4 have a problem, call us. You know, that's what we
 5 do for people with disabilities. We are the HAVA
 6 recipient.
 7 And I think education is the key here.
 8 And I'm very concerned, and I didn't get
 9 the chance to talk about people in institutional
 10 settings like nursing homes. Like this gentleman
 11 talked about his grandfather not having an ID and
 12 he's in a nursing facility. He's 98 years old,
 13 yes, but he still has the right to vote, and he
 14 should be able to.
 15 And, you know, anything that impedes
 16 that --
 17 (APPLAUSE.)
 18 CHERI MITCHELL: -- needs to be dealt
 19 with. And if he has a problem with that, call us.
 20 COMMISSIONER BUTLER: I have one last
 21 question for -- and I know Sharon talked about
 22 consolidation, which is going on throughout the
 23 state in the precincts. Then I have a final
 24 question for Rick, I have to ask you this.
 25 Do you know of other counties that are

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 2 What kind of training standards do you
 3 have for your personnel and when do you do that
 4 work, when do you start your training process, and
 5 is it sufficient enough time to get them adequately
 6 trained?
 7 RICHARD BARRON: One thing that we need
 8 to do with regard to training, we have so many
 9 people that we have to train, we're going to have
 10 to, for these larger elections, rent a big facility
 11 and do it all in a few days closer to the election.
 12 Because we have so many that right now
 13 the way it is set up, we start training poll
 14 workers six weeks out, and we also have an online
 15 training component that is supplemental to that
 16 training.
 17 But when you're training somebody that
 18 many weeks out and then you have to rely on them to
 19 do the online training component and read through
 20 their manual over that time, you know -- and you
 21 have poll workers that will work, you know, once or
 22 maybe three times a year, they, you know, will
 23 sometimes forget all the procedures.
 24 Being a poll worker is really a difficult
 25 thing to do. There are so many -- so many things

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 2 that they have to know for that one day. And when
 3 they have voters all of a sudden coming in and
 4 they're facing the voters and voters are demanding
 5 things, I think, you know, it's easy for them to
 6 get overwhelmed and stressed out.

7 So what we have to do -- I mean, the one
 8 thing that I changed when I came in was that the
 9 online training component was the primary training.
 10 And so, like, we made the face-to-face training,
 11 more hands-on training, the priority at the time.
 12 And as we go forward, I want to compress the
 13 training and, you know, look at various aspects of
 14 it.

15 We did a lot of emphasis on provisional
 16 ballots this time. But, you know, we're always
 17 going to -- one thing that I learned in --
 18 Georgia's provisional ballot process is a little
 19 different than I'm used to as well.

20 And so it almost encourages people that
 21 are out of their precinct to vote the provisional
 22 ballot rather than going to their precinct, because
 23 races that are in common with another precinct
 24 still get counted.

25 Where in other states on the provisional,

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 2 Because you -- we have to get poll
 3 workers -- we have to get people in, you know, that
 4 are willing to take -- either take some time off of
 5 work to go to training and work that day. Or, you
 6 know, we need people that aren't working to step
 7 up.

8 So basically, you know, we meet the
 9 standards, they just have to be a registered voter
 10 and they have to pass a test at the end of the
 11 class.

12 COMMISSIONER BUTLER: Do you actively
 13 recruit? Since a lot of this is using technology,
 14 do you actively recruit in college campuses and
 15 other locations?

16 RICHARD BARRON: We have tried the
 17 college campuses. And in my experience in Texas,
 18 we actually had better luck with the high school
 19 students because we could recruit from 16 years old
 20 and up, and the high school kids were much more
 21 enthusiastic and actually showed up, whereas -- so
 22 we had a really hard time getting college students
 23 to work the polls all day compared to the high
 24 school students.

25 COMMISSIONER BUTLER: Okay. For the sake

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 2 you know, if you aren't in your precinct on
 3 election day, your ballot doesn't count.

4 So the provisional ballot -- if you're
 5 provisional ballot especially in -- you know, we
 6 tell our poll workers not to turn anyone away.

7 You know, once they're out in the field,
 8 you know, when you have 300 polling locations, it's
 9 a little hard to monitor what everyone's doing on
 10 that day. But we try to emphasize provisional
 11 ballots and we definitely can improve in that area.

12 COMMISSIONER BUTLER: Well, it's more
 13 than just the provisional ballot being processed.
 14 I was just trying to get at your standards for
 15 training.

16 How do you recruit the people that are
 17 working in your polling locations and where do you
 18 recruit them from?

19 RICHARD BARRON: They apply right on the
 20 -- they fill out applications. We get the general
 21 public in.

22 So, basically -- you know, what I've
 23 always said is that our -- the elections sometimes
 24 can only be as good as the public that's willing to
 25 step forward and volunteer.

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 2 of time, I'm not going to ask any more questions.
 3 We're not taking questions from the floor. We have
 4 to go to the next panel.

5 Thank you all very much for your time.
 6 You all were great. Let's give them a big round of
 7 applause.

8 (APPLAUSE.)

9 COMMISSIONER BUTLER: We have another
 10 panel that we're going to call after -- I'm going
 11 to have an open mic session, another open mic
 12 session now, and then we'll have our final panel.

13 I don't have any cards for the open mic,
 14 so if you'll bring those up.

15 While we're getting ready for the open
 16 mic, I'm going to call up the next panel to sit
 17 here so we'll be ready for them.

18 Melinda Sheldon, who is Deputy Director
 19 of Georgia Equality will be talking about voter ID
 20 challenges for transgendered and gender variant
 21 voters.

22 Sarita McCoy Gregory from Kennesaw State
 23 University with voter ID as Section 5 trigger and
 24 student voting.

25 Ronnie Mosley, Morehouse -- a former

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 2 Morehouse student, is now with a transit program,
 3 talking about the 2012 election problems for AUC
 4 students.
 5 Reverend Albert E. Love, President and
 6 CEO of the Voter Empowerment Collaborative.
 7 So we're going to ask them to come up to
 8 the stage and get ready.
 9 We said we would have open mic -- okay,
 10 we're going to go ahead with the panel before we go
 11 to the open mic.
 12 So at this time we're going to hear from
 13 Melinda.
 14 MELINDA SHELDON: Thank you for having
 15 me.
 16 I work for --
 17 COMMISSIONER BUTLER: Excuse me, just a
 18 minute. And the timekeeper is here. Please be
 19 mindful.
 20 MELINDA SHELDON: I've worked for Georgia
 21 Equality for the past nine years. We advocate on
 22 behalf of gay transgendered Georgians.
 23 First, I'd like to recognize that today
 24 is transgender day and in an effort to observe
 25 transgendered people around the globe who have been

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 2 provisional ballot until that eligibility is
 3 confirmed.
 4 And that could be the best case scenario
 5 for them.
 6 But just being challenged can have an
 7 emotional impact on any voter. When presenting ID,
 8 41 percent of transgender voters reported being
 9 harassed. 15 percent report being asked to leave
 10 the polling place. And 3 percent of transgender
 11 voters report actually being assaulted at a polling
 12 place. And this is a report by the Williams
 13 Institute.
 14 So imagine the embarrassment that a
 15 transgender person may feel when their ID and
 16 gender is challenged in front of their neighbors
 17 and their friends at a polling place. It probably
 18 makes them hesitant to go back and vote on the next
 19 election day.
 20 So all of these barriers ultimately lead
 21 to voter suppression and disenfranchisement of
 22 transgender citizens.
 23 Some potential solutions to these issues.
 24 Of course, less strict photo ID laws.
 25 One of the things that we're working on

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 2 murdered or committed suicide.
 3 So I'm here to present this information
 4 today on behalf of transgendered Georgians and
 5 nonconforming Georgians.
 6 Voting ID laws in Georgia present a
 7 unique obstacles for transgendered people.
 8 To be transgender, if you're not clear on
 9 that, is it means that the sex that someone was
 10 assigned at birth and their own internal gender
 11 identity do not match.
 12 So on election day the person who is
 13 presenting the required photo ID to the poll worker
 14 may present as a different gender than what is
 15 reflected on their picture ID. This creates,
 16 obviously, certain barriers at the polls.
 17 For many transgendered people, acquiring
 18 a photo ID that reflects their preferred name and
 19 gender identity can be difficult or even
 20 impossible.
 21 In Georgia, 39 percent of transgender
 22 voting eligible population have no photo ID that
 23 accurately reflects their gender identity.
 24 A transgender voter may be challenged by
 25 a poll worker and required to fill out a

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 2 at Georgia Equality is having more transgender --
 3 or identifying more transgender folks who will work
 4 at polling places in key locations around the
 5 state.
 6 Most importantly, I think is there needs
 7 to be training of poll workers regarding
 8 transgender voters and how to handle that. There
 9 are models that exist around this issue in other
 10 states. But there needs to be -- this training
 11 needs to be part of the required training that all
 12 poll workers in the state of Georgia receive.
 13 When we get a report of discrimination
 14 based on a person's ID and their gender at a
 15 polling place, it's difficult to identify recourse
 16 for that person because there is a lack of clear
 17 guidelines on how to handle this issue at the
 18 polling place.
 19 And there's more information on this
 20 issue at the National Center for Transgender Rights
 21 website.
 22 That's all I have tonight, but I
 23 appreciate you very much taking the time to allow
 24 me to bring this to your attention. I think it's
 25 very important for our community.

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 2 COMMISSIONER BUTLER: Thank you.
 3 Sarita McCoy Gregory, Kennesaw State
 4 University.
 5 SARITA McCOY GREGORY: Yes. Hi. Thank
 6 you so much for the invitation to come and give
 7 testimony.
 8 I would like to inform the discussion by
 9 providing a brief summary of what is known from the
 10 academic research on the impact of voter ID laws on
 11 college students and young voters.
 12 I am an assistant professor of political
 13 science at Kennesaw State University, a large state
 14 university in Georgia.
 15 I have founded and administered two
 16 college poll worker programs. One in Dutchess
 17 County, New York, and the other in Cobb County,
 18 Georgia, which brought over 500 college students
 19 into the election administration process by serving
 20 as poll workers on election day.
 21 The Dutchess County poll worker project
 22 that I founded was funded by two grants received
 23 from the U.S. Election Assistance Commission.
 24 I hope to share testimony that will
 25 contribute to a productive and sustained

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 2 training.
 3 My personal experience with residency
 4 actually occurred in 2010. I lived on a college
 5 campus as a faculty fellow at Vassar College, a
 6 highly selected liberal arts college in New York.
 7 I personally witnessed about 20 Vassar students who
 8 experienced intimidation and harassment by one poll
 9 watcher who was inside the polling location.
 10 This poll watcher who we learned was not
 11 from Dutchess County, waited for a student to enter
 12 and then demanded to ask -- or to know their
 13 address. When the student responded 123 Raymond
 14 Avenue, the mailing address for Vassar, the poll
 15 watcher would then challenge their residency and
 16 force them to vote by provisional ballot.
 17 The only reason that I was actually
 18 allowed to vote by machine was because I did not
 19 respond to the poll watcher. I knew the law
 20 regarding residency, I knew my rights. I simply
 21 made eye contact with the poll worker and pointed
 22 to my name and my signature that were located in
 23 the poll book. I was allowed to vote.
 24 But across Dutchess County more than 80
 25 students from Bard and Vassar College were actually

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 2 conversation about how best to move forward after
 3 Shelby County.
 4 My testimony is divided into three brief
 5 sections which, one, identified college students as
 6 a vulnerable population; two, identified which
 7 states have the most exacting and restrictive
 8 requirements for college students; and three,
 9 anticipate the impact that current voting ID laws
 10 have on student voter participation in 2014 and
 11 2016.
 12 Academic scholars have found that those
 13 populations most affected by voter ID requirements,
 14 either strict or non-strict, are racial and ethnic
 15 groups, senior citizens, the disabled, women,
 16 people living with low incomes, and high school and
 17 college students.
 18 According to the Fair Elections Legal
 19 Network, the main barriers to student registration
 20 and voting are residency laws, voter ID
 21 requirements, public versus private, registering by
 22 mail, myths and misinformation which come from
 23 schools, election officials and sometimes parents,
 24 inconvenient polling places, a lack of resources
 25 with too few voting machines and poll worker

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 2 collectively prevented from voting because their
 3 challenge -- because of the challenge to their
 4 residency and because of being uninformed about
 5 their legal rights.
 6 Several states which have had more
 7 relaxed requirements in terms of allowing college
 8 ID to count as ID have now proposed stricter
 9 standards that only allow students to -- only allow
 10 students attending state or public schools to use
 11 their IDs. Those attending private schools are now
 12 not allowed to show their ID as valid
 13 identification.
 14 Among the states who have already -- who
 15 already have strict requirements, and those who are
 16 moving to pass more restrictive laws, North
 17 Carolina has one of the most restrictive statutes
 18 that would disallow all college IDs as valid
 19 identification.
 20 Texas allows concealed handgun license to
 21 serve as a valid ID but does not allow college IDs
 22 to count.
 23 Ohio requires students to declare their
 24 intent to permanently reside in the state and only
 25 allows state-issued IDs with names, addresses, and

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2 signatures printed on the ID card. No student IDs
3 are allowed in Ohio.

4 Maine has a similar requirement. If a
5 student decides to register to vote, they have 30
6 days to obtain a Maine driver's license and to
7 register their vehicle in the state.

8 Washington, D.C. does not allow student
9 IDs, but students can show non-photo IDs, such as
10 housing assignments or tuition bills along with a
11 federally-issued ID.

12 Alaska and South Carolina allow students
13 to show non-photo voter registration cards, but
14 student IDs are not accepted.

15 In Georgia, Indiana, Tennessee and
16 Wyoming, only those students attending public state
17 institutions, like Kennesaw State, can use their
18 ID. Those attending private schools in the state
19 must use another form.

20 I will skip over.

21 There are several recommendations that I
22 would offer to encourage greater participation by
23 college students in the Democratic process of
24 voting.

25 One, we should know that young people do

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2 vote. According to a report from Tufts University,
3 persons aged 18 to 29 voted at a rate of 40 percent
4 in 2000, 49 percent in 2004, 51 percent in 2008 and
5 45 percent in 2012.

6 The number of young voters in general and
7 in college -- the college-age voters in particular
8 is rising. And the impact of voter ID laws in
9 several states will certainly diminish those voting
10 rates in 2014 and 2016.

11 We should replace bad information with
12 good information. Colleges and universities must
13 provide clear instructions to students about their
14 voting rights. And I argue that this should be
15 begin in freshman orientation.

16 Most students would like to vote where
17 they live, they should be informed about
18 registration requirements and how to advocate for
19 themselves should they be challenged in their
20 election location.

21 Secondly, I think it should be made
22 easier for students to vote. Election officials
23 can locate polling stations on college and
24 university campuses. Not only will this increase
25 access and opportunity for students to vote where

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2 they live, but it can also foster better town-gown
3 relations and encourage community members to fall
4 on college and university campuses.

5 COMMISSIONER BUTLER: Okay.

6 SARITA McCOY GREGORY: And then, finally,
7 I would like to say that I have seen college
8 students get involved, and I would say that
9 bringing students into the process early and
10 frequently is the best way to ensure that they stay
11 engaged for a lifetime.

12 Not only should poll workers receive
13 training that broadens their sensitivity to younger
14 voters and people living with disabilities or
15 people of color, but I also argue that the idea of
16 training college students to become poll workers
17 can help to facilitate smoother relations, they are
18 fluent in technology and the newer demands of
19 electronic voting machines, and they also can help
20 to break down stereotypes about college students
21 being apathetic or detached from politics.

22 Thank you.

23 (APPLAUSE.)

24 COMMISSIONER BUTLER: And now to one of
25 those students that actually participated in the

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2 election process, Ronnie Mosley.

3 RONNIE MOSLEY: Thank you all.

4 I'm here today and I just want to share
5 with you a bit about my experience.

6 In 2008, I could not vote in the
7 Presidential election because I was not of age.
8 Never did I expect to have any complications in
9 2012.

10 I arrived at the polling precinct on
11 Morehouse College Campus at 9 a.m., November 6th,
12 2012. And after waiting in a long line, I
13 presented my identification credentials and
14 completed forms only to be told I was not in the
15 system on the elector's list.

16 I knew this was not true because I had
17 checked my registration status day after day using
18 the Georgia Secretary of State's My Voter Page.

19 The poll manager, Ms. Robinson, advised
20 me to give a call to the Fulton County Government,
21 and after calling in three times, I finally got to
22 speak to a representative who told me to vote by a
23 provisional ballot.

24 Georgia's Secretary of State's website
25 states this about provisional ballots. If the

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 2 elector is a first-time registrant by mail who did
 3 not provide one of the acceptable forms of ID at
 4 the time of registration, this voter must show
 5 proper identification. If the elector is unable to
 6 show identification at the time of voting, they may
 7 vote by a provisional ballot, which will be counted
 8 only if the voter presents identification within
 9 the 2-day period following the election.
 10 I presented acceptable proof --
 11 acceptable identification and my information was in
 12 the Secretary of State's system, yet, my polling
 13 place still would not allow me to cast a vote.
 14 This seemed to be a recurring issue. At
 15 approximately 1 p.m., the polling precinct at
 16 Morehouse College had ran out of provisional
 17 ballots because so many students had been forced to
 18 cast provisional ballots. This lasted until 3 p.m.
 19 We were being denied our right to vote.
 20 I spoke with Erica Davis, the
 21 Communication Director of Fulton County Government,
 22 and she said herself she didn't know why I wasn't
 23 in the system and could not promise me that I would
 24 be in before polls close. Again, advising me to
 25 vote by a provisional ballot.

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 2 As a first-time presidential voter, I
 3 refused to accept anything less than a full vote
 4 when all should have been in order. I wanted my
 5 vote to count now, not later, for it was my voice.
 6 Unfortunately, I was not able to vote by
 7 regular method and at approximately 4:30 p.m. I
 8 voted by provisional ballot.
 9 By the end of that day, over 11,000
 10 Fulton County residents voted by provisional
 11 ballot. 669 ballots were casted at the Morehouse
 12 precinct. The total number of students that casted
 13 provisional ballots was 174, making up 25 percent
 14 of the Morehouse polling precinct, therefore, we
 15 requested that the county send officials to the
 16 campus in an effort to assure that students' votes
 17 would not be thrown out.
 18 It was not an easy effort and when we
 19 created a solution to help, Fulton County
 20 representatives showed up late.
 21 The news reported that all provisional
 22 ballots had to be counted by that Friday. Fulton
 23 County would wait until Friday to start counting.
 24 To date, I still don't know if my vote was counted
 25 or thrown out.

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 2 It wasn't until the following semester
 3 that I received a card from Fulton County informing
 4 me that my voting precinct was indeed in Morehouse
 5 College.
 6 Fulton County Commissioner, William
 7 Edwards, said that there were no expectations
 8 amongst the constituents that everything would be
 9 perfect. I ask Why not?
 10 Interim Elections Director, Sharon
 11 Mitchell, said that she believed things went rather
 12 smoothly and that they kept their promise.
 13 Ms. Robinson, the poll manager, never
 14 informed students that they -- what they needed to
 15 comply or about the volunteers that offered to take
 16 voters to their respective polling places.
 17 My question is, What type of message do
 18 we send when you have done everything right and are
 19 still denied the opportunity to be a part of
 20 democracy?
 21 COMMISSIONER BUTLER: Amen. Thank you,
 22 Ronnie. Give him a hand.
 23 (APPLAUSE.)
 24 COMMISSIONER BUTLER: He was there from
 25 9:00 a.m. to 4:00 p.m. That was awesome, Ronnie,

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 2 to stand there and have your voice heard.
 3 RONNIE MOSLEY: I think the most
 4 disappointing part of the citizens that came out
 5 that didn't stay till four or five, that just
 6 simply walked away. Whatever we can do to prevent
 7 that.
 8 MINISTER KAREN REAGLE: And took
 9 provisional ballots without being told what they
 10 could do?
 11 RONNIE MOSLEY: I agree. Yes, they did.
 12 COMMISSIONER BUTLER: And our next
 13 speaker is someone who really has been on the
 14 streets getting people educated and registered to
 15 vote, Reverend Albert E. Love, President and CEO of
 16 the Voter Empowerment Collaborative.
 17 REVEREND ALBERT LOVE: Thank you very
 18 kindly.
 19 First of all, thank you all for convening
 20 this. Let me just give you some idea of the
 21 climate, and that's what I want to talk more about,
 22 we've got a lot of anecdotal information, but the
 23 climate of the state that you are holding this in.
 24 We have an elections commission that's a
 25 little white and a little Negro. We have a state

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 2 where all of the constitutional offices is a little
 3 white and little Negro. So I'm just giving you a
 4 context of all of what everybody else is saying.
 5 This is a context of where you are and what we are
 6 up against.
 7 And so with that being said, the second
 8 point I want to make is this. We have heard from
 9 the county, we've heard from the state.
 10 Now, my -- this is Albert E. Love
 11 speaking. I don't know whether there's collusion
 12 between the two.
 13 AUDIENCE MEMBER: Good question.
 14 REVEREND ALBERT LOVE: But the net effect
 15 of it is that all is not right. And that some of
 16 us went to the Secretary of State and talked with
 17 Brother Kemp. Some of us went to the county. Each
 18 tends to blame the other.
 19 But the net effect of it is that it's
 20 disenfranchisement of voters.
 21 AUDIENCE MEMBER: That's right.
 22 REVEREND ALBERT LOVE: And so what I'm
 23 here to say is that, and I hope to communicate some
 24 of my testimony in my attire, and that is that we
 25 need to put a game face on this thing. This is

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 2 the end of the -- we're getting the short end of
 3 the stick on this thing.
 4 AUDIENCE MEMBER: Yep.
 5 (APPLAUSE.)
 6 REVEREND ALBERT LOVE: And as one person,
 7 I am not pleased. And so, I guess, my testimony is
 8 that we don't have to count the beans anymore, you
 9 know, the jelly beans, and we don't have to count
 10 the numbers of bubbles in a soap bar anymore, but
 11 there's some stuff going on with these computers.
 12 AUDIENCE MEMBER: That's right.
 13 AUDIENCE MEMBER: Thank you.
 14 REVEREND ALBERT LOVE: And it seems like
 15 there are some forces that's orchestrating this
 16 thing.
 17 And so, I don't know if I'm the only
 18 person to get caught up into, you know, whether the
 19 county's doing this or whether the state is doing
 20 this, but somebody might be having some meetings on
 21 the golf course and looking at this whole thing.
 22 So my testimony is that there's a lot
 23 that's not going on that's right that seem to be in
 24 high places, and that while we may not be able to
 25 put out frequently, but I think that most of us

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 2 serious.
 3 AUDIENCE MEMBER: Right.
 4 REVEREND ALBERT LOVE: And that we
 5 citizens need to be more proactive in a more
 6 aggressive way --
 7 (APPLAUSE.)
 8 REVEREND ALBERT LOVE: -- to deal with
 9 this thing.
 10 And so I hope that the information that
 11 we get, I personally as one person, you know, that
 12 leads with our current Justice Department and the
 13 way that it has handled some of the issues that is
 14 coming forth.
 15 AUDIENCE MEMBER: That's right.
 16 REVEREND ALBERT LOVE: So I'm sure
 17 there's enough blame to go around, even including
 18 me, because I'm sure there's more that I can do.
 19 But the bottom line is that I embrace
 20 technology and my learned sister here at Kennesaw
 21 State and all of that, but at this point I have a
 22 high degree of paranoia about all of these systems.
 23 AUDIENCE MEMBER: That's right.
 24 REVEREND ALBERT LOVE: Because at the end
 25 of the day, especially we black folk, we getting

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 2 believe it's not right.
 3 The redistricting in Fulton County, that
 4 play, I mean, that's sinister.
 5 AUDIENCE MEMBER: It is.
 6 REVEREND ALBERT LOVE: That's evil.
 7 And so that's it. And as one person, I'm
 8 not pleased and that I've got my game face on in
 9 terms of, as they say, handling some things.
 10 And I hope that you can communicate that
 11 to whomever you need to get to that in Georgia all
 12 is not well.
 13 AUDIENCE MEMBER: That's right.
 14 REVEREND ALBERT LOVE: And we are not
 15 pleased.
 16 (APPLAUSE.)
 17 COMMISSIONER BUTLER: Thank you,
 18 Reverend. And thank the panel.
 19 Any questions about solutions?
 20 Questions?
 21 COMMISSIONER McDONALD: Well, you did
 22 speak Reverend Love about, you know, what the
 23 problems are and so on. But are there specific
 24 solutions that you would recommend to, you know,
 25 state officials or, you know, congressional

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 2 officials about what they specifically should do?
 3 REVEREND ALBERT LOVE: Well, in terms of
 4 working with Kennesaw State or whoever it is
 5 specifically to try to work out this technology
 6 thing, you know, whatever that is that's causing
 7 these cards not to be printed correctly.
 8 If that's systemic, if it's the software
 9 or all of those technological terms, that needs to
 10 be worked out fast, quick, and in a hurry.
 11 RONNIE MOSLEY: I have a few solutions,
 12 if I may. I would offer online voter registration,
 13 and then also same day voter registration.
 14 AUDIENCE MEMBER: Exactly.
 15 (APPLAUSE.)
 16 COMMISSIONER BUTLER: Okay. Any other
 17 questions?
 18 COMMISSIONER JOHNSON: What were some of
 19 the civic engagement educational initiatives that
 20 were started by Morehouse in response to this?
 21 RONNIE MOSLEY: You know, I really can't
 22 say in response to it, but I can give you a picture
 23 of what we did leading up to election.
 24 At the Morehouse campus alone, we
 25 registered over a thousand new voters and we held

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 2 educational summits that day.
 3 The reason why I went at 9 a.m. is
 4 because we still had classes that day officially,
 5 but the students took it amongst themselves to skip
 6 class and go vote and go out to the community to
 7 bring others to their respective polling places to
 8 help as many folks that wanted to get out and vote
 9 to get out and vote.
 10 That's what I was talking about a bit
 11 when I made note of Ms. Robinson not letting other
 12 students know what they needed to do to make sure
 13 their vote counted.
 14 But also that there were folks on the
 15 college campus that were willing to take you
 16 wherever. We had one guy drive all the way to
 17 Decatur to ensure someone voted.
 18 So we took a lot of measures leading up
 19 to election day.
 20 COMMISSIONER BUTLER: I have a question
 21 for Ms. McCoy. I do appreciate the information on
 22 student voting. You talked about recommending
 23 freshman orientation to include the right to vote.
 24 Are the colleges actually implementing
 25 the law in Georgia that requires them to be a

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 2 deputy registrar where they are required to
 3 register -- offer registration to eligible voters,
 4 is that happening?
 5 SARITA McCOY GREGORY: I moved to Georgia
 6 two years ago, so I can only speak to my experience
 7 at Kennesaw State.
 8 I know that after I initiated the college
 9 Poll Worker Project on that campus, it was very
 10 close to the election when I was approached by
 11 someone from the Dean of Students' Success Office,
 12 and he informed me that he was the deputy registrar
 13 for our campus.
 14 But it was the first time I had heard
 15 from him and it was, again, maybe a week before the
 16 election and he wanted to know how college poll
 17 worker recruitment was going.
 18 COMMISSIONER BUTLER: But that's the poll
 19 worker. But the registration process.
 20 SARITA McCOY GREGORY: Right. My
 21 experience at Kennesaw State was that there were
 22 several voter registration drives held on campus,
 23 and so I can attest that that was happening. At
 24 other campuses, I don't know.
 25 COMMISSIONER BUTLER: That were

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 2 sanctioned by the president -- by this deputy
 3 registrar guy?
 4 SARITA McCOY GREGORY: Yes. Correct.
 5 COMMISSIONER BUTLER: Okay.
 6 Any other questions?
 7 We thank you all so much for your
 8 valuable testimony. And keep up the good work.
 9 (APPLAUSE.)
 10 COMMISSIONER BUTLER: At this time we're
 11 going to have open mic and I'm going to call you in
 12 the order that you're to speak.
 13 And we're going to limit it to three
 14 minutes. Timekeeper is here. And when -- I don't
 15 know when the stop is, so when it stops, just wave
 16 it up and down so I'll know that means stop so that
 17 we can do that.
 18 All right. I'm going to call you so make
 19 your way down as I call your name. Phyllis Bailey,
 20 who's talking about the voting rights as it affects
 21 Fulton County.
 22 Jimmy Cameron, voting rights.
 23 John Benson, expanding voting rights.
 24 Kevin Dow, electronic voting machines.
 25 Margo Waters, impediments to vote for the

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 2 handicap.
 3 Martha Alexander, voter rights and voter
 4 ID.
 5 Ron Shakir, the vote count.
 6 Steen Miles, the Voting Rights Act.
 7 And Yolanda Chancellor, voter ID
 8 requirements.
 9 And John E. Jones, the voting rights
 10 case.
 11 So in that order.
 12 Three minutes, please. And timekeeper is
 13 here and she's going to wave it up and down so I
 14 know that means to stop.
 15 PHYLLIS BAILEY: Good evening.
 16 My name is Phyllis Bailey and I'm a
 17 resident of Fulton County. I've been here for nine
 18 years, and believe me, what I seen today and what
 19 I've observed of my nine years here proves that
 20 Georgia has an institutional racist kind of
 21 mentality. And I find it most disturbing.
 22 It has affected our seniors in that the
 23 redistricting plan has caused our senior centers,
 24 senior services to be placed in jeopardy.
 25 The person who speaks most forcefully for

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 2 us, our Commissioner Darnell, is being moved from
 3 our community, our area, and our center is being
 4 placed in an area that will not receive the support
 5 that she's given us.
 6 Now, not only are seniors being affected,
 7 but children are being affected. Our schools are
 8 being put in a position of being -- the south side
 9 schools, which has, one, the learning center, and
 10 you have the north side schools. And they have
 11 decided what kinds of offerings they're giving
 12 them.
 13 You're emphasizing training and so forth
 14 in the south. And what the -- seemingly -- with
 15 the seemingly preclusion that only in the north
 16 will you find the bright students.
 17 Now, I realize my time's up, but the
 18 thing is we've been here since 3:35.
 19 And the voting rights of our people will
 20 be so ineffective under this new plan that even in
 21 a generation from now, these surly effects will
 22 still be felt. And of course, this seems to have
 23 been the plan all along.
 24 AUDIENCE MEMBER: That's right.
 25 PHYLLIS BAILEY: I'm very disturbed about

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 2 it and I hope that you will get this message to the
 3 people who need to hear it.
 4 Thank you.
 5 (APPLAUSE.)
 6 COMMISSIONER BUTLER: Jimmy Cameron.
 7 Jimmy Cameron is not here.
 8 Kevin Dow, electronic voting machine.
 9 Kevin Dow?
 10 Okay. Margo Waters, impediments to vote
 11 for the handicap.
 12 MARGO WATERS: No, that is not what I
 13 said. I used People First language and I said
 14 disabled. I did not say handicap.
 15 COMMISSIONER BUTLER: Okay, thank you.
 16 MARGO WATERS: So, yes, impediments,
 17 people with disabilities and primarily access to
 18 vote.
 19 One of the things that I want to say
 20 first is lots of times the impediment is being able
 21 to have access to the polling place.
 22 I live here in this district and I vote
 23 at Liberty Baptist Church. The sidewalk is
 24 horrible. Even coming to this meeting from the
 25 Decatur train station was horrible. I almost fell

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 2 out of my chair having to cross back and forth to
 3 find a decent sidewalk with a curb cut.
 4 So as that may stop -- not stop me, it
 5 will stop other people with disabilities from being
 6 active in the community.
 7 So if the people we vote for, Mayor Kasim
 8 Reed and his infrastructure, I haven't seen any
 9 repairs to the sidewalks since he's been the Mayor.
 10 And in fact, I went to a housing meeting
 11 the other day and complained about no curb cut at
 12 the King Memorial Station at the sidewalk that's
 13 been there like that forever, and there was a
 14 pothole that I mentioned. How about the next day,
 15 that pothole got fixed. That doesn't benefit me.
 16 That work that I did benefited all of you drivers
 17 who drive that street and have no respect for me
 18 when I'm in the crosswalk trying to cross it.
 19 So I think these impediments that bar us
 20 from being active in the community it also stops
 21 people from going to the polls.
 22 So wherever these polling places, I wish
 23 they would consider looking into them, into the
 24 accessibility, making sure there's curb cuts and
 25 the senior disabled population can get out and vote

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 2 freely without using other choices.
 3 So that's all I have to say.
 4 COMMISSIONER BUTLER: Thank you.
 5 (APPLAUSE.)
 6 COMMISSIONER BUTLER: Martha Alexander,
 7 voter rights and voter ID.
 8 GARRETT SCOTT: So, Madam Facilitator,
 9 I'm going to go on an assumption that your charge
 10 is to my head and not my heart.
 11 I actually did sign up prior to that
 12 lady, and I'm just going to go on the assumption
 13 that we spoke about tonight, and this is just one
 14 of those incidents where I was accidentally removed
 15 from the voting list just as some people spoke to.
 16 COMMISSIONER BUTLER: What's your name?
 17 GARRETT SCOTT: Garrett Scott.
 18 I don't expect --
 19 COMMISSIONER BUTLER: I don't have it,
 20 no.
 21 GARRETT SCOTT: Pardon me?
 22 COMMISSIONER BUTLER: I don't have that
 23 up here.
 24 MARGO WATERS: He signed in before I did.
 25 GARRETT SCOTT: I did.

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 2 attention that Georgia was the first state to
 3 actually have accessible voting booths in this
 4 country. That's something that we should be
 5 extremely proud of.
 6 But it really loses its luster when there
 7 aren't individuals who are actually trained to show
 8 someone here is the accessible voting booth, this
 9 is what you need.
 10 It should not be a process where someone
 11 says, I don't know, stick him over there in the
 12 corner, maybe someone will show up. You didn't
 13 bring someone with you to vote? Statements like
 14 that should never be made.
 15 And I have nothing more and nothing less
 16 than anyone else. I am an individual. I am a
 17 person who has rights in this state.
 18 (APPLAUSE.)
 19 GARRETT SCOTT: And when you take those
 20 opportunities to discount someone's rights as a
 21 human being, then we're doing much more than just
 22 not allowing them to vote, we're taking someone who
 23 has first class rights and making them a second
 24 class citizen.
 25 I am thoroughly offering myself and my

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 2 COMMISSIONER JOHNSON: We want to hear
 3 what you have to say.
 4 GARRETT SCOTT: Yes, sir. Thank you very
 5 much.
 6 So what I wanted to talk about very
 7 quickly is, with opportunity and to know that my
 8 grandparents told me never offer a problem if
 9 you're not going to work to be a part of the
 10 solution.
 11 With some of the effort that was spoken
 12 about and the way people felt that they were being
 13 treated at the polling booth, I think there needs
 14 to be much more of an effort of the individual that
 15 is volunteering, and, of course, they're
 16 volunteering, and there's some of those that work
 17 in the polls who are being paid, there needs to be
 18 much more of a diversity of training involved in
 19 the poll training process.
 20 Individuals who are blind are becoming
 21 disheartened about voting as most Americans do,
 22 going to the poll, waiting in line, because when
 23 they get there most of times there's no one who
 24 understands how the accessible voting booth works.
 25 I'm sure I don't have to bring it to your

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 2 organization. I actually have the pleasure of
 3 serving as President of the National Federation of
 4 the Blind in Georgia, the largest group of
 5 organized blind individuals in the state.
 6 And I will do exactly what I say. If you
 7 all call me, we will come and do training. We're
 8 not just for the blind community, but the
 9 disability community as a whole.
 10 Because terms like "handicap" should not
 11 be used. The word "handicap" was derived from the
 12 1930s when individuals were ashamed for having a
 13 child with a disability. They were putting them
 14 out of the house at age 16 and they would only give
 15 them a hat to wear. And they would stand on a
 16 corner with that hat in their hand hoping people
 17 will put money in it so that they can buy food.
 18 That's where the term "handicap" came from.
 19 (APPLAUSE.)
 20 GARRETT SCOTT: So we want to work not to
 21 allow terms like that to be used again.
 22 And I think some sort of diversity
 23 training is definitely needed.
 24 Thank you very much.
 25 (APPLAUSE.)

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 2 COMMISSIONER BUTLER: Okay. Thank you.
 3 Ron Shakir, vote count.
 4 Oh, Ms. Alexander is here.
 5 MARTHA ALEXANDER: Yes, I am.
 6 COMMISSIONER BUTLER: All right.
 7 MARTHA ALEXANDER: I'm a lady and I'm
 8 afraid I couldn't butt in front of him.
 9 COMMISSIONER BUTLER: That's okay.
 10 MARTHA ALEXANDER: I would like to speak
 11 on voters' rights. And the first thing I would
 12 like to do is piggyback on what Ms. Darnell said.
 13 I'm out of that district and it is
 14 ridiculous what they're trying to do to the people
 15 in District 5, but we want you to know we are not
 16 going back.
 17 AUDIENCE MEMBER: Right.
 18 MARTHA ALEXANDER: The first thing is I
 19 want to know why can't you put voting booths in the
 20 senior high-rises and in the senior centers.
 21 AUDIENCE MEMBER: That's right.
 22 MARTHA ALEXANDER: Because that's where
 23 most of the seniors are and they can get there and
 24 there will be people there that will help them to
 25 vote.

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 2 do it again if you give us the opportunity.
 3 All we are asking for is the same rights
 4 of everybody else. And when you get ready to cut,
 5 don't always want to cut the seniors. We would
 6 like to have our rights, too.
 7 And then most of the time what you're
 8 doing is you're saying you got to have a driver's
 9 license. After you get a certain age, they say you
 10 can't have a driver's license anymore.
 11 So, therefore, we should be able to vote
 12 if we can give you a letter that say I live at 2140
 13 Fern Valley Drive. That ought to identify me. Or
 14 if I have a checkbook that says I'm Martha
 15 Alexander and I live at 2140. Nobody else should
 16 be able to give you that type of information.
 17 Why is it so important that you have
 18 certain types of pain to be able to vote? And why
 19 is it that you got to set up certain guidelines to
 20 try to put us back to where we was in the '60s.
 21 AUDIENCE MEMBER: That's right.
 22 COMMISSIONER BUTLER: Thank you.
 23 (APPLAUSE.)
 24 COMMISSIONER BUTLER: Ron Shakir.
 25 RON SHAKIR: Yes, Ron Shakir. I want to

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 2 (APPLAUSE.)
 3 MARTHA ALEXANDER: Voting should be made
 4 more accessible to the seniors. This country was
 5 built on the back of the seniors.
 6 AUDIENCE MEMBER: That's right.
 7 MARTHA ALEXANDER: And then once we get
 8 up in the age, you want to cut us, you want to put
 9 us back and you want to discriminate against us and
 10 that is wrong.
 11 AUDIENCE MEMBER: That's right.
 12 MARTHA ALEXANDER: I have been in this
 13 county since 1955, I am 80 years old and I demand
 14 my rights. I feel that I have gone through some of
 15 everything. I was here when they -- when we used
 16 to have them sit in the back, but I have left the
 17 back, I'm to the front and going to speak for my
 18 rights and going to stand up for them as long as I
 19 can.
 20 And you're talking about peoples' that
 21 can work the polls. Most of the seniors are
 22 educated peoples'. If you would hire them, they
 23 would work. They wouldn't be like high school
 24 students or like the college student. We know the
 25 ropes, we've been there, we've done it, and we can

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 2 try to get to the point real fast.
 3 We're looking at the press, money, and
 4 elections, the lack of courage to the campaign and
 5 the candidates. The uncertainty in election
 6 results on election night. A lot of media
 7 advertise for weeks to tune in, we'll give you
 8 dependable coverage on election night.
 9 Education. Where you have the lack of
 10 forums, the lack of League of Women Voters, and
 11 other noncommercial parties that allow forums to be
 12 discussed where you have citizens to show up and
 13 reporters and the press reporting it. This is
 14 education.
 15 I was a candidate in the 11th district.
 16 The 11th district, I sat in. After the polls
 17 closed at 8:00 I went to a local restaurant and sat
 18 with some other candidates. And when the results
 19 started coming in, 3 out of 4, 4 out of 4, 4 of 13
 20 precincts had reported. And this is about the
 21 second report came forth in the city council
 22 election in the 11th district, Ron Shakir had 1309
 23 votes.
 24 At the end of the night when we left, and
 25 some of my friends the next morning woke up to

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 2 find, what I found at the end of the night, that I
 3 had 700 votes.
 4 We have had -- we have had what some
 5 people call 13 percent, 17 percent, less than 20
 6 percent. I heard a statistic saying that only 2
 7 out of 13 people voted in this election. Why?
 8 Because they are losing faith in the system.
 9 I heard the conversation about computer
 10 votes. The idea is that people in this country now
 11 is calling more and more for a paper trail.
 12 The idea that we could have votes that we
 13 not certain whether or not a person is getting or
 14 that is being counted is what is causing us to lose
 15 our faith.
 16 Should we wait for a Pearl Harbor moment
 17 that we stand up and fight for justice and freedom?
 18 Do we have to wait? How many Rosa Park
 19 descriptions, have to get on the back of the bus,
 20 and we had to find the right Rosa Park moment to
 21 stand up and fight. Every vote is precious and
 22 every vote ought to be counted.
 23 I just want to do what Sheriff Lankford
 24 has done four years ago, and that is to point and
 25 shed light on the irregularities that's taking

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 2 place on the secrecy of voting.
 3 The idea that we would have an election
 4 and we had statistics that show that early voting
 5 showed problems with the website. We need to call
 6 in right now, real fast, and real soon before
 7 people start going to the ballot to vote and just
 8 give up totally or takes on another type of
 9 reaction to not being denied their freedom and
 10 justice.
 11 COMMISSIONER BUTLER: Okay. Thank you,
 12 Ron. I do want to ask you a question, though.
 13 In terms of those statistical
 14 differences, were those actually -- you posted --
 15 election results are posted inside the precinct,
 16 the county precinct, so those precinct totals
 17 inside that precinct were, you said --
 18 RON SHAKIR: No, no, it was 4 out of 13
 19 precincts had been -- had closed.
 20 COMMISSIONER BUTLER: But this was posted
 21 in the precinct itself, these results?
 22 RON SHAKIR: These results was done like
 23 they have been done ever since I've been observing
 24 the elections since John F. Kennedy -- Lyndon
 25 Baines Johnson. They got it wrong. The city got

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 2 it from the government. It came from Fulton
 3 County.
 4 Now --
 5 COMMISSIONER BUTLER: But who got it from
 6 Fulton County?
 7 RON SHAKIR: This was -- the read that I
 8 have here came from Atlanta Journal Constitution.
 9 Now, this was --
 10 COMMISSIONER BUTLER: Okay. So it was
 11 not an election official that actually had
 12 official --
 13 RON SHAKIR: Exactly.
 14 COMMISSIONER BUTLER: We're trying to get
 15 to the actual administration of the election
 16 requires that it's done in -- you didn't get the
 17 data from Fulton County, you got this from someone
 18 else?
 19 RON SHAKIR: I got it from four major
 20 networks, and people had reported to me, but this
 21 came from -- which I took a photo from Atlanta
 22 Journal Constitution.
 23 And observing elections, I have never
 24 seen votes taken off the board what the media has
 25 reported. I mean, was it, did the dog eat the

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 2 homework? It could have been true. But we don't
 3 know.
 4 But the press is very important. Freedom
 5 of the press is very important and they ought to
 6 drill down and ask the questions where and how did
 7 the Atlanta Journal Constitution come up with these
 8 figures.
 9 COMMISSIONER BUTLER: Did the media tell
 10 you that they got that directly from the Fulton
 11 County and did they show you the actual piece of
 12 paper that -- which they posted the information?
 13 I'm trying to get to that.
 14 RON SHAKIR: Thanks for asking that
 15 question, and the answer is no. I was in the
 16 certification room and one person was on the Board
 17 of Elections, Commissioner of the board, whatever,
 18 who made that -- you know, the ones who certified
 19 the election, he stated that he saw the same
 20 results where Ron Shakir had a substantial lead
 21 late in the night.
 22 But what he stated is that that station
 23 he was looking at made a retraction. The station I
 24 was looking at, which is the Atlanta Journal
 25 Constitution, did not have a retraction and nobody

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 2 told me that they heard a retraction. But this is
 3 the job of the press to educate the people what
 4 actually took place that night.
 5 COMMISSIONER BUTLER: All right. Thank
 6 you.
 7 Steen Miles.
 8 JOHN BENSON: What about John Benson?
 9 AUDIENCE MEMBER: She stepped -- she's
 10 gone. Steen Miles left.
 11 COMMISSIONER BUTLER: She left. Okay.
 12 Hold on. I still got them here.
 13 I think I called you earlier. Did I call
 14 you earlier?
 15 JOHN BENSON: You called me earlier.
 16 COMMISSIONER BUTLER: Okay, go ahead.
 17 JOHN BENSON: Okay. My name is John
 18 Benson. I was the Socialist Worker's Party
 19 candidate for Mayor of Atlanta. I was a write-in
 20 candidate.
 21 Because there's another set of
 22 restrictions that we need to be aware of. The very
 23 high signature requirements and financial require
 24 -- filing fees to get on the ballot. Especially if
 25 you're someone -- especially a worker who does not

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 2 living for social security, affirmative action with
 3 quotas on the job.
 4 AUDIENCE MEMBER: Amen.
 5 JOHN BENSON: They're all under attack.
 6 Not just voting rights. Every single gain we have
 7 ever made is under attack, as this economic crisis,
 8 it's deeper and deeper and deeper.
 9 AUDIENCE MEMBER: That's right.
 10 AUDIENCE MEMBER: Yes.
 11 JOHN BENSON: And the only way to defend
 12 voting rights is to build a new movement in the
 13 streets. They were won not in Congress, they were
 14 won on the streets, they'll be won at rallies, at
 15 picket lines and protest rallies, strikes.
 16 AUDIENCE MEMBER: Right.
 17 JOHN BENSON: And we have to build a
 18 movement like that.
 19 It's only when the resistance grows so
 20 strong they cannot deny it that they will give in.
 21 And this is a bipartisan attack on us.
 22 AUDIENCE MEMBER: That's right.
 23 JOHN BENSON: Make no mistake about that.
 24 I also believe we should be talking about
 25 expanding voting rights. Especially I thought it

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 2 believe that the Republican or Democratic party
 3 represents them it's very hard for another party or
 4 independent to get on the ballot. And this denies
 5 voters' rights.
 6 Now, the attack on voters' rights just
 7 totally described here is very real and very deep
 8 and very important. But what we have to remember
 9 is the 13th, 14th and 15th Amendments and the
 10 Voting Rights Act itself were won as a result of
 11 massive struggles of millions and tens of millions
 12 of people, of working people.
 13 The Voting Rights Act didn't start in
 14 Congress, it started at Woolworths, it started at
 15 the Montgomery bus boycott, and it's under attack
 16 because that isn't happening anymore.
 17 AUDIENCE MEMBER: Amen.
 18 JOHN BENSON: That's what we have to do.
 19 AUDIENCE MEMBER: Exactly.
 20 JOHN BENSON: It took a war to abolish
 21 slavery.
 22 AUDIENCE MEMBER: That's right.
 23 JOHN BENSON: It wasn't done easily.
 24 There were a lot of other gains from the
 25 movement of the '50s and '60s, Medicare, cost of

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 2 was important to discuss the question of prisoners,
 3 former prisoners, especially since the majority of
 4 prisoners in this country have never ever been
 5 convicted of anything.
 6 COMMISSIONER BUTLER: All right.
 7 JOHN BENSON: It's plea bargaining.
 8 And I also believe that everyone who
 9 lives and works here should have the right to vote.
 10 AUDIENCE MEMBER: Yes.
 11 COMMISSIONER BUTLER: Thank you.
 12 (APPLAUSE.)
 13 COMMISSIONER BUTLER: Yolanda Chancellor,
 14 voting ID requirements. And ask Mr. John Jones to
 15 get ready.
 16 YOLANDA CHANCELLOR: Hi, my mom was also
 17 on the list, so I was going to let her go first, if
 18 it's okay with you, and then I'll go.
 19 MAMIE CHANCELLOR: Okay. I wanted to
 20 talk about the required --
 21 COMMISSIONER BUTLER: Speak into the mic
 22 so she can hear you, please, and state your name.
 23 MAMIE CHANCELLOR: My name is Mamie
 24 Chancellor. And I have concerns about the required
 25 identification pieces that we need.

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2 And I really just wanted to say to this
3 lady with the hat, she spoke about so much that is
4 so meaningful to me.

5 But what I want to really -- when I went
6 to get my driver's license, I had them for years,
7 the papers that I took weren't enough, so I got to
8 go get another birth certificate.

9 My birth certificate, I was born when
10 they were putting them in the Bible. And it was in
11 my granddaddy's Bible when I went to get my social
12 security.

13 So I feel they accepted that at the
14 social security office. You know, you really find
15 out who you are when you go there. They accepted
16 that little piece of paper out of the Bible, but it
17 wasn't acceptable for my driver's license for this
18 time for identification. So that's something that
19 I really had some concerns about.

20 And I feel that if you have social
21 security, you reach that stage, whatever
22 identification pieces you have, and if that's
23 accepted there, why not for the voting.

24 And the other part -- thing that I had
25 here was the -- I need to go get a birth

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2 certificate. Even though I had my license for
3 years, I've been all around different places, but
4 go downtown -- first, they give you a list of
5 things that you need. That takes forever. They
6 gave me a temporary driving permission.

7 But to get all of those -- it's only 3
8 out of about 8 or 10, but it costs more money. You
9 got to pay for that. It costs time and it's
10 inconvenient.

11 And because I'm in the, I'll say the
12 condition that I'm in, I can do my own calls. I
13 can do all of that. But I think for the other
14 people that aren't able to do that, they want to
15 vote, they want to participate, but it's awful.

16 So something, I don't know what can be
17 done, but something should be done about that.

18 And I also agree with part of the
19 machines going to the site of the homes and places.
20 That is a great idea.

21 And for me I think the whole -- I'm going
22 to call it this -- the whole voting system is being
23 reversed because -- I'm not 120, but I did go
24 through some of this stuff in terms of not being
25 able to vote, my momma did, being difficult or not

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2 finding your name and all of that kind of stuff,
3 that is just a ploy. That's what I call it.

4 So I think whatever we need to do, we
5 need to do. But especially for seniors.

6 Oh, yeah, I see stop.

7 We need -- we really need to make it more
8 convenient for us, period.

9 COMMISSIONER BUTLER: Okay. Thank you so
10 much.

11 (APPLAUSE.)

12 YOLANDA CHANCELLOR: Hi. Thanks for
13 letting my mom speak.

14 I'm Yolanda Chancellor, and as my mom
15 says, it's a challenge trying to get the IDs.

16 And my mother is a retired registered
17 nurse, psychiatric, substance abuse, obstetrics,
18 surgical nurse.

19 She has a nursing license. So that
20 should be admissible for people to vote. If you
21 have some type of license or professional license,
22 you should be able to utilize that to vote.

23 As for me, we've gone through this rodeo
24 before trying to get her a birth certificate.

25 We've been down -- well, when she moved here from

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2 Illinois, we had to go to the archives. I mean, I
3 had to make a tour of Georgia trying to obtain a
4 birth certificate for my mom, and she still doesn't
5 have one.

6 And she takes the Bible with -- you know,
7 you think Bible. No, it's a big -- you know, the
8 big Bibles that she's taken to validate herself.
9 Which I agree social security or, you know, a
10 nursing license should substantiate that she is a
11 citizen and she's receiving social security. So
12 that should validate that she's a citizen.

13 As for me, I had to pay for my birth
14 certificate when I was in Illinois. They had
15 trouble finding me. So when I went to Illinois, I
16 had to take time out of my trip to go to the birth
17 certificate office in Evanston, Illinois, to get my
18 birth certificate.

19 So I consider it a poll tax for me to
20 have to pay for my birth certificate, to get a
21 copy, in order to get a driver's license.

22 And lastly, I would like to say -- I got
23 three minutes, okay. I would like to say I would
24 like to get a receipt --

25 COMMISSIONER BUTLER: You don't have to

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 2 use them all, you know.
 3 YOLANDA CHANCELLOR: Okay.
 4 COMMISSIONER BUTLER: I can say that to
 5 you, Yolanda.
 6 YOLANDA CHANCELLOR: Yes, absolutely.
 7 I would like to get a receipt when I
 8 vote. Some type of paper trail of my vote. I
 9 think they should be cross-referenced with a paper
 10 vote and a computer to make sure it's accurate.
 11 I think that also they need to eliminate
 12 these malfunctioning machines. Some of my friends
 13 that I've spoken to when they're trying to punch
 14 one person, somebody else is coming up. I think
 15 those machines are -- any machine can be
 16 compromised, so we shouldn't allow that to
 17 determine who is elected and who isn't.
 18 AUDIENCE MEMBER: Right.
 19 YOLANDA CHANCELLOR: So that's what I
 20 would like to say.
 21 COMMISSIONER BUTLER: Thank you.
 22 (APPLAUSE.)
 23 COMMISSIONER BUTLER: John Jones, voter's
 24 rights case.
 25 JOHN E. JONES: My name is John E. Jones,

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 2 and I'm the President of the Fayette County Branch
 3 of the NAACP where we had a voter rights case that
 4 was -- decision came down earlier this year
 5 striking down at-large voting, yet, the judge has
 6 not finalized the order to make that happen.
 7 And I heard Frederick Douglass, heard
 8 that he said that power concedes nothing without a
 9 demand. And so in listening to references to get
 10 -- taking it to the streets, I think that's real.
 11 That needs to happen. Because power will not
 12 concede anything until we get into the streets
 13 again.
 14 I was asked also to ask about voting
 15 dates changing for the upcoming election, because I
 16 had heard something about the primaries were
 17 changing and they were moving them up or something,
 18 so if you could address that.
 19 The other thing I wanted to say was that
 20 because this judge has delayed his decision more
 21 than a reasonable amount of time, is it possible
 22 that this judge could be charged with obstruction
 23 of justice or a violation of civil rights?
 24 COMMISSIONER BUTLER: Okay. In terms of
 25 -- I can't answer about the judge, but I can tell

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 2 you in terms of the date, that the primary date has
 3 been moved up, that was due to a court decision and
 4 that's why that was made. So that --
 5 JOHN E. JONES: I'm doing some
 6 research --
 7 COMMISSIONER BUTLER: -- they're
 8 complying with the federal election rules. So that
 9 date of the primary has been changed and it should
 10 be on the Secretary of State's website in terms of
 11 what those dates will be.
 12 Thank you.
 13 JOHN E. JONES: Okay. And with the
 14 obstruction of justice, I've been doing some
 15 research about it and I just would like to know,
 16 are the judges -- can they be charged with
 17 obstruction of justice for delaying --
 18 COMMISSIONER BUTLER: I'm going to let
 19 Laughlin answer that one. He's the lawyer, I'm
 20 not.
 21 COMMISSIONER McDONALD: Well, what you
 22 can do is you can file what's called a petition for
 23 a writ of mandamus with the Court of Appeals and
 24 ask the Court of Appeals to require the district
 25 court judge to enter an order.

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 2 JOHN E. JONES: All right. Thank you,
 3 sir.
 4 COMMISSIONER BUTLER: And our final
 5 speaker, open mic speaker, will be Dr. Gretchen C.
 6 Lockett, who established Universal Criteria for
 7 Federal Elections.
 8 DR. GRETCHEN LOCKETT: Good evening.
 9 (APPLAUSE.)
 10 DR. GRETCHEN LOCKETT: I haven't
 11 established anything here. But I certainly would
 12 like to see some things established.
 13 COMMISSIONER BUTLER: Oh, okay. All
 14 right.
 15 DR. GRETCHEN LOCKETT: I'd like to thank
 16 the panel for coming here and holding these
 17 hearings, and I'm hoping that what is being
 18 recorded by a court reporter here that it gets to
 19 the Congress because they need to do some things.
 20 AUDIENCE MEMBER: Right.
 21 DR. GRETCHEN LOCKETT: In addition to our
 22 going into the street, but before we go into the
 23 street, we need to have done this kind of homework.
 24 AUDIENCE MEMBER: That's right.
 25 DR. GRETCHEN LOCKETT: In dealing with

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2 elections for federal office, we could establish --
3 we could get the Congress to pass a law to
4 establish universal regulations, okay?

5 And those regulations would cover such
6 things as registration forms, hours, early voting
7 hours and days. They could establish what kind of
8 ID would be utilized. And they can have same day
9 registration for federal elections, okay?

10 So that's not -- I mean, that's not
11 something that's impossible to do. That's
12 something that could be done pretty soon and in
13 preparation for 2014.

14 I am a faculty member, an adjunct faculty
15 member at Chattahoochee Technical College, and
16 every semester I teach a course called Principles
17 of American Government. And I give my students
18 five points if they can prove to me that they are
19 registered voter. I have been told by one of my
20 colleagues that Georgia has passed a law that says
21 that that is illegal.

22 So I need to know if that's true or not
23 because I'm told that the Georgia legislature in
24 passing that law said that you were buying votes
25 from students. So I want to know if I continue to

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2 give those five points am illegal?

3 And I want to caution or at least -- I
4 mean, I'm sure you already know this, but I think
5 it's a serious thing.

6 We have the Georgia legislature and a lot
7 of these other Republican legislatures coming
8 together to try and change -- to install the
9 legislative districts as the electoral college
10 districts. And if that is done, then it's going to
11 really disenfranchise those people who look like me
12 or are some kind of kin to me or something.

13 So I think we need to do something
14 serious about that. It can be done, but -- and
15 maybe what we need to do is to be about the
16 business of wiping out the electoral college.
17 That's a -- I mean, that's a long-term thing, but
18 that would be a constitutional amendment that we
19 might be able to get passed. Because I even think
20 some of the Tea Party people might be in support of
21 that.

22 So that's my input. Thank you.
23 COMMISSIONER BUTLER: All right. Thank
24 you.

25 There is a Georgia law that says if you

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2 give anything of value to register to vote that is
3 against Georgia's law. So giving five points I
4 think would be -- to their grades -- is something
5 of value to that person.

6 Am I not right, Laughlin, in that
7 interpretation, or Francys?

8 COMMISSIONER JOHNSON: Depends on how
9 valuable that course is.

10 COMMISSIONER MOORE: How close to the
11 edge they are.

12 COMMISSIONER JOHNSON: Yeah, I think it's
13 -- I think the value of that would be highly
14 speculative at best.

15 DR. GRETCHEN LOCKETT: So you're saying I
16 should stop or I should continue?

17 COMMISSIONER JOHNSON: I'm saying that
18 you have a wide range of academic freedom in how
19 you compose your classes.

20 DR. GRETCHEN LOCKETT: Thank you.
21 (APPLAUSE.)

22 COMMISSIONER JOHNSON: But you shouldn't
23 construe anything that I say as legal advice from
24 this panel.

25 DR. GRETCHEN LOCKETT: Okay.

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2 COMMISSIONER BUTLER: We want to say
3 thank you to everyone who participated and stayed
4 and so we're going to turn it back over to
5 Meredith.

6 MEREDITH HORTON: Yes, thank you.

7 And thank you to our Commissioners.
8 Thanks for all of you who are here who stayed with
9 us for the four hours.

10 I will say that we -- you know, we have a
11 lot of work to do as the folks on the stage and the
12 audience testified to today.

13 And we tried to get a lot done in a short
14 period of time and hope that at the very least
15 we've covered a bit of the diversity of issues we
16 are facing in the realm of voting both in Georgia.
17 And I promise you in our future hearings, we'll be
18 hearing similar tales and similar stories, which is
19 really cause for concern.

20 So thank you for being here for the start
21 of this conversation.

22 For those of you here who didn't get to
23 testify, who want to submit materials afterwards,
24 who had friends and family members and others who
25 weren't able to make it, this is just the beginning

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 2 of the conversation. The record is not closed.
 3 So the website for the hearing was
 4 gahearing.lawyerscommittee.org. It was on your
 5 materials in the flyer. You can check back to that
 6 page to, one, find my e-mail address. You can
 7 e-mail follow-up materials to me. You can also
 8 check back to that page for updates.
 9 As I said, this is just Stop 1 on what
 10 will be a series of at least 15 to 20 hearings
 11 across the country between now and the spring.
 12 So we'll have information about other
 13 states and also additional ways for you again to
 14 feed information into the process.
 15 In addition, there is a flyer in the back
 16 which tells you the types of voting changes that we
 17 need to look out for in our communities now,
 18 especially with the weakening in the Voting Rights
 19 Act.
 20 But really, everyday, we need to be
 21 looking out for these things, Voting Rights Act or
 22 not.
 23 So attend local election board meetings,
 24 follow up with -- you know, bring folks to the
 25 polls. If someone you talked to had a problem

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 2 getting an ID, finding them on the list, work with
 3 them, stay vigilant.
 4 You all are based here in Georgia and
 5 know both between our panel of commissioners,
 6 between our witnesses, and the tons of other
 7 fantastic groups doing work, we are on voter
 8 protection on the ground here of how to plug folks
 9 in.
 10 In addition, the Lawyers Committee always
 11 has the 866-OUR-VOTE hot line where we want to hear
 12 from voters relating to any problems relating to
 13 voting, so give us a call.
 14 I'm going to stop talking now.
 15 I do appreciate everyone's time. Thank
 16 you again. And gahearing.lawyerscommittee.org is
 17 where you can go to stay updated throughout the
 18 process.
 19 Thank you all.
 20 (APPLAUSE.)
 21 (Hearing concluded at 7:23 p.m.)
 22 * * *
 23
 24
 25

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 2 CERTIFICATE OF REPORTER
 3 I, JUDITH L. LEITZ MORAN, the officer before
 4 whom the foregoing Georgia Hearing on Voting was
 5 taken, do hereby certify that the witnesses whose
 6 testimony appears in the foregoing proceeding was
 7 taken by me; that the testimony of said witnesses
 8 were taken by me in stenotypy and thereafter
 9 reduced to typewriting under my direction; that
 10 said proceeding is a true record of the testimony
 11 given by said witnesses; that I am neither related
 12 to, nor employed by and of the parties to the
 13 action in which this proceeding was taken; and,
 14 further, that I am not a relative or employee of
 15 any parties hereto, nor financially or otherwise
 16 interested in the outcome of this proceeding.
 17 Date: 12/4/13
 18
 19
 20
 21 _____
 22 JUDITH L. LEITZ MORAN
 23 Registered Professional Reporter
 24 Georgia CCR-B-2312
 25

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