



FAYETTE COUNTY, GEORGIA DISTRICT VOTING KEY POINTS AUGUST 2013

- **At-large voting in Fayette County Violates Section 2 of the Voting Rights Act.** On May 21, 2013, a federal court struck down, as violative of the Voting Rights Act, Fayette County's discriminatory at-large method of electing members to the County Board of Commissioners and Board of Education.
- **The Case: *Georgia State Conference of the NAACP, et al. v. Fayette County Board of Commissioners, et al.*** Judge Timothy Batter, Sr., appointed to the federal bench by President George W. Bush, in an 81-page opinion, found that although Black residents comprise 20 percent of Fayette County, are geographically concentrated in the County, and consistently vote together for Board of Commissioners and Board of Education candidates, *no Black candidate has ever been elected to either of these boards in the County's 191-year history.*
- **The Court's ruling allows for greater inclusion in Fayette County's political process.** The Court's ruling recognizes that Fayette County's at-large election method violates the Voting Rights Act because it guarantees that Black voters, despite having run for office in election after election, cannot elect their candidates of choice. The Court's ruling provides an opportunity for greater inclusion, fairness, and accountability in Fayette County's political process through district-based voting.
- **Few districts in Georgia use district voting.** Until the Court's ruling, Fayette County was one of only twenty districts of the 180 school districts in Georgia with a completely at-large electoral scheme. Most of Fayette County's neighbors elect their board of education members and county commissioners from single-member districts.
- **The remedy.** The Court's ruling required the Board of Commissioners and Board of Education to develop a district-based remedial plan that contains at least one district in which Black voters comprise a majority of the voting-age population. The Court currently is considering the parties' remedial proposals. The plaintiffs in this case have demonstrated that a district-based redistricting plan can be drawn in which Black voters comprise a majority of the voting-age population. The plaintiffs in this case also have set forth a plan that provides for a special election for the remedial majority-minority district to be held in Fall 2013 so that the plaintiffs are not forced to endure an additional 16 months (until the next regularly scheduled election in Fall 2014) under a method of election that violates federal law.
- **The Board of Commissioners and Board of Education should do the right thing and not appeal the Court's ruling.** Fayette County citizens have worked for decades to create real representative democracy through district voting. Our elected officials must do the right thing and end the nearly two-year fight to preserve a discriminatory voting system that has cost the County more than \$300,000 (and counting) to defend. Commissioner Brown recognizes the value of district-based voting, which is why he was a staunch supporter of district voting when he served as the Mayor of Peachtree City. Given the authority of the Court's ruling, and the County's dire fiscal constraints, the County can not afford to spend another penny defending what has been declared to be an illegal practice by a federal court in this case.



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- **The current at-large method of election does not allow for all of the voices of Fayette County to be heard.** The Court recognized that because of (1) Fayette County’s at-large method of election, and (2) because white people, who comprise more than 70 percent of the County, do not meaningfully support candidates preferred by Black voters, *no Black candidate has ever been elected to either the Board of Commissioners or Board of Education in the County’s 191-year history.* Thus, under Fayette County’s at-large election scheme and given its voting patterns, a Black candidate cannot win an election for County Board of Commissioners or Board of Education until Black people comprise a majority of the County’s voting age population.
- **Recent elections confirm that district voting is the fairest way to ensure that all voices are represented.** A Black candidate, for example, recently lost a Fayette County Board of Education election after receiving 99 percent support from Black voters, but securing only 15 percent from white voters. In another recent election, three Republican candidates ran for a vacant seat on the Board of Commissioners, including two Black candidates and one white candidate. One of the Black candidates was an attorney and then vice-chairman of the Fayette County Republican party, and the other Black candidate was a certified public accountant. The white candidate, who had never voted, but who ran to “preserve the heritage of our county,” was a mechanic. In the end, the white candidate defeated all Black candidates without a runoff.
- **Section 2 of the Voting Rights Act.** Fortunately, the Voting Rights Act forbids the use of any electoral scheme, such as Fayette County’s at-large method, that “submerges” minority voters in a district—here, the County—that is controlled by the white majority. Widely considered the crown jewel of American democracy, the Voting Rights Act is the most effective tool for protecting voters of color against methods of election – like at-large voting – that weaken the voting strength of communities of color. The Voting Rights Act provides for the type of remedy that the Court’s ruling provides, *i.e.*, a creation of single-member districts to replace an at-large method of election.
- **District Voting.** Because there are five positions on both the Fayette County Board of Commissioners and Board of Education, the federal court’s ruling provides the opportunity for Fayette County to divide their voting districts into five equally populated districts, each of which would elect one candidate to each board.
- **This case is about fundamental fairness and accountability.** Plaintiffs want all communities in Fayette County to be able to elect candidates of their choice who are responsive to their needs. For far too long, Fayette County’s Black community, in particular, has lacked the representation on the Board of Commissioners and Board of Education to address many of the important issues that they face.



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- **In an age of historic progress, when America has twice elected a Black American to the highest office in this nation, Fayette County has failed to keep pace in holding onto an illegal voting system.** The federal court's ruling – striking down the discriminatory at-large voting system in Fayette County – provides an opportunity for Fayette County to finally open the political process and provide avenues of voting opportunity for all of its citizens.
- **Decades of public advocacy for district voting.** At least since 1993, Fayette County citizens have publicly advocated for electoral opportunity in Fayette County. The Court's ruling – striking down the current at-large voting system in Fayette County and requiring a remedy that provides electoral opportunity for all of its citizens – vindicates Fayette citizens' persistent fight for equal and meaningful engagement in the political process.