



*Georgia State Conference of the NAACP et al. v. Fayette County Board of Commissioners et al.*  
**District-Based Voting Lawsuit**  
**Settlement Key Points**  
**2016**

**Case Overview**

On behalf of civil rights organizations and individual Black voters, the NAACP Legal Defense and Educational Fund, Inc. (LDF) filed a federal Voting Rights Act lawsuit in 2011, challenging Fayette County, Georgia’s discriminatory at-large method of electing members to the County Board of Commissioners (BOC) and Board of Education (BOE).

Until this lawsuit was filed, no Black person had ever been elected to either body, even though Black residents comprise 20% of the County’s population. As a result of this four-year case, Black voters finally had the equal opportunity to elect their preferred candidates in one of five single-member districts in 2014 and 2015, when they elected the first and second Black County Commissioners in the history of the County, which recorded the highest voter turnout of all 159 counties in Georgia in the 2014 election.

**Case Resolution**

To resolve the ongoing Voting Rights Act lawsuit, the parties have agreed to a settlement that will continue to provide Black voters in Fayette County with the equal opportunity to elect their preferred candidates for the BOC and BOE. Under the proposed redistricting plan agreed upon by all parties, four members of each board will each be elected from a single-member district, including one district (“District 4”) in which Black voters will continue to have the ability to elect their preferred candidates in election after election; the remaining fifth member of each board will be elected from an at-large district. The proposed settlement represents a milestone for Fayette County and its Black community and will protect the ability of *all* voters in Fayette to have the opportunity to participate equally in the political process.

Key aspects of the settlement include that it will:

- **Ensure that Black voters, like other voters in Fayette County, continue to have a voice on the BOC and BOE.** At-large voting for all five seats on the BOC and BOE denied Black voters of a voice on those important local bodies for far too long. Because of racially polarized voting, under a pure at-large voting system for the BOC and BOE, white voters, who comprised approximately 80% of the electorate, controlled all five seats on both boards. By contrast, a 4-1 voting plan, in which four seats are elected by districts, including one opportunity district for Black voters, and one seat is elected at-large, gives *all* voters in Fayette County, including Black voters, the opportunity to elect the candidates of their choice to serve them on the BOC and BOE.



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- **Continue to ensure representation from the Black community in Fayette County on the BOC and BOE from a single-member opportunity district and give Black voters influence over the one at-large elected seat on each board.** As the Fayette Visioning Initiative noted, demographic trends show that Fayette County is continuing to become more diverse, and expert analysis demonstrates that District 4, the opportunity district for electing a member to each board, will be an effective district for Black voters in future elections.
- **Build upon the historic remedial elections in November 2014 and September 2015 for the BOC and BOE.** In November 2014, as a result of this Voting Rights Act litigation and the remedial district that plaintiffs won, Black voters were able to elect their candidates of choice, Pota Coston and Leonard Presberg, to the BOC and BOE, respectively. Fayette County also made history in that 2014 election by having the highest voter turnout of all 159 counties in Georgia. In September 2015, following the unexpected death of Ms. Coston, Black voters were able to elect Charles Rousseau to serve out her term of office. Ms. Coston and Mr. Rousseau made history by becoming the first and second Black members of the BOC in the nearly two-century history of Fayette County, respectively.
- **End more than four years of protracted Voting Rights Act litigation that has already cost over \$1 million drawn from County public funds and \$1 million in fees and costs invested by attorneys for the plaintiffs.** The settlement will end what prominent business leaders in Fayette County like Joel Cowan and Jim Pace have recognized is a “divisive and expensive” lawsuit. As a Georgia legislator, whose district includes part of Fayette, Virgil Fludd, has noted, a settlement will enable Fayette County to redirect its attention and resources toward other pressing needs in the community, including creating “new engagement opportunities for all residents” and attracting businesses to set up shop in the County.
- **Align Fayette County’s electoral method with those of other counties in Georgia and the district-based voting method for state legislative offices in Georgia and nationwide.** Fourteen of the 15 counties surrounding Fayette County have district voting, and 125 of the 159 counties in Georgia elect some or all of their county commissioners using districts, as the districting plan comprised in the settlement proposes. Notably, numerous counties in the state of Georgia, including Bibb, Columbus-Muscogee, Glynn, Harris, Marion, Richmond, and Peach counties, elect members of their county commission and/or school board under a hybrid plan—like the redistricting plan proposed by the settlement—that includes both single-member and at-large districts. Moreover, voters elect state legislative representatives in Georgia and nationwide by district-based voting.
- **Help Fayette County move forward into the 21st century.** Business leaders, including the Fayette County Chamber of Commerce, have recognized that the litigation has cast a “negative



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light” upon the county both “regionally and nationally.” The settlement will help Fayette County shed this negative light and move forward toward realizing its vision of becoming an inclusive democracy and “a place where all types of people can find a home.”