
Hughes Hubbard & Reed

Firm Wins Ruling Against Georgia in Voter Suppression Case

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November 20, 2018 — Hughes Hubbard achieved a major victory for a coalition of civil rights groups when a federal judge ruled that Georgia must make it easier for more than 3,000 newly naturalized U.S. citizens to vote in the midterm elections on Nov. 6.

On Nov. 2, U.S. District Judge Eleanor Ross ruled against Georgia Secretary of State Brian Kemp, the Republican candidate for governor who also oversees elections in the state, ordering him to end the "severe burden" facing new U.S. citizens in Georgia trying to vote for the first time. Kemp is currently ahead in the race that is still too close to call.

HHR is acting as pro bono counsel with the Lawyers' Committee for Civil Rights Under Law, Campaign Legal Center, Asian Americans Advancing Justice -- Atlanta and The Law Office of Bryan L. Sells LLC for the coalition in its lawsuit against Georgia election officials over a 2017 voting law to verify new voter registrations.

The coalition, which includes the local NAACP, filed a federal lawsuit on Oct. 11 in Atlanta, accusing Kemp of suppressing more than 50,000 voter registration applications. While the lawsuit seeks redress for all alleged violations, the coalition asked for "targeted relief" in the form of a preliminary injunction for the "approximately 3,141 individuals" who were flagged by the state as noncitizens as a result of Georgia's voter registration verification procedure.

In her 36-page decision, Judge Ross held that the coalition was likely to succeed on its claim that Georgia's procedure unconstitutionally burdened the affected citizens' fundamental right to vote. Judge Ross noted that the procedure raised "grave concerns for the Court about the differential treatment inflicted on a group of individuals who are predominantly minorities." The injunction she issued required the state to change its procedures immediately to allow those flagged to prove their citizenship and vote more easily by permitting voters in pending status to vote a regular ballot in the Nov. 6, 2018 election, and by showing documentary proof of citizenship to the poll manager present at every Georgia polling location, instead of just to deputy county registrars, who are not always available at every polling location.

"With respect to Tuesday's election, we deem this a total victory in our fight against Secretary of State Brian Kemp's "exact match" scheme," said Kristen Clarke, president and executive director of the Lawyers' Committee for Civil Rights Under Law. "Our goal in filing this lawsuit was to ensure that no eligible voter was unfairly denied the right to vote because of this discriminatory voter suppression effort."

HHR's initial partnership with the coalition resulted in a settlement almost two years ago in which Kemp agreed to stop cancelling voter registration applications that failed to match other records. But in 2017, Georgia passed legislation codifying the exact-match requirement into state law.

The ruling made headlines in The New York Times, The Washington Post, USA Today, NBCNews.com, NPR.com and other news sources.

Vilia Hayes leads the HHR team, which includes Greg Farrell, Dustin Smith, Caroline Parker-Beaudrias and Matthew Reynolds.

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