

Local Lockout in Georgia

Why Underrepresentation in County-Level
Governments Persists

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Table of Contents

Introduction	3
I. Local Representation Matters	4
The Role of County Governments.....	4
The Significance of Local Representation.....	4
II. County-Level Representational Gaps	6
Georgia’s Demographic Evolution	6
Comparing Local Officials with County Populations.....	6
Representational Gaps Across the State	8
III. Electoral Practices and Local Maps	12
Georgia’s Local Redistricting Regime	12
Methods of Election.....	12
Other Electoral Practices	15
IV. The 2020 Redistricting Cycle	16
Violation of Local Courtesies.....	16
Abuse of Special Session	17
Incumbents Drawn Out of Districts	17
Interruption of Commissioner’s Term	18
Switch to Nonpartisan Elections.....	18
V. Options for Reform	19
Reviving Preclearance and Federal Reform	19
State-Level Protections.....	19
Conclusion	21
Appendix: Data, Sources, and Methodology	22
Endnotes	31

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Introduction

All politics is local, but local institutions often evade national scrutiny.¹ City and county governments make policy decisions that impact daily life and animate political identity: how to run just and effective police forces, how to maintain roads and deploy emergency services, and how to operate public schools that educate and enrich future generations.² They have also become cultural flash points in social movements for racial equity and LGBTQ+ rights. Local elections offer critical opportunities for communities to address the issues that most directly affect them, participate in the political process, and cultivate political talent for higher office.

Since 2010, rapidly growing communities of color have reshaped Georgia's demographic and political makeup, yet the state's county governing structures have been slow to reflect that change. Many factors contribute to these disparities, among them the electoral practices shaped by the Republican-dominated state legislature that create structural barriers to elected office. Compounding this problem are the legislature's unprecedented efforts to intervene in local redistricting precisely where communities of color are tipping political scales.

This report draws on 2023 state voter file data to analyze the racial and gender identity of current members of Georgia's 159 county commissions and their respective school boards.³ People of color are dramatically underrepresented among Georgia's county government officials. They constitute nearly 50 percent of the state's population, yet as of February 2023, only 27 percent of county commission seats and 29 percent of county school board seats statewide were held by people of color. The average Georgia county has about half as many people of color on its county commission and school board as would be predicted given its population and school enrollment composition, respectively. Underrepresentation is more pronounced in these local offices than in state or federal ones.

Ten counties where people of color make up more than 40 percent of the population are governed by county commissions in which every member is white. Statewide, at least 54 counties have all-white commissions. Latino and Asian underrepresentation is particularly egregious. Although Latinos make up 11 percent of Georgia's population, only 3 of 811 county commissioners we identified and 2 of 913 county school board members we identified are Latino (0.3 percent). Asians constitute 4 percent of the state population, yet just 2 county commissioners and 1 school board member are Asian (0.2 percent).

Gender disparities in local representation are also stark. Men outnumber women on county commissions in Georgia by a ratio of more than five to one. Women of color, who make up more than 25 percent of the state's population, hold just 8 percent of county commission seats.

Electoral structures that impede minority representation persist across Georgia counties. The sole-commissioner system — used by several counties in Georgia but nowhere else in the country — vests policymaking power in a single individual elected at large. No person of color has ever been elected as sole commissioner. In addition, nearly one in four counties elects all its commissioners at large — that is, from the entire county rather than from single-member districts. At-large and sole-commissioner systems elect only half as many commissioners of color as would be predicted when compared with districted or mixed counties, normalizing for each county's demographics. Despite the long-standing academic consensus that at-large elections disadvantage minority voting power, the state kept most at-large and sole-commissioner systems intact in the 2021–22 legislative session even as it passed more than 100 local acts to redistrict county governing bodies.

Where the state legislature did act, it interfered in local map-drawing decisions in a manner that undermined minority representation. It broke with established practices by circumventing committee requirements for consent from the local delegation. The legislature did so primarily with respect to suburban counties where rapidly growing communities of color had recently elected a majority of people of color to their commissions. The state legislature also drew Black county commissioners out of their districts at a higher rate than it did for white county commissioners. Such moves could make it harder for them to retain their positions. In one case, the legislature even sought to cut short the term of a Black county commissioner.

Legal protections are needed to address these representational harms. Federal preclearance, which operates primarily at the local level, could create a critical check on the actions of discriminatory state legislatures. But the state and local governments do not have to wait for Congress to act and could enact state-level reform or local resolutions that improve redistricting processes. Only with fair representation can local governments meet the needs of all their constituents.

I. Local Representation Matters

Responsive representation on local policymaking bodies — in particular, county commissions and school boards — determines whether Georgia’s 11 million residents have a say in key decisions where they live. In addition, meaningful local representation paves the way for communities to participate in the political process more generally and develops homegrown leaders for higher office.

The Role of County Governments

In the South, local power is concentrated largely at the county level, in part due to counties’ legacy as the face of government authority in a historically rural region.⁴ Counties run courts and jails and oversee law enforcement agencies — institutions shaped by counties’ historical role in administering not only justice but also state-sanctioned violence during the Jim Crow era.⁵ In addition to providing regional services such as health and emergency services, road maintenance, transit, and welfare, counties have become increasingly responsible for public goods historically administered by cities and towns: sanitation, parks and recreation, community development, and even some airports.⁶ Most counties also oversee building permitting and planning, which gives them profound influence over the accessibility and safety of housing.⁷

The vast majority of Georgia counties operate without an elected executive.⁸ In nearly all, the elected board of commissioners (or sole commissioner) sets and executes the county’s policy agenda.⁹ Under a system known as home rule, the Georgia Constitution generally grants county governments autonomy to govern, administer, and legislate local matters.¹⁰ Vested with the “exclusive authority” to control their fiscal affairs,¹¹ they enact budgets — thereby determining policy priorities — and routinely decide which businesses receive lucrative public contracts, which can be worth millions of dollars.¹² To implement local ordinances, commissions typically exercise executive authority themselves or appoint a county manager or administrator to share the responsibility.¹³ Several counties with sizable cities, including Athens and Augusta, operate city-county consolidated governments in which the boundary lines of the city and county become coterminous and the county is the only local legislative body.¹⁴

Some state and federal programs rely on county departments that ultimately answer to the county commission or its appointed manager. Though states administer the federally funded welfare program Temporary Assistance for Needy Families (TANF), in Georgia county family and child service offices ensure that TANF funds are distributed. Nearly half of the Georgia Department of Public Health’s 2023 budget was allocated to formula grants to

county health departments to deliver services across the state.¹⁵ County commissions may even dole out federal dollars, often at their discretion.¹⁶ They spent \$400 million of federal pandemic recovery funds under the American Rescue Plan Act — nearly half the state’s total.¹⁷

In addition to Georgia’s county commissions, power is held locally by boards of education, which oversee the state’s 180 school districts. Most are coextensive with counties.¹⁸ While the state board of education establishes educational and administrative standards, local boards manage public schools and administer programming.¹⁹ Imbued with legislative, executive, and judicial authority,²⁰ local school boards are responsible for “vision setting, policy making, approving multimillion dollar budgets, financial management, and hiring a qualified superintendent,” per the Georgia code.²¹ Billions of dollars in state funding pass through local school systems, the boards of which can also levy taxes independent of the county.²²

The Significance of Local Representation

Responsive local representation extends beyond the policymaking decisions that shape constituents’ daily lives. First, local politics are an entry point for voters to participate in the political process. During the civil rights movement, for instance, school boards were the early targets of protest against systemic discrimination.²³ Today they are on the front lines of political battles regarding education and public health.²⁴ Since 2020 grassroots groups such as the Georgia Youth Justice Coalition have organized at school board meetings to advocate for Covid-19 health measures, protest the elimination of diversity training, and fight ongoing book bans.²⁵ Other groups, such as Concerned Parents of Forsyth County, Georgia, and Mama Bears, have pushed to ban books containing material that they consider objectionable.²⁶ The ability to meaningfully influence the institutions that oversee the most immediate forms of state power — community policing, local jails, courts, welfare offices — affects whether people believe their vote matters.²⁷

Second, small communities are typically better able to exert significant influence at the local level. The geographic

concentration of communities of color grants them political influence that may not be available in a larger legislative or congressional district.²⁸ For example, in 2023 the school district for Chatham County invested nearly \$1 million in services for English language learners following fierce advocacy from immigrant parents and community groups such as Migrant Equity Southeast.²⁹ And because of relatively low turnout in local elections, even modest efforts to mobilize communities can shift outcomes.³⁰

Black, Latino, and Asian candidates for local government can activate and target get-out-the-vote efforts in their co-ethnic communities, resulting in higher civic engagement. For example, researchers have found that Black representation on county councils increases Black turnout and facilitates political participation in Black communities.³¹ Black and Latino mayoral candidacies, too, can raise turnout in precincts where people of color make up a majority of the population.³² After the 2010 redistricting cycle, Black and Asian voters in districts where co-ethnic candidates were on the ballot or where a majority of the population was of their ethnicity were more likely to participate in the next election.³³ Experiments with hypothetical city council candidates show that Asian voters are more likely to turn out when Asians are on the ballot, especially when campaigns emphasize candidates' heritage.³⁴ Black voters are more likely to be contacted about voting if they live in a city with a Black mayor, Latino voters are more likely to turn out when contacted by Latino campaign workers, and Asian candidates may mobilize communities in a culturally competent way.³⁵

Elected officials of color may also influence policy choices that lift barriers to participation for their community members. For instance, four years after Gwinnett County elected its first Asian commissioner, and in response to advocacy from community groups such as Asian Americans Advancing Justice, the commission began

translating voter materials into four Asian languages.³⁶ In turn, the success of Black, Latino, and Asian candidates can be the product of efforts by historically underserved communities to focus on local elections and issues, which have an outsized impact on quality of life.³⁷ As a result, local representation that responds to the concerns of communities can eke out change even when it is not available at other levels of government. This makes local organizing a linchpin for many community groups, such as Women Watch Afrika, which contributes to local protections for refugees in the metro Atlanta area.³⁸

“These are the things that we tell the community that we serve: this is your community,” said Glory Kilanko, director and CEO of Women Watch Afrika, in an interview with the authors of this report. “You can make changes here in your school boards. You can make changes here about your streets. You can make changes here in your well-being. This is where you can impact meaningful change. Whatever change you make here, you will benefit from it directly because this is where you live. This is home for you.”

Third, local government provides opportunities for new political leaders to develop.³⁹ In the 114th Congress, for example, House members of color — particularly Black and Latino representatives — were significantly more likely than white members to have begun their careers in local government. Latinos, who generally serve on school boards more often than in any other political office, began as local officials around twice as often as white members.⁴⁰ Twenty-seven percent of current Georgia state legislators gained governmental experience at the local level prior to running for state office.⁴¹ Among state legislators of color, 29 percent have local experience. And 38 percent of state legislators with local experience are people of color. Two of the three Latino state legislators we identified had local experience prior to seeking state office.⁴²

II. County-Level Representational Gaps

This study examines the racial and gender identities of Georgia’s county commissioners and school board members as of February 2023. County elected officials were matched to their entries in the Georgia voter file, which documents individuals’ self-identified race and gender. (Georgia is one of the few states whose voter files contain such information.) Elected officials with incomplete voter file data were contacted and asked to answer a demographic survey.

Georgia’s Demographic Evolution

Over the last decade, profound demographic shifts have reshaped Georgia, which gained 1 million new residents between 2010 and 2020, more than any other state except California, Florida, and Texas.⁴³ During this time, Georgia’s citizen voting-age population rose by more than 800,000 people, nearly 80 percent of whom identify as Black, Latino, or Asian.⁴⁴ The state’s suburbs have changed most profoundly: for example, the population of the Atlanta suburb Cobb County grew by nearly 80,000 while the white share of the population fell from 56 to 48 percent.⁴⁵ Georgia’s Asian population grew by roughly 160,000, or more than 50 percent — faster than any other single ethnic group. The number of Latinos rose by nearly 270,000, or 32 percent. Georgia’s Black population grew by more than 360,000, or 13 percent.⁴⁶ And Georgia has continued to grow: according to Census Bureau estimates, the state’s population rose by more than 200,000 between 2020 and 2021 — more than 46 other states.⁴⁷

As the face of Georgia has changed, so too has its politics. Over the last few election cycles, growing numbers

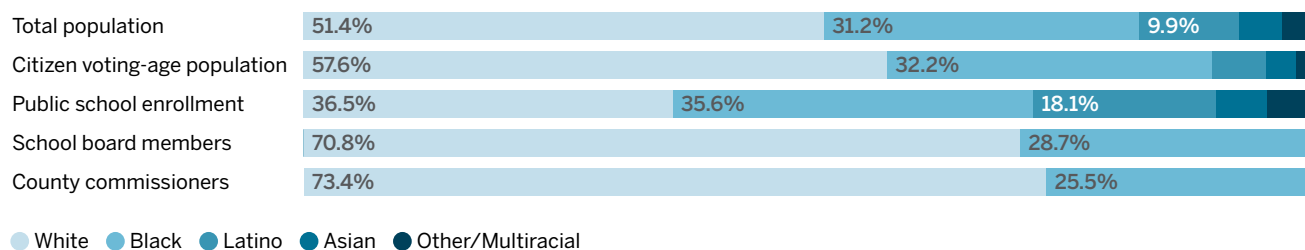
of Black, Latino, and Asian voters have made inroads in local and federal elections. In 2018 Gwinnett County voters elected the first person of color to their board of commissioners, and in 2020 Cobb County’s Black and Latino communities elected the first Black and first female chair of their county commission.⁴⁸ These Atlanta suburbs saw some of the largest partisan shifts in the country between presidential elections.⁴⁹ In 2020 and then 2022, voters elected and then reelected Georgia’s first Black U.S. senator, Sen. Raphael Warnock, a Democrat, in general and runoff elections.

Comparing Local Officials with County Populations

Representation on county governmental bodies in Georgia has not kept pace with the population’s profound transformation. As of February 2023, people of color composed nearly 50 percent of the state’s population and 64 percent of its public school students but held only 27 percent of county commission seats and 29 percent of school board seats (figure 1).

FIGURE 1

Demographic Composition of Georgia’s Population and County Officials



Source: Brennan Center Analysis of the Georgia voter file. For more information, see the appendix. Estimates of population and citizen voting-age population from the U.S. Census Bureau, American Community Survey (2017–2021). School enrollment data from the Georgia Department of Education for the 2022–2023 school year.

TABLE 1

County Commissioners and School Board Members in Georgia by Race

RACE	COUNTY COMMISSIONERS	SCHOOL BOARD MEMBERS
White	596 73.4%	646 70.7%
Black	207 25.5%	263 28.8%
Latino*	3 0.4%	2 0.2%
Asian	2 0.2%	1 0.1%
Other	4 0.5%	2 0.2%

*The Georgia voter file indicates "Hispanic/Latino," not "Latino."
Note: Two officials were counted in multiple race categories on the basis of their responses to our survey: one county commissioner, who identified as both white and American Indian, and one school board member, who identified as both Asian and Black. Those who identified as American Indian either in the voter file or in our survey were counted in the "Other" category.
Source: Brennan Center analysis of the Georgia voter file. For more information, see the appendix.

Underrepresentation is most striking for Latino and Asian communities (table 1). Of the 811 county commissioners and 913 school board members whose racial identity was determined, only three county commissioners and two school board members identified as Latino (0.3 percent), and just two county commissioners identified as Asian (0.2 percent). One school board member and one county commissioner identified as multiracial. Comparatively, Latino and Asian residents of Georgia make up about 11 and 4 percent of the state population, respectively.

None of the five counties with the largest Latino populations by share — where Latinos make up between one-fifth and one-third of the population — have any Latino county commissioners (table 2). Two of the five counties with the largest Asian populations have at least one Asian commissioner.

In addition, as table 3 demonstrates, stark gender disparities persist on county commissions, where men outnumber women by a ratio of more than five to one. Women make up roughly 50 percent of Georgia’s population yet hold only 15 percent of county commission seats. Half of all county commissions in the state include no women at all.⁵⁰ Women of color, who make up more than 25 percent of the state’s population, hold just 8 percent of county commission seats. About 40 percent of school board members are women. More white men serve on Georgia’s school boards than women of any racial identity, and more white men serve on Georgia’s county commissions than people of any other racial or gender identity.

TABLE 2

County Commission Representation in Top Five Latino and Asian Counties by Population Share

PERCENT LATINO				PERCENT ASIAN			
COUNTY	TOTAL POPULATION	CITIZEN VOTING-AGE POPULATION	COUNTY COMMISSIONERS	COUNTY	TOTAL POPULATION	CITIZEN VOTING-AGE POPULATION	COUNTY COMMISSIONERS
Whitfield	36	20	0	Forsyth	15	8	20
Echols	29	27	0	Gwinnett	12	11	20
Hall	29	14	0	Fulton	7	5	0
Atkinson	27	12	0	Baker	7	6	0
Gwinnett	22	12	0	DeKalb	6	4	0

Source: Brennan Center analysis of the Georgia voter file; U.S. Census Bureau, American Community Survey (2017–2021).

TABLE 3

Local Officials in Georgia by Gender and Race

RACE	COUNTY COMMISSIONERS		SCHOOL BOARD MEMBERS	
	FEMALE	MALE	FEMALE	MALE
White	61	535	216	429
	7.5%	65.8%	23.7%	47.0%
Black	61	146	146	117
	7.5%	18.0%	15.9%	12.8%
Latino	1	2	0	2
	0.1%	0.2%	0.0%	0.2%
Asian	0	2	1	0
	0.0%	0.2%	0.1%	0.0%
Other	0	4	2	0
	0.0%	0.5%	0.2%	0.0%

Note: Individuals who identify as multiracial were included in multiple categories. No county commissioners or county school board members identified with a gender other than male or female in the voter file. These numbers are estimates and do not sum to 100 percent.

Source: Brennan Center analysis of the Georgia voter file.

Representational Gaps Across the State

Racial underrepresentation exists across the state and thus cannot be explained by political geography alone. On average, white Georgians are represented on a county commission by a co-ethnic commissioner two and a half times more frequently than are nonwhite Georgians (figure 2). White students in the state are represented by white members more than four times more frequently than nonwhite students are represented by school board members of color.

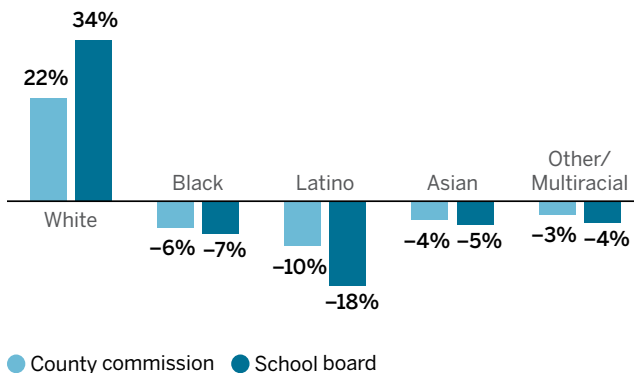
At least 54 counties in Georgia have an all-white county commission (figure 3). This includes 22 counties where people of color make up more than a quarter of the population. Table 4 presents the counties with the largest share of people of color that have only white commissioners.

On average, a Georgia county has 45 percent fewer people of color on its county commission than would be predicted based on its demographics. About half of Georgia county commissions (78 out of 153 counties with complete data) have less than 60 percent of predicted nonwhite members (figure 4).

FIGURE 2

Differences in Population Diversity and Local Government Diversity

REPRESENTATION IN LOCAL GOVERNMENT

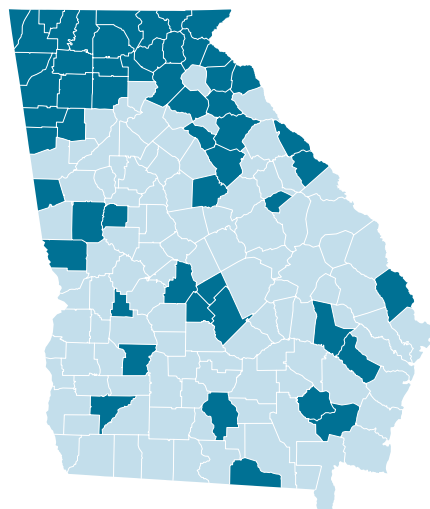


Note: Percentages represent each racial subgroup's equity score: the difference between a group's proportion of the county population and its proportion of the local body. Negative numbers indicate underrepresentation, while positive numbers indicate overrepresentation. Individuals who identify as more than one race are counted once in the "other/multiracial" category and no other categories.

Source: Brennan Center analysis of the Georgia voter file and data from the U.S. Census Bureau, American Community Survey (2017–2021).

FIGURE 3

Counties with All-White County Commissions



● All-white commission

Note: Map may underestimate the number of counties with all-white county commissions, because it does not include counties with any commissioners of unknown race.

Source: Brennan Center analysis of the Georgia voter file.

TABLE 4

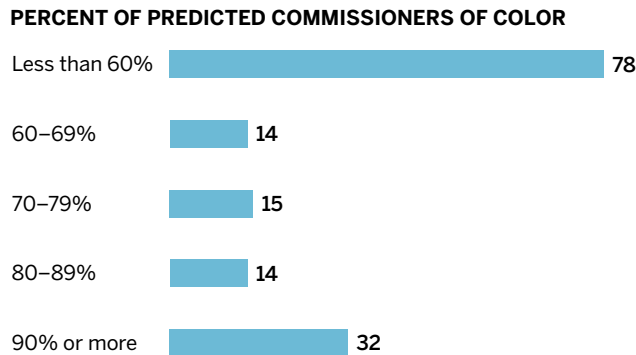
Counties with All-White County Commissions and Large Communities of Color

COUNTY	SHARE OF POPULATION				
	BLACK	LATINO	ASIAN	OTHER	WHITE
Baker	38.9	0.1	7.3	2.6	51.1
Houston	31.1	6.7	3.5	3.9	54.8
Pulaski	39.2	4.1	0.4	1.0	55.3
Tattnall	28.0	12.2	0.4	3.2	56.2
Long	22.8	11.4	1.6	7.9	56.4
Meriwether	39.1	2.5	0.4	1.3	56.7
Whitfield	3.4	36.2	1.5	1.7	57.2
Greene	32.9	6.4	1.1	1.4	58.2
Echols	3.1	29.4	1.5	7.6	58.4
Hall	6.8	29.0	1.9	2.8	59.5

Source: Brennan Center analysis of the Georgia voter file and data from the U.S. Census Bureau, American Community Survey (2017–2021).

FIGURE 4

Distribution of Counties by Distance from Parity, County Commissions

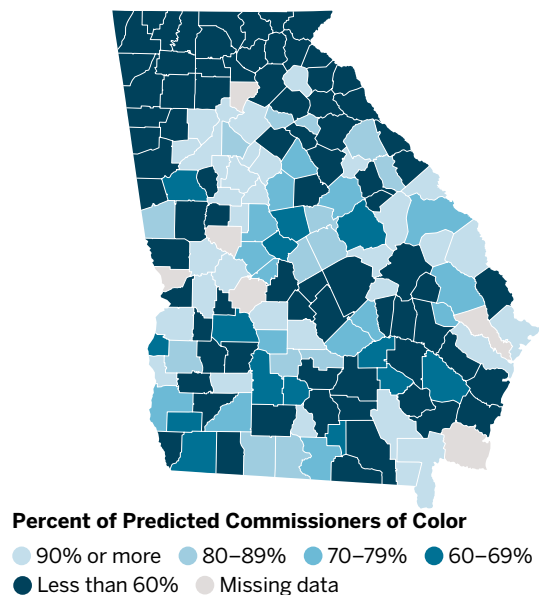


Note: This figure shows the distribution of representational gaps — the proportion of members of color that are on the county commission divided by the proportion of members of color that would be predicted based on the nonwhite composition of the county. This number is calculated by subtracting the proportion of the population that is nonwhite from the proportion of the local body that is nonwhite, and then dividing by the nonwhite share of the population. A higher percentage of predicted officials of color indicates that the body is closer to reflecting the demographics of the county. For more information, see the appendix.

Source: Brennan Center analysis of the Georgia voter file and data from the U.S. Census Bureau, American Community Survey (2017–2021).

FIGURE 5

Representational Gaps Across Georgia’s County Commissions

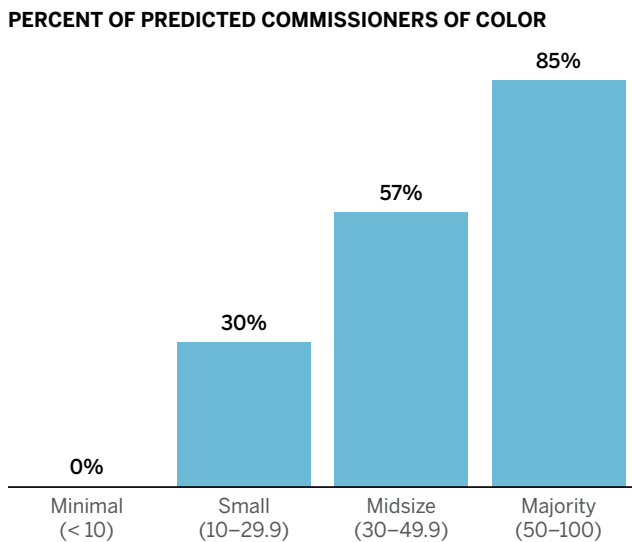


Note: Representational gaps indicate the distance from parity. For example, 90 percent or more means that the county commission has at least 90 percent of the nonwhite members that would be predicted based on the demographics of the county.

Source: Brennan Center analysis of the Georgia voter file and data from the U.S. Census Bureau, American Community Survey (2017–2021).

FIGURE 6

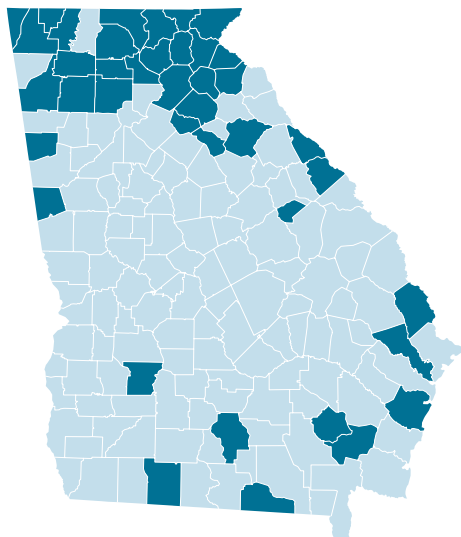
Average Representational Gaps by Nonwhite Share of the Population



Source: Brennan Center analysis of the Georgia voter file and data from the U.S. Census Bureau, American Community Survey (2017-2021).

FIGURE 8

Counties with All-White School Boards



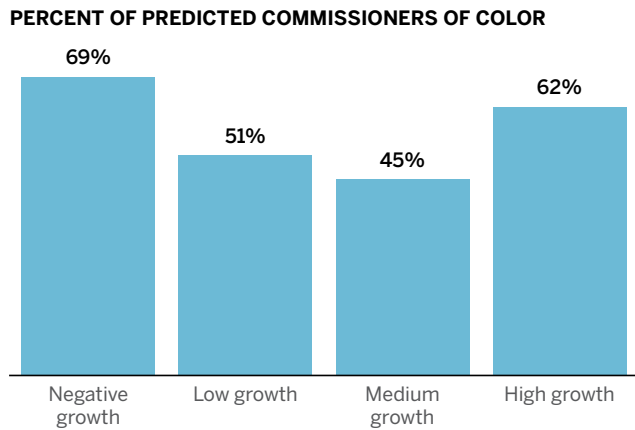
● All-white school board

Note: Map may underestimate the number of counties with all-white school boards, because it does not include counties with any school board members of unknown race.

Source: Brennan Center analysis of the Georgia voter file.

FIGURE 7

Average Representational Gaps by Growth Rate of Communities of Color



Note: Between 2010 and 2020, 28 Georgia counties experienced negative growth in their nonwhite population. The remaining 131 counties were divided into three groups based on the growth rate of communities of color. Counties were classified as low growth if their nonwhite population rose by less than 2.8 percentage points, medium growth if it rose between 2.8 and 4.7 percentage points, and high growth if it rose more than 4.7 percentage points.

Source: Brennan Center analysis of the Georgia voter file and data from the U.S. Census Bureau, American Community Survey (2017-2021).

Excluding Atlanta and its suburbs, counties in every region of Georgia underrepresent minorities on their commissions relative to the county’s demographics (figure 5).⁵¹ Representation on county commissions improves as group size increases (figure 6). When communities of color make up less than 50 percent of the population, they receive on average only 49 percent of the representation that would be predicted if the communities reached parity. In the 10 counties where communities of color make up less than 10 percent of the population, no people of color serve on county commissions.

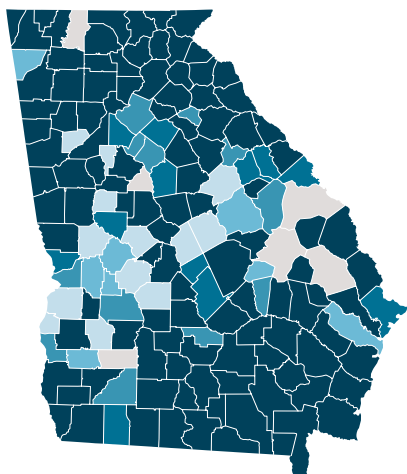
Representational gaps are also most pronounced in counties where populations of color grew moderately over the past decade (figure 7). These counties on average have only 45 percent of the number of commissioners of color that would be predicted given the size of their minority populations.

Among school boards, too, significant representational disparities endure across the state. At least 40 counties in Georgia currently have an all-white school board, including 21 counties where people of color constitute more than a quarter of the K-12 public school enrollment (figure 8).⁵² On average, a school board has 54 percent

fewer members of color than would be expected based on student enrollment (figure 9). More than two-thirds of school boards (108 out of 153) have less than 60 percent of the nonwhite members they would have if they reflected the student body (figure 10).

FIGURE 9

Representational Gaps Across Georgia's School Boards



Percent of Predicted Board Members of Color

- 90% or more
- 80–89%
- 70–79%
- 60–69%
- Less than 60%
- Missing data

Note: Representational gaps indicate the distance from parity. For example, 90 percent or more means that the school board has at least 90 percent of the number of nonwhite members that would be predicted if the school board reflected the demographics of K–12 public school enrollment in the county.

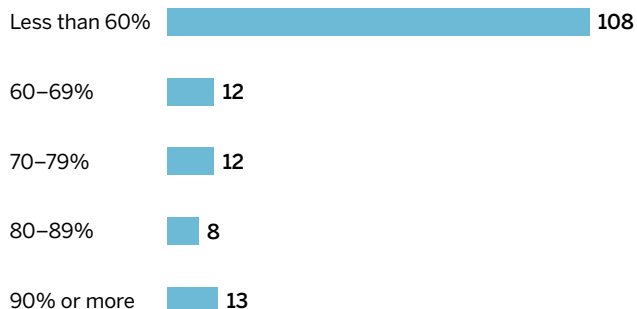
Source: Brennan Center analysis of the Georgia voter file and data from the Georgia Department of Education.

The political underrepresentation of communities of color is more extreme at the local level than at the state or federal level. People of color make up 36 percent of the Georgia legislature but only 27 percent of school boards and 29 percent of county commissions.⁵³

FIGURE 10

Distribution of Counties by Distance from Parity, School Boards

PERCENT OF PREDICTED BOARD MEMBERS OF COLOR



Note: This figure shows the distribution of representational gaps — the proportion of members of color that are on the school board divided by the proportion of members of color that would be predicted based on nonwhite K–12 school enrollment. A higher percentage of predicted school board members of color indicates that the body is closer to reflecting the demographics of the county. For more information, see the appendix.

Source: Brennan Center analysis of the Georgia voter file and data from the Georgia Department of Education.

III. Electoral Practices and Local Maps

Georgia’s constitutional structure grants the state legislature considerable power in determining local electoral environments. Through this authority, the general assembly has imposed structural barriers that contribute substantially to county-level representational disparities. In particular, the legislature maintains at-large and sole-commissioner systems in many counties, despite evidence that such systems underrepresent communities of color. Elsewhere, its intervention in the drawing of local maps appears to single out counties experiencing demographic and political change.

Georgia’s Local Redistricting Regime

Despite Georgia’s home rule framework, which assigns counties significant policymaking authority and service delivery obligations, the general assembly holds final approval over the organization of local government.⁵⁴ Though there is ongoing litigation in state court regarding whether local line-drawing is excepted from constitutional home rule, federal courts and state institutions have long assumed it is.⁵⁵ This creates a legal scheme that grants veto power over county redistricting maps to the state legislature.

Counties can participate in the local redistricting process in one of two ways. They can request that a member of the local delegation — a legislator whose district contains all or part of the county — sponsor a specific plan drafted by the general assembly’s Legislative and Congressional Reapportionment Office (LCRO).⁵⁶ Or they can submit their own plans for LCRO review with local delegation sponsorship.⁵⁷

In drafting maps to propose to the state legislature, counties and school boards may take steps to include community members in the process. State law does not require counties to hold public hearings on drafting plans; as a result, the level of community input varies widely. For example, the Richmond County Ad Hoc Redistricting Committee held four public hearings in drafting its county maps.⁵⁸ But in Cobb County, as plaintiffs in an ongoing federal challenge to school board maps have alleged, white school board members excluded their Black colleagues and constituents of color from the redistricting process while secretly designing maps to maintain a white majority on the board.⁵⁹

After the LCRO reviews the plans for legal compliance, they can be introduced in the legislature.⁶⁰ While counties must go through this process, members of the general assembly can introduce local redistricting bills that the LCRO has not certified, as well as bills whose drafting did not involve local residents or officials at all.⁶¹

When a local bill advances out of committee and is considered by the legislature, it is heard more quickly than general bills.⁶² State law does not require the general assembly to hold public hearings for local redistricting bills, which can move through the legislature in just a few days. Under norms of local courtesy, the state legislature typically passes without controversy local bills that have the support of the local legislative delegation.

Methods of Election

Local legislation passed by the general assembly provides for a variety of electoral systems among county governments (figure 11 and table 5), with differing representational consequences.

FIGURE 11

Methods of Election in Georgia

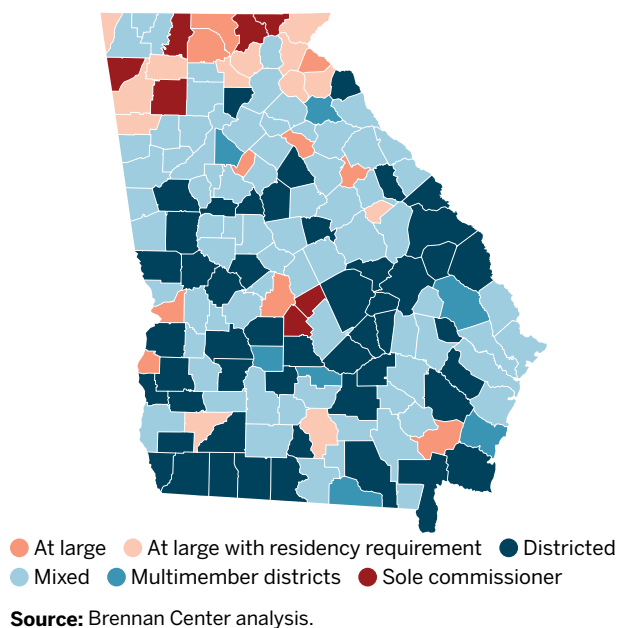


TABLE 5

Methods of Election in Georgia

METHOD OF ELECTION	NUMBER OF COUNTIES	PERCENTAGE OF TOTAL
Mixed	72	45%
Districted	50	31%
At large	10	6%
At large with residency requirement	13	0%
Multimember districts	7	4%
Sole commissioner	7	4%

Source: Brennan Center analysis.

Nearly one in five counties elects commissioners at large or elects a sole commissioner. At-large commissioners are elected from the entire county rather than from specific single-member districts, denying smaller communities the ability to exert enough political power to elect a representative. Some counties with at-large systems require each commissioner to reside in a different part of the county. In sole-commissioner counties, all policymaking authority is concentrated in a single individual who is elected by the entire county.

Most counties, however, employ a districted or mixed system, in which the county is divided into districts, each represented by at least one commissioner. In districted counties, each commissioner is elected to fill a specific seat representing a small geographic area within the county. Voters can cast their vote only for the commissioner who will represent their district. The most popular regime used by Georgia counties are mixed systems, which include some seats elected from districts and others elected at large. Typically, the chair is elected at large, while the other seats are elected from single-member districts.

In still other counties, voters in each district can elect multiple commissioners. Some of these counties involve a mixture of multimember districts and at-large posts.

At-Large Systems

The most egregious representational gaps exist in counties where commissions are elected at large or consist of a sole commissioner (figure 12). Representational gaps are, on average, nearly twice as big in counties using at-large systems (including sole-commissioner systems) as in those using districted or mixed systems. County commissions using at-large elections achieve only 27 percent, on average, of the predicted number of people of color given the size of the minority population in their counties. Districted systems reach 79 percent on average.

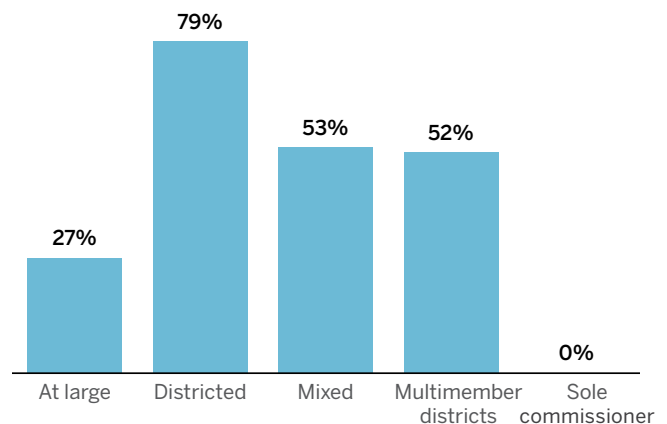
Even when controlling for demographic differences (differing voting-age population, education, unemployment, and share of Black population), counties with single-member districts are 32 percentage points closer to one-to-one representation of their nonwhite populations than counties using at-large systems.

These results are consistent with the academic consensus that at-large systems constrain minority voting power.⁶³ When people vote along racially polarized lines in at-large elections, white majorities that vote as a bloc can submerge the voting power of minorities and prevent communities of color from gaining even a single representative of choice. One 2022 study of North Carolina

FIGURE 12

Average Representational Gaps by Method of Election

PERCENT OF PREDICTED COMMISSIONERS OF COLOR



Source: Brennan Center analysis of the Georgia voter file and data from the U.S. Census Bureau.

county commissions estimated that switching at-large elections to district-based elections would lead to 20 additional Black county commissioners (of 587) in the state.⁶⁴ Scholars have also found that at-large elections limit Latino representation on school boards and that school districts in California and Texas that switched to districted elections increased Latino representation.⁶⁵ At-large systems may also disadvantage candidates with fewer resources in large geographic areas.⁶⁶

In Georgia, at-large systems are used more often in counties in which sizable communities of color fall short of constituting a majority.⁶⁷ On average, counties using an at-large system are 29 percent nonwhite, while districted counties are 51 percent nonwhite. Of 30 at-large systems, 20 are in counties where communities of color make up between 10 and 50 percent of the population.⁶⁸ Five are in counties where communities of color account for 30 to 50 percent of the population. In three at-large counties, communities of color constitute a majority of the county.

Every at-large system in Georgia is coupled with at least one of three voting rules that magnify the discriminatory effect of at-large voting: numbered posts, residency requirements, and majority vote requirements. These rules diminish the effectiveness of single-shot voting, an approach in which voters cast their vote for only one preferred candidate and no others, which should boost the preferred candidate at the expense of other candidates. Single-shot voting typically offers the best opportunity for communities of color to win a seat in an at-large system.⁶⁹ The U.S. Department of Justice, in objecting to potentially discriminatory districts, and federal courts, in enforcing Section 2 of the Voting Rights Act — which prohibits practices that dilute minority voting power — have repeatedly noted whether anti-single-shot voting rules were present, because these rules enhance the discriminatory effect of an at-large regime.⁷⁰

Most of Georgia’s at-large systems use numbered posts. Rather than having all voters vote for all candidates head-to-head, this system requires separate races for each seat on a multimember body, reducing the field of candidates for each open seat and allowing the county’s majority group to control the outcome of each race.⁷¹ When the Voting Rights Act’s preclearance regime was in effect, the Department of Justice objected to at-large systems with numbered post requirements in Georgia 13 times.⁷²

Nearly every at-large county in Georgia that does not use numbered posts uses residency requirements.⁷³ Under such rules, county commissioners are elected on an at-large basis, but each commissioner must reside in a different geographic area of the county. Like numbered posts, residency requirements create separate races for each seat.⁷⁴ A candidate can win in a residency district even if no voter living in that district voted for the candidate.⁷⁵

All county commission elections must comply with Georgia’s majority vote requirement — a rule that the Eleventh Circuit Court of Appeals affirmed was adopted when “the virus of race-consciousness was in the air.”⁷⁶ Under Georgia law, if no candidate receives a majority of the vote in a primary or general election, a runoff must take place.⁷⁷ When one candidate of color is pitted against multiple white candidates who split votes among white voters in a primary or general election, a subsequent runoff can disadvantage communities of color.⁷⁸ Because the racial turnout gap increases in off-cycle elections, the timing of the runoff election can further diminish the voting power of people of color.⁷⁹

Sole-Commissioner Systems

Sole-commissioner systems are the ultimate form of majority-take-all elections and unique to Georgia. An elected official acting as a sole commissioner is virtually unchecked by other decision-makers.⁸⁰ No person of color has ever been elected as a sole commissioner in Georgia.⁸¹

On average, communities of color make up roughly 22 percent of the population of the seven counties with such a system in place (table 6).⁸² This form of government is most common in small, rural counties but also governs Bartow County, a 100,000-resident exurb of Atlanta whose growth over the past decade has been fueled by people of color. As recently as 1999, the state legislature green-lit Murray County’s switch from a five-member commission to a sole-commissioner system.⁸³

TABLE 6

Demographics of Counties Governed by Sole Commissioners

COUNTY	POPULATION SIZE	PERCENTAGE NONWHITE	PERCENTAGE POINT INCREASE OF COMMUNITIES OF COLOR, 2010–2020
Bartow	107,868	24.3%	6.1
Bleckley	12,562	32.2%	-1.6
Chattooga	24,898	17.8%	2.6
Murray	39,853	0.4%	4.5
Pulaski	10,001	44.7%	1.3
Towns	12,300	6.5%	4.7
Union	24,183	6.7%	3.3

Source: Percentage nonwhite and population are from the 2017–2021 American Community Survey. Percentage point increase of communities of color is from the 2010 and 2020 census.

A few counties have abandoned sole-commissioner systems in fear of or in response to Section 2 litigation.⁸⁴ Still, the U.S. Supreme Court decided in 1994 that Section 2 did not reach sole-commissioner systems.⁸⁵ Some residents have called for the replacement of sole-commissioner systems with districted ones, which would ultimately require the state legislature to pass local legislation.⁸⁶

Other Electoral Practices

Several additional policy choices impact representation across Georgia. For instance, 90 percent of counties stagger terms. Nearly all county commissioners serve four-year terms.⁸⁷ Counties with staggered terms typically elect half of the seats during presidential election years and half during midterm years. Meanwhile, turnout in Georgia’s presidential elections, generally and for white Georgians, eclipses midterm turnout by 14 percentage points. This effect is especially pronounced for many Georgians of color: compared with midterms, average turnout in presidential elections is 21 percentage points higher for Latinos and 20 percentage points higher for Asians.⁸⁸ As a result, this drop-off in voting interacts with Georgia’s racial turnout gap, which reached a record high in the 2022 midterms.⁸⁹

Nearly half (44 percent) of Georgia’s county school board members were elected in non-November elections, typically coinciding with the May primary or with primary runoffs. The school boards of some of Georgia’s largest counties, including DeKalb, Fulton, Gwinnett, and Henry Counties, are elected in May. Though the Department of Justice previously objected when the state changed the election date for the consolidated Augusta-Richmond government from November to July, the objection became unenforceable after the U.S. Supreme Court struck down the Voting Rights Act’s preclearance regime in *Shelby County v. Holder* in 2013.⁹⁰ The very next year, the general assembly moved election dates of consolidated govern-

ments to May, a provision that is still intact and now affects most consolidated governments.⁹¹

Election timing can affect representational outcomes. Local elections that occur simultaneously with major federal elections see higher turnout among communities of color, stronger media coverage, and increased local government accountability.⁹² Assessments of California municipal elections have found that holding local elections in November would improve turnout and representation.⁹³ California law requires on-cycle elections in localities with a history of low off-cycle voter turnout.⁹⁴

Prison gerrymandering also distorts representational outcomes. Its effect is most pronounced at the local level, where prison populations can form a sizable portion of a district’s population. Because the Census Bureau generally locates people where it deems them to “live and sleep most of the time,” incarcerated people are counted where they are confined rather than in their home communities.⁹⁵ If localities do not exclude incarcerated people for the purposes of apportionment, representatives in districts where prisons are located are accountable to a smaller population, and thus communities living there have more influence. Voters in districts with prisons can have their voting power enhanced by 16 to 33 percent compared with other districts in the county (table 7).

These practices resonate with other efforts to revive discriminatory systems, such as Georgia’s unique historical practice of delegating county school board selection to grand juries instead of public elections.⁹⁶ Accompanying other efforts to unwind Reconstruction policies, the Georgia legislature in 1872 eliminated districted elections for county school boards, instead opting for school boards to be appointed by racially exclusive grand juries.⁹⁷ That system persisted in various Georgia counties until 1992, following a challenge to the constitutionality of the statute.⁹⁸ In 2017, state lawmakers introduced, and the state senate adopted, rules that would allow grand juries to once again choose local school boards.⁹⁹ The bill was eventually rejected by a house committee.

TABLE 7

Distortions in Voting Power due to Prison Gerrymandering

DISTRICT	PRISON POPULATION	TOTAL POPULATION	VOTE ENHANCEMENT
Mitchell District 5	1,425	4,369	33%
Baldwin District 2	2,274	8,759	26%
Evans District 1	381	1,796	21%
Treutlen District 5	250	1,270	20%
Ware District 3	1,455	9,064	16%

Source: Brennan Center analysis. For methodology, see the appendix.

IV. The 2020 Redistricting Cycle

While the Georgia state legislature has kept a number of electoral practices inhibiting representation intact, it has been much more active in intervening in local map-drawing for counties that use some form of district maps. During the 2020 redistricting cycle, Georgia legislators made several unusual and even unprecedented choices affecting the redistricting process and local maps. Most troublingly, these actions were taken selectively, and the state legislature appeared to single out counties across the state where growing communities of color are leading political change.

While the state legislature passed hundreds of maps redistricting localities during the 2021–22 legislative session, five counties — Clarke, Cobb, Fulton, Gwinnett, and Richmond — were subject to the most manipulation (table 8). These large and midsize suburbs of Athens, Atlanta, and Augusta are home to rapidly growing communities of color that are quickly approaching, if they have not already reached, majority status. Between 2016 and 2022, these five counties alone added 330,000 new voters, 87 percent of whom were voters of color. Georgia’s fastest-growing county, Gwinnett, houses Georgia’s largest populations of Latino and Asian and Pacific Islander registered voters.¹⁰⁰ Nearly 150,000 registered Latino voters reside in Cobb, Fulton, and Gwinnett alone.¹⁰¹ Due to data limitations, we did not evaluate the way districts in each county changed, but we did examine where the state legislature drew incumbent county commissioners into different-numbered districts, which may suggest that the district changed substantially.

Violation of Local Courtesy

In a tradition known as local courtesy, the Georgia state legislature typically passes local bills as a matter of course if they are supported by members of the local delegation.¹⁰² Though courts have found that this practice is not enforceable by law, committee rules provide some guardrails.¹⁰³ During the 2020 redistricting cycle, the committees that generally oversee local bills, the Senate Committee on State and Local Governmental Operations and the House Committee on Intragovernmental Coordination, followed committee rules requiring a threshold number of legislators representing the county to support a bill before the committee can report it favorably.¹⁰⁴ As a result, a bill being reported out of committee signals that it carries the support of the local delegation.¹⁰⁵

During the 2020 redistricting cycle, state lawmakers reported hundreds of local redistricting bills out of these committees.¹⁰⁶ However, lawmakers departed from that practice when they shuffled county redistricting bills

TABLE 8

Procedural and Substantive Abuses Observed During the 2020 Redistricting Cycle, Select Counties

	CLARKE	COBB	FULTON	GWINNETT	RICHMOND
The state legislature assigned local redistricting bills to the Governmental Affairs committee, avoiding approval from the local legislative delegation.		X	X	X	X
New lines interacted with staggered terms in a way that either prevented the incumbent from re-running or cut their term short.	X	X			
The legislature rejected maps originally drawn by a county legislative body where a majority of commissioners were people of color.		X	X	X	X
The legislature switched or attempted to switch elections for the county commission or school board to nonpartisan elections.		X	X	X	

Source: Brennan Center analysis.

affecting just five counties out of the House Intragovernmental Coordination Committee and into the broader Governmental Affairs Committee.¹⁰⁷ Because the Governmental Affairs Committee has no local courtesy rules, state lawmakers were able to pass these bills without the support of the local delegation.

This circumvention is highly unusual. According to a state representative, “every single redistricting bill” for county school board maps was brought as a local bill during the 2011 redistricting cycle.¹⁰⁸ Atlanta suburb Cobb County asserted that the state legislature’s failure to defer to the majority of the local delegation in 2022 was the first time this had happened in the county’s history.¹⁰⁹ The maneuvering was also met by outcry. When redistricting bills for Gwinnett County, Georgia’s fastest-growing county, were reassigned over the objections of the bill’s sponsor, Rep. Sam Park, he called the anomaly “a clear deviation from the regular process for local redistricting, which demonstrates racially discriminatory intent and violation of Section 2 of the Voting Rights Act of 1965.”¹¹⁰ After the chair of the Cobb County delegation, David Wilkerson, a Black member, voiced disgust at the chamber’s refusal to meet about a proposed map for the Cobb County school board, the House Governmental Affairs Committee chair, Darlene Taylor, cut off his microphone and called the Capitol Police.¹¹¹ Eleven Georgia-based groups representing Asian, Black, and Latino communities later called for Taylor’s resignation, alleged that her conduct toward Wilkerson “possessed racial animus,” and argued that her role in siphoning bills away from the House Intragovernmental Coordination Committee “made her a key player in subverting local control in swing counties.”¹¹²

This procedural irregularity occurred most often for maps affecting counties of more than 100,000 people experiencing outsize growth of communities of color,¹¹³ where county commissions had recently assumed a majority of commissioners of color.¹¹⁴ Though the general assembly can, by law, provide consistent procedures for considering local legislation, it has never done so and instead uses house and senate rules to guide local bills through the legislature.¹¹⁵ In 2023 the house quietly removed the requirement to defer to local delegations from the rules for the House Committee on Intragovernmental Coordination. The rule now allows the committee to pass local bills without the support of any members of the local delegation.¹¹⁶

Abuse of Special Session

In September 2021, Gov. Brian Kemp convened a special November session for the limited purpose of drawing state legislative and congressional maps.¹¹⁷ Under the proclamation, the legislature could enact local laws only if they were

“necessary to avoid unreasonable hardship or to avoid undue impairment of public functions.”¹¹⁸ In a surprise move, lawmakers introduced Senate Bills 5EX and 6EX, local redistricting legislation that would have severely restructured county commission and school board maps in Gwinnett County; it also would have switched partisan school board elections to be nonpartisan.¹¹⁹ State legislators did not introduce redistricting legislation for any other county during the special session.¹²⁰

The ploy confounded members of the local legislative delegation, who said they did not have an opportunity to give input on the bills and called for greater transparency.¹²¹ It also activated local community members. The Georgia Redistricting Alliance said that the move “shows blatant disregard for any process whatsoever.”¹²² The Southern Poverty Law Center called it an “unprecedented attempt to break up communities of color after record voter turnout in 2020 changed the makeup of the county’s governing bodies.”¹²³

Although public outcry ultimately caused the bills’ sponsor to abandon the effort in the special session, the state legislature did ultimately pass redistricting legislation that significantly altered Gwinnett County’s district and school board lines and created nonpartisan school board elections.¹²⁴ In response to a version of the proposed map that eventually became law, the chair of the Gwinnett County house delegation said, “This map looks as if it’s designed to unseat the first Black woman elected to the Gwinnett Board of Commissioners in 200 years.”¹²⁵

Incumbents Drawn Out of Districts

The vast majority of Georgia’s county commissions stagger terms, and as a result, half of county commissions typically turn over every two years according to the number assigned to their districts. As a result, new maps that renumber districts can disrupt the tenure of incumbents whose assignments move. For example, because county commissioners and school board members from single-member districts generally must live in the district to run for office, if new boundaries place an incumbent in a district whose terms do not expire at the same time as in the old district, the incumbent may have to wait an extra two years to run in the new district. Even if the official could move to stay in the old district, that might not remedy the issue if commissioners must live in their district for a certain amount of time before running to represent it.¹²⁶ Residents shuffled into a new district may also be forced to go six years without voting for a commissioner.¹²⁷

Though incumbency protection is not necessarily a normative redistricting goal, the practice of disproportional

tionately drawing out incumbents who are Black can suggest that map drawers specifically targeted lawmakers of color. During the 2020 redistricting cycle, the Georgia legislature drew out as many Black commissioners as white ones, even though Black commissioners made up less than one-third of all county commissioners (the small number of instances overall makes it difficult to draw definitive conclusions about this practice). Half of the Black county commissioners drawn out of their districts did not return to the commission in 2022, and three of the four incumbent county commissioners who lost their seats in 2022 were people of color.¹²⁸

Where the state legislature did draw white incumbent county commissioners into different-numbered districts, it may have been pursuing partisan goals. Three out of four instances in which the state legislature drew white incumbent county commissioners into different-numbered districts occurred in Clarke County, home of Athens, the University of Georgia, and one of the state's most progressive county governments.¹²⁹ New maps placed these three incumbents in districts that were not up for reelection in 2022, when their previous terms expired. District 3, for example, was completely redrawn, in an effort that the officeholder called "a petite coup of our local government."¹³⁰ It shuffled into the district more than 241 times the number of residents needed to meet population equality and retained none of the original population in the district.¹³¹ Two of the former incumbents have now left the commission and sought other elected offices; the third was reelected in a special vote following the resignation of another commissioner. The legislature created carve-outs for current officeholders in some counties to prevent this outcome but did not do so for maps affecting Clarke County.¹³²

Interruption of Commissioner's Term

State lawmakers used redistricting to shorten the term of Jerica Richardson, a Black lawmaker whose 2020 election flipped the partisan majority on the Cobb County Board of Commissioners for the first time in decades and paved the way for minimum wage and affordable housing reforms.¹³³ The legislature not only drew her into a different-numbered district but did so in the middle of her four-year term and specified that the seat would become vacant if the commissioner did not continuously reside in her district.¹³⁴ The law prompted controversy and local attempts to overrule the maps, which are currently mired in litigation.

Community members said the tactic was virtually without precedent.¹³⁵ They argued that the legislature had rejected the redistricting plan drafted by the majority-Black commission in favor of one that blatantly undermines prospects for minority voters.¹³⁶ Richardson said that the map "invalidates the will of the people and has created a conundrum on the county commission."¹³⁷

After the governor signed new maps into law, the Cobb County Board of Commissioners took action. In October 2022, invoking its home rule powers, the commission voted to enact its own district map, which placed Richardson in her previous district. The commission reconvened in January 2023 using its preferred lines, but Republican commissioners JoAnn Birrell and Keli Gambrell refused to vote on county business, arguing that the board's makeup was unconstitutional.¹³⁸ Those new maps are now being challenged in state court, where the scope of constitutional home rule is a live issue. In the 2023 legislative session, Rep. Ed Setzler introduced a bill to "restate" constitutional limitations and forbid counties from amending local redistricting legislation after it is signed into law.¹³⁹ He also introduced legislation that would put into effect the general assembly's previously passed maps.¹⁴⁰

State lawmakers did not exempt Richardson from being adversely impacted by their maps, as they sometimes did for other incumbents by swapping members who no longer lived in their new districts.¹⁴¹ And while the state legislature retooled county commission maps drawn by the Cobb County Board of Commissioners, the majority of whose members are people of color, it did not do so for the school board maps drawn by the majority-white Cobb County Board of Education.

Switch to Nonpartisan Elections

Nearly 40 percent of Georgia's school boards are elected through partisan elections.¹⁴² During the 2021–22 term, the state legislature switched four school boards and one county commission from partisan elections to nonpartisan ones. In four of the five counties, people of color made up or came close to composing a majority of the population, and people of color made up a majority on the body in three of the five. Communities of color in the affected counties tended to be larger and growing faster than in counties where the legislature did not make this switch.¹⁴³ Particularly where the partisan regimes produced highly visible elected officials of color representing historically underrepresented communities, this trend is troubling in light of some studies suggesting that nonpartisan elections at the local level depress turnout compared with partisan ones.¹⁴⁴

V. Options for Reform

Advocates in Georgia have called for reform across levels of government. Possible options include federal protections such as preclearance, which under the Voting Rights Act played a major role in combating local-level discrimination, and substantive protections in state law. Georgia-based groups have also called on local governments to create more transparent processes.

Reviving Preclearance and Federal Reform

Until the Supreme Court struck it down in the 2013 *Shelby* decision, preclearance was one of the most powerful tools to remedy discrimination under the Fourteenth and Fifteenth Amendments. Under Section 5 of the Voting Rights Act, states or localities with a history of discrimination had to submit proposed changes in voting rules or maps to the Department of Justice (DOJ), which could object if such changes would have a discriminatory purpose or effect. The entire state of Georgia was subject to DOJ coverage, as were several other Southern states. Preclearance created incentives for states and localities to pass fair laws in the first instance instead of waiting out lengthy litigation over discriminatory ones.

The “great majority” of the work done by the Voting Rights Act’s preclearance regime was at the local level.¹⁴⁵ Discriminatory redistricting in county governments forced the Department of Justice to step in on 47 occasions in Georgia alone,¹⁴⁶ and 89 percent of all DOJ objections in Georgia on issues of representation and redistricting challenged schemes at the local level.¹⁴⁷ Preclearance also restrained the discriminatory attempts of state legislatures to interfere with local representation.¹⁴⁸ The regime created especially strong incentives for local governments, which, unlike state governments, typically do not have the resources to fight DOJ objections in court.¹⁴⁹ Preclearance improved local representation.¹⁵⁰ One scholar estimated that the preclearance regime, by removing barriers to participation, increased turnout in covered jurisdictions by 4 to 8 percentage points from 1960 to 2016.¹⁵¹

Along with Section 5, Section 2 dramatically reduced the dominance of at-large elections in the South.¹⁵² By the 1980s, at-large elections had been challenged under the Voting Rights Act or the Fourteenth and Fifteenth Amendments at least 77 times in Georgia alone.¹⁵³ Scholars trace the resulting increase in Black officeholding to the dismantling of at-large systems.¹⁵⁴ As recently as 2021, at-large systems for school boards and county commissions in Georgia were still being challenged under Section 2 of the Voting Rights Act.¹⁵⁵ One ongoing suit challenges the particularly egregious scheme of Georgia’s Public

Service Commission, the state’s public utility, five of whose commissioners are elected at large from the entire state.¹⁵⁶ However, the U.S. Supreme Court has shrunk the scope and applicability of Section 2.¹⁵⁷

In September 2023, federal lawmakers reintroduced the John R. Lewis Voting Rights Advancement Act, which would both restore the preclearance regime and bolster Section 2. Additionally, it would codify Section 2’s known practices provision, requiring courts to address presumptively suspect procedures such as at-large elections or unusually large election districts. Congress should prioritize the passage of these protections, which offer a powerful shield against the sophisticated forms of discrimination that Georgians face.

State-Level Protections

Because Georgia’s legal regime imbues the state legislature with the authority to decide local maps and does not constrain it with objective redistricting criteria, the actions of the state legislature are critical to fair redistricting practices in the state. Coalitions of state and local groups such as the Georgia Redistricting Alliance, Women Watch Afrika, and Common Cause Georgia worked to pass a local resolution in the city of Clarkston calling for the state legislature to engage in transparent and inclusive processes.¹⁵⁸ Local coalitions also organized to pass similar resolutions in Gwinnett and Clayton Counties.¹⁵⁹ Four dozen Georgia-based groups called for accessible hearings, meaningful opportunities for public input, and publicly available redistricting criteria.¹⁶⁰

To fill gaps left by federal courts interpreting the federal Voting Rights Act, many states have enacted their own voting rights legislation that prevents localities from adopting discriminatory schemes. State voting rights acts can curb abuses by giving state courts the power to vindicate voting rights where electoral schemes discriminate against the voting power of communities of color.¹⁶¹ The Georgia legislature could also replace all its sole-commissioner systems, or at-large elections entirely, as New Mexico has done.¹⁶² Georgians could also consider revisiting the state constitutional framework, which gives the state legislature sizable control

over local redistricting and, without additional protections, engenders discrimination from self-interested map drawers at the local level. A constitutional amendment would need two-thirds approval from the Georgia House and Senate and a public majority vote.¹⁶³

Some advocates have also called for independent redistricting commissions at the local level.¹⁶⁴ They could look to California, whose state legislature passed bills creating redistricting commissions in large cities and counties, though they were ultimately vetoed by the governor.¹⁶⁵ Commissions are not widely in use in Georgia, but Chatham County has employed a version of this model.¹⁶⁶

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Conclusion

Entrenched political interests in Georgia are resisting the state’s increasingly multiracial population and corresponding political evolution. Communities of color are dramatically and persistently underrepresented across the state, especially where they are growing, where they are approaching majority status, and where Asian and Latino communities are concentrated. These trends suggest that underrepresentation will worsen.

Though Georgia’s local electoral systems vary considerably, practices that should be relegated to history — chiefly sole-commissioner and at-large systems — persist. The most brazen of these practices is the state legislature’s interference in local government, particularly in the urban and suburban counties where demographic change is ushering in a new political status quo. Its tactics racialize a broader phenomenon scholars call “structural preemption,” the state legislative practice of undermining the ability of localities to govern themselves.¹⁶⁷ Across the country, state legislatures dominated by conservatives have passed state preemption laws to rein in progressive local governments on issues including LGBTQ+ rights,

the minimum wage, and sanctuary city ordinances.¹⁶⁸ State governments in the South interfere with local authority far more than others.¹⁶⁹ In Georgia, lawmakers took extraordinary steps in 2020 to strip powers from local election administrators, and in the wake of racial justice protests they passed legislation restricting the ability of county governments to reduce funding for county police departments.¹⁷⁰

The recent manipulation of local-level politics is a new iteration of long-time threats to the meaningful representation that all Georgians deserve. Without federal preclearance or state-level protections, this backsliding shows no signs of stopping.

Appendix: Data, Sources, and Methodology

Prior to this report, no dataset existed identifying the racial and gender identity of current local government officials in Georgia. Because voters self-identify their race and gender when they register to vote in Georgia, the authors of this report were able to determine the demographic identities of Georgia’s elected officials by locating their voter registration entries.

Racial and Gender Identity of Local Government Officials

To determine the race of county government leaders, we first collected the names of each member that serves on Georgia’s 159 county commissions and county school boards. We did not gather information on the 21 school boards not coextensive with counties, and we gathered information for Columbus Council because the council is the relevant county government in Muscogee County. We gathered this information from Georgia’s official election results available from the secretary of state and from publicly available information from Georgia counties. We often encountered out-of-date county commission and school board websites that listed officials who did not match election records, highlighting the need for better data transparency in local government.

To effectively match these individuals to their voter file entries, we used their full official names, coded for nicknames, and acquired additional information such as address and age from publicly available sources. The Georgia secretary of state’s Qualifying Candidate Information listed candidate addresses, and where the entries were missing, we located records stored by the Georgia Government Transparency and Campaign Finance Commission or the Georgia Department of Revenue.

In all, our dataset included 817 county commissioners and 919 school board members. We matched all of the 817 county commissioners that we identified to a unique entry in the voter file. Of these, 811 had self-identified race and gender within the past five years or responded to our survey inquiring about their racial identity, which we distributed to individuals who did not self-identify in the voter file or who listed “other” as their racial identity. Our process matched 99 percent of county commissioners. We matched all of the 919 school board members to a unique entry in the voter file. Of these, 913 had self-identified race and gender or responded to our survey inquiring about their racial identity, resulting in a school board member match rate of 99 percent.

Our survey asked elected officials to check as many of the following boxes as they wished to describe their racial

identity: White, Black, Asian, Pacific Islander, Hispanic/Latino/Indigenous Central American, Middle Eastern/North African, and American Indian. It also asked individuals to specify their identity in one sentence if it was not listed. To be consistent with the categories listed in the voter file, individuals who identified as Middle Eastern/North African and American Indian were listed as “another race,” and in aggregate statistics, we generally double-counted individuals who identified as multiracial under two or more racial identities.

Calculating the Representational Gap

Political scientists use a variety of measures to estimate disparities among government entities. In figures 4 and 5, we adapted the Gavel Gap, a metric used by political scientists working with the American Constitution Society, which examines other political science metrics.¹⁷¹ We adopted this method for our use in measuring county government representational gaps because it allowed us to summarize across counties with different demographics using the following formulation:

$$\text{Representational Gap} = \frac{\text{percentage of minority members} - \text{percentage of minority general population}}{\text{percentage of minority general population}}$$

In addition, we display each county’s ratio score in table 12. The ratio score divides the percentage of the county’s nonwhite population from the percentage of the seats held by people of color. The distance from 1.00 (perfect representation) thus demonstrates the size of the disparity. This method has received some critique because it does not capture the degree of disparity where there are zero members of color on the legislative body.¹⁷² All counties that have no representatives of color, for example, would have a score of zero, even though one county might have a 10 percent nonwhite population while another has as much as a 50 percent nonwhite population.

Closely related to the zero-member problem is a threshold problem. Some scholars assume that we might not reasonably expect nonwhite representation

on a local legislative body until the nonwhite population reaches a certain level.¹⁷³ Including places with very small nonwhite populations would confound statistical analysis using the ratio score. As a result, many studies using the ratio score include only cities above a certain threshold (for example, 10 percent Black). Since only 13 counties of Georgia’s 159 have nonwhite populations below 10 percent, this problem has limited relevance for our analysis. To address the zero-member problem, some scholars use an equity score in which the percentage of the city’s nonwhite population is subtracted from the percentage of the seats held by people of color. A negative score indicates underrepresentation and a positive score indicates overrepresentation.

We demonstrate the equity scores in figure 2 and table 12. However, scholars have identified some interpretation issues with this measure.¹⁷⁴ The equity score has both an upper and a lower limit determined by the percentage of the nonwhite population — for instance, a county with a 10 percent nonwhite population has a possible range of +0.9 to -0.1 but no lower; a county with 50 percent has a possible range of +0.5 to -0.5; a county with 90 percent would have a range of +0.1 to -0.9. Because the range is inversely related to the percentage of nonwhite population, a city with a small nonwhite population could never have a very large negative score even with no nonwhite representation.

Ordinary-Least-Squares Regression Model Testing Impact of Electoral Schemes

For this model, we relied on the datasets we had previously built of the demographic makeup of Georgia’s county commissions in April 2023. We excluded eight counties where we did not ascertain the self-identified race of a commissioner. We simplified the diverse set of electoral schemes used by Georgia counties into three general categories: at-large seats, commissioners elected from districts, and a hybrid system where some members of the county commission are elected at large and others from districts, which we called a “mixed” electoral scheme. Specifically, we treated counties with at-large seats, with at-large seats and a residency requirement, and with a single commissioner as “at large” for the purposes of our matching model, since all the seats in those counties would be elected by countywide vote. Counties with districts would include single-member districts, multimember districts, and uneven multimember districts.

TABLE 9

Representation Gap Regression

	COEFFICIENT	P-VALUE	SIGNIFICANCE
Election Method			
Districted	0.317	0.001	***
Mixed	0.13	0.137	
Over 18	-0.485	0.557	
High school graduate	0.504	0.281	
Unemployment	2.24	0.617	
Percentage Black	0.013	0	***
Constant	-1.13	0.165	
N	151		
R ²	0.4126		

Source: Brennan Center analysis.

For each type of electoral scheme, we collected data on the following variables: voting-age population, high school graduate population, Black population, unemployment rate, and median household income. These data were available from the 2021 American Community Survey. We used an extrapolation model to estimate voting-age population, high school graduate population, and nonwhite population in 2022. We updated unemployment rate data from the Bureau of Labor Statistics from December 2022.

Analysis of Different-Numbered Districts

We compared 2020 and 2022 Georgia voter file data to determine whether county commissioners and school board members had been “drawn out” of their district—i.e., placed in a different-numbered district in 2022 relative to 2020. Because the Georgia voter file lists the county commission and school board district number represented by specific voters, we looked at whether that district number had changed for all of the county commissioners and school board members we were able to identify.

To analyze shifts in Clarke County, we used geographical information systems and Census 2020 data to estimate the populations shifted between districts in the course of the redistricting process in Clarke County. We

intersected Census 2020 population enumerations at the block level with shapefiles of the Athens-Clarke Board of Commissioners districts before and after the 2020 redistricting process was complete. This intersection of the pre-2020 county commission districts and the Census 2020 data gave us an estimate of the “distance from the ideal population” for each district, measured in a count of people. For census blocks split into multiple districts, we allocated the population of the census block in proportion to area. To estimate the populations shifting into a given district, moving out of a district, or remaining in a given district, we categorized Census 2020 blocks based on the pre- and post-redistricting district the census block was in. We operationalized the “shifted-in population” for a given district as the sum of population starting in a different district but ending in the given district after redistricting was complete. We operationalized the “shifted-out population” for a given district as the sum of population starting in the given district but ending in a different district after redistricting was complete. The “staying population” was operationalized as the sum of population that remained in the same-numbered district before and after redistricting. In the case of the Third District in Clarke County, we found the “staying population” was 0 while the ratio of the population shifted in and out relative to the distance from the ideal population exceeded 241:1.

Data on Racial Identity and Prior Local Government Experience

To determine the racial makeup of Georgia’s state legislators as of October 2023, we used the same method used for local officials, by locating them in the Georgia voter file and collecting their self-identified race data. To determine whether legislators had local government experience prior to their current position, we evaluated member biographies available on the Georgia General Assembly

website and individual members’ campaign websites. We recognize that this collection may undercount local government experience where legislators’ biographies or campaign websites did not list their relevant experience. Of Georgia’s 236 House and Senate members, we were unable to locate the campaign websites or member biographies of 14 members, who are excluded from our count.

We determined that a state legislator had local experience if he or she previously served on a county board of education, board of commissioners, city council, county water board, or zoning board or was a mayor, city or county manager, or superintendent. Where appointment to a local commission was made by a local elected official like a county commissioner or city councilmember, we also included former service as a member of a local development authority, housing authority, planning commission, charter review commission, or other advisory commission. One local administrator who was a county deputy registrar was also included.

Prison Gerrymandering

Our statistics on prison gerrymandering were calculated using data from the Redistricting Hub, the Georgia General Assembly, and Prisoners of the Census.¹⁷⁵ We began by determining the type of institution (local, state, or federal) for each facility in Georgia using Prisoners of the Census’s Correctional Facility Locator. Facilities that did not have a type listed were identified by an examination of their websites. Next, using shapefiles from the Georgia General Assembly website, we determined the county commission district for each facility. We then aggregated the correctional population in each county commission district and compared it with the district population as provided by the American Community Survey, 2017–2021. Finally, we determined the vote enhancement in each county commission district that has a correctional population. Our vote enhancement metric was calculated as the correctional population divided by the district population.

County Services and Population Data

TABLE 10

Services Provided by Georgia County Governments

SERVICE	PERCENTAGE OF GEORGIA COUNTIES PROVIDING SERVICE	PERCENTAGE OF GEORGIA COUNTIES WITH MORE THAN 100,000 RESIDENTS PROVIDING SERVICE
Law enforcement*	99%	92%
Jail	89%	100%
Parks	69%	92%
Planning	74%	88%
911 services	77%	92%
Fire protection	80%	92%
Airport	20%	28%
Construction and code enforcement	86%	100%
Building permits	89%	96%
Emergency medical services	55%	44%
Libraries	34%	48%
Public transit	33%	40%
Senior citizens' center	69%	72%

*This consists of the Sheriff's Office and County Police Protection.

Source: 2017 Government Management Indicators Survey, Georgia Department of Community Affairs.

TABLE 11

Representation by Level of Government

RACE	TOTAL POPULATION	CITIZEN VOTING-AGE POPULATION	U.S. HOUSE OF REPRESENTATIVES	STATE LEGISLATURE	COUNTY COMMISSIONERS
White	51.4%	57.6%	64.3%	63.1%	73.4%
Black	31.1%	32.2%	35.7%	29.8%	25.5%
Latino	9.9%	5.3%	0.0%	1.8%	0.4%
Asian	4.2%	2.9%	0.0%	4.0%	0.2%
Other/Multiracial	3.3%	1.9%	0.0%	1.3%	0.5%

Note: We matched all 56 state senators and 179 of 180 state house members to a unique entry in the 2022 voter file. Of these, 234 had self-identified race and gender. To gather racial identity information for U.S. representatives, we referenced data from the U.S. House Office of the Historian, the U.S. House Press Gallery's list of Black Americans in Congress, the profile of the 118th Congress from the Congressional Research Service, and the memberships of the Congressional Black Caucus, the Congressional Asian Pacific American Caucus, and the Congressional Hispanic Caucus.

Source: Brennan Center analysis of Georgia voter file and data from the U.S. Census Bureau.

TABLE 12

Representational Disparities by County

COUNTY	METHOD OF ELECTION	TOTAL POPULATION	TOTAL NONWHITE POPULATION	SHARE OF NONWHITE POPULATION	REPRESENTATIONAL GAP	RATIO SCORE	EQUITY SCORE
Appling	Mixed	18,509	5,873	32	-0.47	0.53	-0.15
Atkinson	Mixed	8,269	3,722	45	-0.63	0.37	-0.28
Bacon	Mixed	11,163	3,008	27	-0.38	0.62	-0.10
Baker	At large with residency requirement	2,928	1,433	49	-1.00	0.00	-0.49
Baldwin	Districted	43,876	21,037	48	-0.17	0.83	-0.08
Banks	At large with residency requirement	18,061	2,372	13	0.52	1.52	0.07
Barrow	Mixed	82,138	26,132	32	-0.10	0.90	-0.03
Bartow	Sole commissioner	107,868	26,262	24	-1.00	0.00	-0.24
Ben Hill	Uneven multimember districts	17,237	7,799	45	-0.12	0.88	-0.05
Berrien	At large with residency requirement	18,195	3,471	19	-1.00	0.00	-0.19
Bibb	Mixed	156,711	98,936	63	-0.37	0.63	-0.23
Bleckley	Sole commissioner	12,562	4,044	32	-1.00	0.00	-0.32
Brantley	At large	18,072	1,558	9	-1.00	0.00	-0.09
Brooks	Districted	16,254	7,301	45	-0.11	0.89	-0.05
Bryan	Mixed	43,278	12,411	29	-1.00	0.00	-0.29
Bulloch	Uneven multimember districts	79,635	29,610	37	-0.23	0.77	-0.09
Burke	Districted	24,231	12,702	52	-0.24	0.76	-0.12
Butts	Districted	24,950	8,615	35	0.16	1.16	0.05
Calhoun	Districted	5,668	3,836	68	-0.41	0.59	-0.28
Camden	Districted	54,256	16,625	31	-1.00	0.00	-0.31
Candler	Mixed	10,885	4,389	40	-0.50	0.50	-0.20
Carroll	Mixed	118,402	37,268	32	-0.55	0.45	-0.17
Catoosa	Mixed	67,579	6,761	10	-1.00	0.00	-0.10
Charlton	Districted	12,416	4,844	39	0.03	1.03	0.01
Chatham	Mixed	294,815	155,397	53	0.26	1.26	0.14
Chattahoochee	At large	9,533	4,259	45	-0.55	0.45	-0.25
Chattooga	Sole commissioner	24,898	4,441	18	-1.00	0.00	-0.18
Cherokee	Mixed	262,155	60,102	23	-1.00	0.00	-0.23
Clarke	Mixed	128,195	57,961	45	-0.12	0.88	-0.05
Clay	Districted	2,883	1,700	59	0.02	1.02	0.01
Clayton	Mixed	294,335	267,502	91	0.10	1.10	0.09
Clinch	Districted	6,737	2,395	36	-0.44	0.56	-0.16
Cobb	Mixed	762,500	380,170	50	0.20	1.20	0.10
Coffee	Districted	43,048	18,353	43	-0.53	0.47	-0.23
Colquitt	Mixed	45,800	20,714	45	-0.68	0.32	-0.31
Columbia	Mixed	154,274	51,269	33	-1.00	0.00	-0.33
Cook	Districted	17,188	6,203	36	0.11	1.11	0.04
Coweta	Districted	144,928	43,312	30	-0.33	0.67	-0.10
Crawford	Districted	12,159	3,288	27	-0.26	0.74	-0.07

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TABLE 12 (continued)

Representational Disparities by County

COUNTY	METHOD OF ELECTION	TOTAL POPULATION	TOTAL NONWHITE POPULATION	SHARE OF NONWHITE POPULATION	REPRESENTATIONAL GAP	RATIO SCORE	EQUITY SCORE
Crisp	Uneven multimember districts	20,524	10,426	51	-0.21	0.79	-0.11
Dade	At large with residency requirement	16,313	1,198	7	-1.00	0.00	-0.07
Dawson	At large with residency requirement	26,202	2,565	10	-1.00	0.00	-0.10
Decatur	Districted	29,020	14,620	50	-0.34	0.66	-0.17
DeKalb	Uneven multimember districts	758,634	537,999	71	-0.19	0.81	-0.14
Dodge	Mixed	20,089	7,279	36	-1.00	0.00	-0.36
Dooly	Districted	11,546	6,672	58	0.04	1.04	0.02
Dougherty	Mixed	86,825	65,792	76	-0.06	0.94	-0.04
Douglas	Mixed	143,520	90,471	63	0.59	1.59	0.37
Early	Mixed	10,813	6,032	56	-0.28	0.72	-0.16
Echols	Uneven multimember districts	3,691	1,535	42	-1.00	0.00	-0.42
Effingham	Mixed	63,448	15,234	24	-1.00	0.00	-0.24
Elbert	Mixed	19,453	7,325	38	-0.56	0.44	-0.21
Emanuel	Districted	22,739	9,326	41	-0.51	0.49	-0.21
Evans	Districted	10,761	4,738	44	-0.24	0.76	-0.11
Fannin	At large	25,198	1,650	7	-1.00	0.00	-0.07
Fayette	Mixed	117,828	47,817	41	-0.51	0.49	-0.21
Floyd	At large with residency requirement	98,210	29,310	30	-1.00	0.00	-0.30
Forsyth	Districted	245,754	78,942	32	-0.22	0.78	-0.07
Franklin	At large with residency requirement	23,256	4,040	17	-1.00	0.00	-0.17
Fulton	Mixed	1,054,286	643,666	61	0.02	1.02	0.01
Gilmer	At large	31,047	4,626	15	-1.00	0.00	-0.15
GlascocK	At large with residency requirement	2,903	378	13	-1.00	0.00	-0.13
Glynn	Uneven multimember districts	84,373	31,090	37	-0.61	0.39	-0.23
Gordon	At large with residency requirement	57,274	13,371	23	-1.00	0.00	-0.23
Grady	Districted	26,076	10,984	42	-0.53	0.47	-0.22
Greene	Mixed	18,461	7,723	42	-1.00	0.00	-0.42
Gwinnett	Mixed	948,505	615,929	65	0.23	1.23	0.15
Habersham	At large with residency requirement	45,767	11,115	24	-1.00	0.00	-0.24
Hall	Mixed	201,703	81,639	41	-1.00	0.00	-0.40
Hancock	Mixed	8,652	6,517	75	-0.20	0.80	-0.15
Haralson	Mixed	29,685	2,951	10	-1.00	0.00	-0.10
Harris	Districted	34,316	8,179	24	-1.00	0.00	-0.24
Hart	Districted	25,808	6,635	26	-1.00	0.00	-0.26
Heard	Mixed	11,440	1,755	15	-1.00	0.00	-0.15
Henry	Mixed	236,615	143,510	61	0.37	1.37	0.23
Houston	At large	161,177	72,785	45	-1.00	0.00	-0.45
Irwin	Mixed	9,615	3,215	33	-0.40	0.60	-0.13
Jackson	Mixed	73,839	14,966	20	-1.00	0.00	-0.20

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TABLE 12 (continued)

Representational Disparities by County

COUNTY	METHOD OF ELECTION	TOTAL POPULATION	TOTAL NONWHITE POPULATION	SHARE OF NONWHITE POPULATION	REPRESENTATIONAL GAP	RATIO SCORE	EQUITY SCORE
Jasper	Districted	14,478	3,697	26	-0.22	0.78	-0.06
Jeff Davis	Districted	14,753	4,335	29	-0.32	0.68	-0.09
Jefferson	Mixed	15,708	9,172	58	0.03	1.03	0.02
Jenkins	Districted	8,693	3,574	41	-0.03	0.97	-0.01
Johnson	Districted	9,272	3,592	39	0.03	1.03	0.01
Jones	Mixed	28,297	8,311	29	-0.32	0.68	-0.09
Lamar	Mixed	18,482	6,437	35	0.15	1.15	0.05
Lanier	Mixed	9,874	3,224	33	-0.39	0.61	-0.13
Laurens	Districted	49,202	21,138	43	-0.53	0.47	-0.23
Lee	Districted	32,547	9,825	30	-1.00	0.00	-0.30
Liberty	Mixed	64,334	39,988	62	0.15	1.15	0.09
Lincoln	Mixed	7,686	2,540	33	-1.00	0.00	-0.33
Long	Districted	16,398	7,148	44	-1.00	0.00	-0.44
Lowndes	Mixed	117,437	55,568	47	-0.30	0.70	-0.14
Lumpkin	At large with residency requirement	33,188	3,275	10	-1.00	0.00	-0.10
McDuffie	Districted	21,727	10,208	47	-0.15	0.85	-0.07
McIntosh	Mixed	11,291	4,278	38	-0.47	0.53	-0.18
Macon	Mixed	12,330	8,312	67	-0.63	0.37	-0.42
Madison	Multimember districts	29,906	5,881	20	-1.00	0.00	-0.20
Marion	Mixed	7,563	3,169	42	-0.05	0.95	-0.02
Meriwether	Districted	20,659	8,947	43	-1.00	0.00	-0.43
Miller	Districted	5,984	1,970	33	-0.39	0.61	-0.13
Mitchell	Districted	21,940	11,942	54	-0.27	0.73	-0.14
Monroe	Mixed	27,825	7,632	27	-0.27	0.73	-0.07
Montgomery	Districted	8,701	2,978	34	-0.42	0.58	-0.14
Morgan	Districted	19,694	5,379	27	-0.27	0.73	-0.07
Murray	Sole commissioner	39,853	7,559	19	-1.00	0.00	-0.19
Muscogee	Mixed	204,366	124,353	61	-0.45	0.55	-0.28
Newton	Mixed	111,262	62,694	56	0.18	1.18	0.10
Oconee	At large	41,006	6,783	17	-1.00	0.00	-0.17
Oglethorpe	Mixed	14,779	3,709	25	-1.00	0.00	-0.25
Paulding	Mixed	165,688	53,737	32	-1.00	0.00	-0.32
Peach	Mixed	27,822	15,220	55	-0.27	0.73	-0.15
Pickens	Mixed	32,814	4,568	14	-1.00	0.00	-0.14
Pierce	Mixed	19,644	3,154	16	-1.00	0.00	-0.16
Pike	Mixed	18,754	2,485	13	-1.00	0.00	-0.13
Polk	At large with residency requirement	42,692	12,162	29	-1.00	0.00	-0.28
Pulaski	Sole commissioner	10,001	4,471	45	-1.00	0.00	-0.45
Putnam	Mixed	21,870	7,642	35	-1.00	0.00	-0.35

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TABLE 12 (continued)

Representational Disparities by County

COUNTY	METHOD OF ELECTION	TOTAL POPULATION	TOTAL NONWHITE POPULATION	SHARE OF NONWHITE POPULATION	REPRESENTATIONAL GAP	RATIO SCORE	EQUITY SCORE
Quitman	At large	2,249	1,337	59	-0.33	0.67	-0.19
Rabun	At large with residency requirement	16,731	2,044	12	-1.00	0.00	-0.12
Randolph	Districted	6,503	4,491	69	-0.13	0.87	-0.09
Richmond	Districted	205,772	137,148	67	-0.10	0.90	-0.07
Rockdale	At large	92,983	66,490	72	-0.07	0.93	-0.05
Schley	Mixed	4,622	1,471	32	-1.00	0.00	-0.32
Screven	Districted	14,028	6,342	45	-0.05	0.95	-0.02
Seminole	Districted	9,108	3,483	38	-0.48	0.52	-0.18
Spalding	Districted	66,722	28,833	43	0.39	1.39	0.17
Stephens	At large	26,641	4,873	18	-1.00	0.00	-0.18
Stewart	Districted	5,347	4,186	78	0.02	1.02	0.02
Sumter	Districted	29,690	18,121	61	-0.34	0.66	-0.21
Talbot	Districted	5,837	3,466	59	0.35	1.35	0.21
Taliaferro	At large	1,574	1,033	66	0.52	1.52	0.34
Tattnall	Mixed	23,211	10,168	44	-1.00	0.00	-0.44
Taylor	Districted	7,857	3,332	42	-0.06	0.94	-0.02
Telfair	Districted	12,860	6,584	51	-0.22	0.78	-0.11
Terrell	Mixed	9,102	5,840	64	-0.69	0.31	-0.44
Thomas	Districted	45,669	19,358	42	-0.12	0.88	-0.05
Tift	Mixed	41,148	18,688	45	-0.37	0.63	-0.17
Toombs	Mixed	26,956	11,010	41	-0.51	0.49	-0.21
Towns	Sole commissioner	12,300	800	7	-1.00	0.00	-0.07
Treutlen	Districted	6,410	1,908	30	0.34	1.34	0.10
Troup	Mixed	69,483	30,978	45	-0.10	0.90	-0.05
Turner	Districted	8,856	4,132	47	-0.14	0.86	-0.07
Twiggs	Mixed	8,034	3,616	45	-0.11	0.89	-0.05
Union	Sole commissioner	24,183	1,617	7	-1.00	0.00	-0.07
Upson	Mixed	27,424	9,107	33	-0.25	0.75	-0.08
Walker	Mixed	67,772	6,575	10	-1.00	0.00	-0.10
Walton	Mixed	95,453	26,037	27	-0.48	0.52	-0.13
Ware	Mixed	36,084	13,542	38	0.07	1.07	0.02
Warren	Mixed	5,218	3,237	62	-0.46	0.54	-0.29
Washington	Mixed	20,052	11,605	58	-0.31	0.69	-0.18
Wayne	Districted	30,118	8,808	29	-0.32	0.68	-0.09
Webster	Mixed	2,372	1,398	59	-0.66	0.34	-0.39
Wheeler	Districted	7,568	3,346	44	-0.25	0.75	-0.11
White	Mixed	27,886	2,593	9	-1.00	0.00	-0.09
Whitfield	Mixed	103,076	44,139	43	-1.00	0.00	-0.43
Wilcox	Districted	8,841	3,631	41	-0.03	0.97	-0.01

(continued on next page)

TABLE 12 (continued)

Representational Disparities by County

COUNTY	METHOD OF ELECTION	TOTAL POPULATION	TOTAL NONWHITE POPULATION	SHARE OF NONWHITE POPULATION	REPRESENTATIONAL GAP	RATIO SCORE	EQUITY SCORE
Wilkes	Mixed	9,643	4,691	49	-0.18	0.82	-0.09
Wilkinson	Mixed	8,931	3,980	45	-0.10	0.90	-0.05
Worth	Mixed	20,824	6,767	33	-0.38	0.62	-0.12

Source: Brennan Center analysis of Georgia voter file and data from the U.S. Census Bureau.

Endnotes

- 1 Tip O'Neill and Gary Hymel, *All Politics Is Local and Other Rules of the Game* (New York, NY: New York Times Books, 1995).
- 2 Justin de Benedictis-Kessner and Christopher Warshaw, "Politics in Forgotten Governments: The Partisan Composition of County Legislatures and County Fiscal Policies," *Journal of Politics* 82, no. 2 (April 2020): 461n1, <https://doi.org/10.1086/706458>.
- 3 The 21 school boards that are not co-extensive with counties exhibit characteristics similar to those of the school boards we studied. Among those school boards, we found that 71 percent of members identified as white, 29 percent identified as Black, and less than 1 percent identified as another race. The racial composition of the student body in these districts was slightly less white than in school districts that co-extend with counties (71 percent of students were nonwhite, as opposed to 64 percent of students in the school districts that we studied). The average city school board district among these 21 boards achieved only 41 percent of the representation we would expect under parity.
- 4 Before the Civil War and through Reconstruction, historians say that county police forces were the predominant actors enforcing the on-the-ground racial hierarchy. T. R. C. Hutton, "The Irreducibility of the County in the South and America, Past and Present," *American Nineteenth Century History* 15, no. 1 (February 2014): 1–13, <https://doi.org/10.1080/14664658.2014.885179>. Until it was struck down by federal courts in the 1960s, Georgia's Electoral College–like county unit system even used counties as a basis for electing statewide officials. *Gray v. Sanders*, 372 U.S. 368 (1963).
- 5 Joe Soss and Vesla Weaver, "Police Are Our Government: Politics, Political Science, and the Policing of Race–Class Subjugated Communities," *Annual Review of Political Science* 20 (May 2017): 565–91, <https://doi.org/10.1146/annurev-polisci-060415-093825>; and Arnold Fleischmann and Carol Pierannunzi, *Politics in Georgia*, 2nd ed. (Athens, GA: University of Georgia Press, 2007), 277. Historically, county officials and courts organized slave patrols, operated draft boards, and even decided whether to use capital punishment. Hutton, "The Irreducibility of the County"; and Fleischmann and Pierannunzi, *Politics in Georgia*, 270.
- 6 J. Edwin Benton, "An Assessment of Research on American Counties," *Public Administration Review* 65, no. 4 (July 2005): 462–74, <https://doi.org/10.1111/j.1540-6210.2005.00472.x>.
- 7 See table 10 in the appendix.
- 8 DeKalb County elects a CEO in addition to its traditional commission. The unified governments of Athens–Clarke, Macon–Bibb, Augusta–Richmond, and Columbus–Muscogee Counties elect a mayor in addition to their commissions.
- 9 The power of the county commission is constrained by four separately elected "constitutional officers": the clerk of the superior court, judge of the probate court, sheriff, and tax commissioner. Ga. Const. art. IX, § 1, para. 3 (a).
- 10 Each of Georgia's counties has the "legislative power to adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which is not inconsistent with this Constitution or any local law applicable thereto." Ga. Const. art. IX, § II, para. I(a).
- 11 *Stephenson v. Bd. of Comm'rs of Cobb County*, 405 S.E.2d 488, 490 (1991).
- 12 See Georgia Department of Administrative Services, "Georgia Procurement Registry," accessed May 4, 2023, <https://ssl.doas.state.ga.us/gpr/eventDetails?eSourceNumber=2377023BL075-23&sourceSystemType=doas>.
- 13 Carl Vinson Institute of Government, *Handbook for Georgia County Commissioners* (Athens, GA: University of Georgia Press, 2010), 8, <https://accg.org/library/County%20Commissioners%20Handbook%202019.pdf>.
- 14 Though this report does not study representation on city councils, its review of county commissions includes representation on boards of commissioners in city-county consolidations. These consolidations include Athens–Clarke County, Augusta–Richmond County, Columbus Consolidated Government, Macon–Bibb County, the Unified Government of Cusseta–Chattahoochee County, Echols County, Georgetown–Quitman County, and Webster County. In Muscogee County, which operates a consolidated government, we evaluate members of the Columbus Council because it is coextensive with county government.
- 15 Brennan Center analysis; and Governor's Office of Planning and Budget, *The Governor's Budget Report: Amended Fiscal Year 2022 and Fiscal Year 2023*, accessed November 18, 2022, <https://opb.georgia.gov/afy-2022-and-fy-2023-governors-budget-report-0>.
- 16 For example, in 2018 Georgia counties received \$28 million in community development block grants. Brennan Center analysis of data from National Association of Counties, "County Explorer: Community Development Block Grant," accessed October 17, 2023, <https://ce.naco.org>.
- 17 See Pandemic Oversight, "State and Local Fiscal Recovery Fund," accessed September 20, 2023, <https://www.pandemicoversight.gov/data-interactive-tools/interactive-dashboards/state-and-local-fiscal-recovery-fund>.
- 18 The Georgia School Boards Association has 180 members. This report includes only the 159 school boards that are coextensive with counties. As a result, the following school systems are not included in this analysis: Atlanta City, Buford City, Vidalia City, Pelham City, Decatur City, Bremen City, Carrollton City, Calhoun City, Cartersville City, Chickamauga City, Marietta City, Dalton City, Rome City, Trion City, Gainesville City, Commerce City, Jefferson City, Social Circle City, Dublin City, Thomasville City, and Valdosta City. See note 3 for Brennan Center analysis of representation among excluded school boards.
- 19 O.C.G.A. § 20-2-61; § 20-2-240.
- 20 Local school boards have judicial authority in taking personnel actions and presiding over student disciplinary proceedings. Carl Vinson Institute of Government, "Local Governments and School Systems," accessed May 1, 2023, <https://web.archive.org/web/20221013165153/https://cviog.uga.edu/resources/documents/publications/local-governments-and-school-systems.pdf>.
- 21 O.C.G.A. § 20-2-49.
- 22 Elton Davis and Isabel Ruthotto, "Financing Georgia's Schools," Center for State and Local Finance, April 1, 2019, https://scholarworks.gsu.edu/cgi/viewcontent.cgi?article=1003&context=ays_csif_workingpapers; and Ga. Const. art. VIII, §§ 5–6.
- 23 Domingo Morel, *Takeover: Race, Education, and American Democracy* (Oxford, UK: Oxford University Press, 2018), 5.
- 24 "Parents in Cobb County Plan Second Rally for a Mask Mandate," WABE, August 17, 2021, <https://www.wabe.org/parents-in-cobb-county-plan-second-rally-for-a-mask-mandate>; and Ty Tagami, "Opposition to Critical Race Theory Intensifies in Georgia," *Atlanta Journal-Constitution*, May 20, 2021, <https://www.ajc.com/education/opposition-to-critical-race-theory-intensifies-in-georgia/FKXKJELVIBHX3KWCZLVDQNWAAAY>.
- 25 Rhonda Sonnenberg, "Unbanning History: Georgia Teen Organizers Fight Back Against School Censorship," Southern Poverty Law Center, September 2, 2022, <https://www.splcenter.org/news/2022/09/02/georgia-students-fight-back-against-school-censorship>.
- 26 Sonnenberg, "Unbanning History"; and Complaint, *Mama Bears of Forsyth Cnty. v. McCall*, No. 2:22-CV-142-RWS (N.D. Ga. July 25, 2022).

- 27** See generally Manuel Pastor et al., *Leading Locally: A Community Power-Building Approach to Structural Change*, USC Dornsife Equity Research Institute, September 2020, https://www.lead-local.org/s/Leading_Locally_FULL_Report_web.pdf.
- 28** In one study evaluating how Black representatives affect turnout of Black voters in South Carolina, the authors find “evidence of an empowering effect for African Americans, but find it depends on numbers and jurisdiction, with local representation associated with greater boosts to turnout than federal representation.” Matthew Hayes et al., “Elected Officials, Empowered Voters: The Impact of Descriptive Representation on Voter Turnout,” *Political Behavior* (September 2022), <https://doi.org/10.1007/s11109-022-09823-0>. See also Zoltan Hajnal, *America’s Uneven Democracy: Race, Turnout, and Representation in City Politics* (Cambridge, UK: Cambridge University Press, 2010), 46.
- 29** *Savannah Tribune*, “Immigrant-Led Group Migrant Equity Southeast Celebrates Nearly \$1M Investment in Services for English Language Learners (ELL) in the SCCPSS,” July 5, 2023, <https://www.savannahtribune.com/articles/immigrant-led-group-migrant-equity-southeast-celebrates-nearly-1m-investment-in-services-for-english-language-learners-ell-in-the-sccpss>.
- 30** Hajnal, *America’s Uneven Democracy*, 34–47.
- 31** Kenny Whitby, “The Effect of Black Descriptive Representation on Black Electoral Turnout in the 2004 Elections,” *Social Science Quarterly* 88, no. 4 (December 2007): 1010–22, <https://www.jstor.org/stable/42956208>. See also Frederick Harris, Valeria Sinclair-Chapman, and Brian McKenzie, “Macrodynamics of Black Political Participation in the Post–Civil Rights Era,” *Journal of Politics* 67, no. 4 (November 2005): 1143–63, <https://doi.org/10.1111/j.1468-2508.2005.00354.x>.
- 32** See Matt Barreto, “Si Se Puede! Latino Candidates and the Mobilization of Latino Voters,” *American Political Science Review* 101, no. 3 (August 2007): 425–41, <https://doi.org/10.1017/S0003055407070293>; and Lawrence Bobo and Franklin Gilliam, “Race, Sociopolitical Participation, and Black Empowerment,” *American Political Science Review* 84, no. 2 (June 1990): 377–93, <https://scholar.harvard.edu/bobo/files/racesocio.pdf>.
- 33** Bernard Fraga, “Redistricting and the Causal Impact of Race on Voter Turnout,” *Journal of Politics* 78, no. 1 (January 2016), <https://doi.org/10.1086/683601>.
- 34** Taofang Huang, “Electing One of Our Own: Descriptive Representation of Asian Americans,” presentation at Western Political Science Association 2010 Annual Meeting, San Francisco, posted March 29, 2010, <https://ssrn.com/abstract=1580953>.
- 35** Jan E. Leighley, *Strength in Numbers? The Political Mobilization of Racial and Ethnic Minorities* (Princeton, NJ: Princeton University Press, 2001); Melissa Michelson, “Mobilizing the Latino Youth Vote: Some Experimental Results,” *Social Science Quarterly* 87, no. 5 (December 2006): 1188–206, <https://www.jstor.org/stable/42956602>; and Sara Sadhwani, “Asian American Mobilization,” *Political Behavior* 44 (March 2022): 118, <https://doi.org/10.1007/s11109-020-09612-7>.
- 36** Alia Pharr, “Gwinnett Will Translate Election Materials into Four Asian Languages,” *Atlanta Journal-Constitution*, January 11, 2022, <https://www.ajc.com/news/gwinnett-will-translate-election-materials-into-four-asian-languages/PLPDCWQC5DEHFAGENXQ5A2KN4>.
- 37** Some studies of place-based organizing suggest that this is especially salient in racialized contexts. Sally Nuamah and Thomas Ogorzalek, “Close to Home: Place-Based Mobilization in Racialized Contexts,” *American Political Science Review* 115, no. 3 (August 2021): 757–74, <https://doi.org/10.1017/S0003055421000307>. For a theory on creating structural change beginning at the local level, see Pastor, *Leading Locally*.
- 38** For example, in April 2017, Immigration and Customs Enforcement (ICE) raids that appeared to target Somali immigrants shook the town of Clarkston, a major site of refugee resettlement in DeKalb County once coined the “Ellis Island of the South.” Maryam Saleh, “A Georgia Community Is Still Reeling from ICE Raid,” *Intercept*, December 28, 2018, <https://theintercept.com/2018/12/22/georgia-ice-raids-muslim-refugees>. Communities soon worked with the city of Clarkston to pass a non-detainer resolution limiting cooperation with ICE and with the DeKalb Board of Commissioners to declare June 20 as World Refugee Day in DeKalb, where refugee-oriented community events now occur annually. Annie Rose Ramos, “Small Georgia Town Limits Cooperation with Immigration Agents,” NBC News, May 4, 2017, <https://www.nbcnews.com/news/latino/small-georgia-town-limits-cooperation-immigration-agents-n755066>.
- 39** Though state and federal elected officials of color do not necessarily follow a linear path, school boards play an outside role in providing Black and Latino communities political representation. Morel, *Takeover*, 5–6; and Carol Hardy-Fanta et al., *Contested Transformations* (New York, NY: Cambridge University Press, 2016), 200. One study evaluating more than 12,000 candidates for school district, municipal, county, state, and federal offices in Louisiana found that Black elected officials are slightly more likely than white officials to later run for higher office. Paru Shah, “Stepping Up: Black Political Ambition and Success,” *Politics, Groups, and Identities* 3, no. 2 (2015): 286, <https://www.tandfonline.com/doi/abs/10.1080/21565503.2015.1031801>. Another study found that 19 percent and 17 percent of male and female county legislative members, respectively, expressed an ambition to run for a state or federal office. Melody Crowder-Meyer, “Pipelines to Equal Representation? Gender and Political Ambition at the Local Level,” Local Political Economy Conference, Washington, DC, August 28, 2019, <http://www.chriswarshaw.com/papers/Crowder-Meyer%20-%20LPEC%202019%20-%20Pipelines%20to%20Equal%20Representation.pdf>.
- 40** Morel, *Takeover*, 6. Twenty-two percent of white members of the 114th Congress started in local government, compared with 29 percent of Asian American members, 38 percent of Black members, and 44 percent of Latino members. Ruth Greenwood, “Fair Representation in Local Government,” *Indiana Journal of Law and Social Equality* 5, no. 1 (March 2017): 212, <https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1062&context=iijlse>.
- 41** See the appendix.
- 42** One was a county commissioner; the other was a mayor.
- 43** U.S. Census Bureau, “Table E. Numeric and Percent Change in Resident Population of the 50 States, the District of Columbia, and Puerto Rico: 2020 Census and 2010 Census,” April 26, 2021, <https://www2.census.gov/programs-surveys/decennial/2020/data/apportionment/apportionment-2020-tableE.pdf>.
- 44** U.S. Census Bureau, “Citizen Voting Age Population (CVAP) Special Tabulation from the 2016–2020 5-Year American Community Survey,” February 1, 2023, <https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html>; and “Voting Age Population (CVAP) Special Tabulation from the 2006–2010 5-Year American Community Survey,” February 1, 2012, <https://www.census.gov/data/datasets/2010/dec/rdo/2010-cvap.html>.
- 45** U.S. Census Bureau, “Voting Age Population (CVAP) Special Tabulation from the 2006–2010 5-Year American Community Survey”; and U.S. Census Bureau, “Citizen Voting Age Population (CVAP) Special Tabulation from the 2016–2020 5-Year American Community Survey.”
- 46** U.S. Census Bureau, 2020 Census PL 94–171 Redistricting Summary File, <https://www.census.gov/programs-surveys/decennial-census/about/rdo/summary-files/2020.html>; and 2010 Census PL 94–171 Summary File 1, <https://www.census.gov/data/datasets/2010/dec/summary-file-1.html>.
- 47** U.S. Census Bureau, “Growth in U.S. Population Shows Early Indication of Recovery Amid COVID-19 Pandemic,” December 22, 2022, <https://www.census.gov/newsroom/press-releases/2022/2022-population-estimates.html>.

48 Meris Lutz, "Lisa Cupid Sworn In as Cobb's First Black and First Woman Chair," *Atlanta Journal-Constitution*, January 7, 2021, <https://www.ajc.com/news/atlanta-news/lisa-cupid-sworn-in-as-cobbs-first-black-and-first-woman-chair/J3JBWQ7OAFEOVA45RQB6HBRUCY>; and Tyler Estep, "Gwinnett's New Democratic Commissioners Will Be Sworn In Next Week," *Atlanta Journal-Constitution*, December 12, 2018, <https://www.ajc.com/news/local-govt-politics/gwinnett-new-democratic-commissioners-will-sworn-next-week/voyUXgixQJEINzCRcAp7TP/>. For the assertion that Cupid was the Black and Latino preferred candidate, see Complaint at ¶18, in *Finn v. Cobb Cnty. Bd. Elections and Registration*, No. 22-cv-2300-ELR (N.D. Ga. July 9, 2022), https://southerncoalition.org/wp-content/uploads/2022/06/cobb_county_boe_complaint_final_6.9.2022.pdf.

49 Dante Chinni, "The Georgia Counties Turning the State Blue Are Growing. And Quickly," NBC News, February 28, 2021, <https://www.nbcnews.com/politics/meet-the-press/georgia-counties-turning-state-blue-are-growing-fast-n1259089>.

50 This observation is consistent with other research on gender diversity in county governments. One scholar surveyed a random sample of 394 of the more than 3,000 counties nationwide and found that half of the counties did not have any women serving on county governing boards. See Leander Kellogg et al., "County Governing Boards: Where Are All the Women?," *Politics, Groups, and Identities* 7, no. 1 (May 2017): 39–51, <https://doi.org/10.1080/21565503.2017.1304223>.

51 Twenty-three of 159 counties overrepresent communities of color; 21 of the 23 use districted or mixed methods of election.

52 Of counties in which we know the self-identified race of every school board member, 40 school boards are all white. There is also one county with only white school board members and school board members of unknown race.

53 Representation in local and higher offices tends to vary. One 2006–07 nationwide survey found that Black legislators held county or school board seats twice as often as state legislative seats, Latino elected officials held school board seats four times as often as state legislative seats, and Asian elected officials held state legislative seats more often than county legislative seats but less often than school board seats. Gender and Multicultural Leadership Project, "Gender and Multicultural Leadership Survey Executive Summary," November 7, 2007, http://gmcl.org/pdf/GMCL_Executive_Summary.pdf. Another study analyzing Louisiana elections over two decades found that the greatest percentages of Black candidates run and win at the local level and the fewest at the state and federal levels. Shah, "Stepping Up." A 2013 study from the Joint Center for Political and Economic Studies analyzing elected officials of color at all levels of government observed that the underrepresentation of people of color is "most pronounced at the local level." Khaliliah Brown-Dean et al., *50 Years of the Voting Rights Act: The State of Race in Politics*, Joint Center for Political and Economic Studies, 2013, 33, <https://jointcenter.org/wp-content/uploads/2019/11/VRA-report-3.5.15-1130-amupdated.pdf>.

54 The inability of counties to decide the structure of their government is peculiar in a home rule state like Georgia, although schemes delegating that power to a state entity are becoming more popular in other states. *City of Lockhart v. United States*, 460 U.S. 125, 127 (1983) (describing home rule as the ability of polities to define their forms of government). In South Carolina, the state legislature reapportions school boards. South Carolina Code of Laws Section 59-17-20. Sometimes these actions have created legal challenges. *Raleigh Wake Citizens Ass'n v. Wake Cnty. Bd. of Elections*, 827 F.3d 333, 338–39 (4th Cir. 2016) (ruling that it was unconstitutional for the general assembly to redraw local county commission and school board districts).

55 *Bodker v. Taylor*, No. CIV.A.1:02-CV-999ODE, 2002 WL 32587312 (N.D. Ga. June 5, 2002). Brief for Attorney General of the State of Georgia, *Gambrill v. Cobb County*, No. 23102428-56 (Sup. Ct. Cobb Cnty. May 12, 2023). As of July 8, 2023, replies to the amended

complaint were due November 6, and oral arguments were set to begin on November 20. Third Amended Scheduling Order, *Gambrill v. Cobb County*, No. 23102428-56 (Sup. Ct. Cobb Cnty. July 28, 2023). Taylor Croft, "Cobb's Redistricting Vote Could Force Legal Standoff with State Legislature," *Atlanta Journal-Constitution*, October 10, 2022, <https://www.ajc.com/news/cobbs-redistricting-vote-could-force-legal-standoff-with-state-legislature/4LRS7X6W5NFM3LFIFBZTRDV42Y>.

56 O.C.G.A. § 28-1-14.1; and Edwin L. Jackson, Mary E. Stakes, and Paul T. Hardy, *Handbook for Georgia Legislators* (Athens, GA: Carl Vinson Institute of Government, University of Georgia, 2001), 104–115. Some have criticized the power given to local delegation members to decide matters of local control. See generally Binny Miller, "Who Shall Rule and Govern? Local Legislative Delegations, Racial Politics, and the Voting Rights Act," *Yale Law Journal* 102, no. 1 (1992): 105–203, <https://doi.org/10.2307/796773>. One scholar argues that racial factors likely played a role in the creation of this scheme and that it disadvantages minority voting power in violation of the Voting Rights Act. Miller, "Who Shall Rule and Govern?," 118. Local delegations can also factor into partisans' strategic manipulation of state legislative lines, where they may seek to design maps that give the dominant party a majority of legislators from multimember urban counties. Charles S. Bullock III, "The History of Redistricting in Georgia," *Georgia Law Review* 52, no. 4 (2018): 1057–1104, <https://digitalcommons.law.uga.edu/cgi/viewcontent.cgi?article=1112&context=glr>.

57 O.C.G.A. § 28-1-14.1(b).

58 WRDW, "Redistricting Public Hearings Begin in Richmond County," October 15, 2021, <https://www.wrdw.com/2021/10/15/updated-richmond-county-redistricting-committee-public-hearing-schedule>.

59 *Finn*, No. 22-cv-2300-ELR (N.D. Ga. July 9, 2022), https://www.splcenter.org/sites/default/files/cobb_county_boe_complaint_final_6.9.2022.pdf.

60 LCRO review consists of review for compliance with federal and state constitutions, the Voting Rights Act, and "any other" legally significant concerns. O.C.G.A. § 28-1-14.1(b)(3)(A)–(C). The gamut of questions of legal significance also includes whether the maps divide voting precincts in a way that compromises anonymity, leave any unassigned geographic areas, or fail to maintain continuous geographic features, and whether there are "any other concerns that such office may deem legally significant." O.C.G.A. § 28-1-14.1(b)(3)(A)–(C). Any issues can be corrected by the LCRO or by the county, in which case the map is resubmitted for review by the LCRO. O.C.G.A. § 28-1-14.1(b)(3)(C).

61 O.C.G.A. § 28-1-14.1(e).

62 While general bills need three readings, local bills need only one reading and passage of a full day before a vote can be taken. Jackson, Stakes, and Hardy, *Handbook for Georgia Legislators*.

63 One survey of all Georgia cities with 10,000 or more people and a Black population of 10 percent or more found that the switch from at-large to single-member districted or mixed systems "invariably led to an increase in the number of black elected officials." Chandler Davidson and Bernard Grofman, *Quiet Revolution in the South: The Impact of the Voting Rights Act 1965–1990 [Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas, Virginia]*, Interuniversity Consortium for Political and Social Research, January 12, 2006, 81–82, <https://www.icpsr.umich.edu/web/ICPSR/studies/6646/versions/V1>. Another study of the largest school districts in the country found that Black candidates performed the worst in at-large elections, in stark contrast to mixed or districted systems, which fostered near-parity. Kenneth J. Meier and Robert E. England, "Black Representation and Educational Policy: Are They Related?," *American Political Science Review* 78, no. 2 (June 1984): 392–403, <https://www.cambridge.org/core/journals/american-political-science-review/article/abs/black-representation-and-educational-policy-are-they-related/A1464E4E086E6406540DD25AB9A69BE7>. The observation that districted systems correlate

with better representational outcomes also held for rural and small school boards. Theodore Arrington and Thomas Gill Watts, "The Election of Blacks to School Boards in North Carolina," *Western Political Quarterly* 44, no. 4 (December 1, 1991): 1099–1105, <http://journals.sagepub.com/doi/pdf/10.1177/106591299104400416>. A 2008 analysis of more than 7,000 cities found that districted systems increase Black representation compared with at-large systems when communities of color are large and concentrated. Jessica Trounstein and Melody Valdini, "The Context Matters: The Effects of Single-Member Versus At-Large Districts on City Council Diversity," *American Journal of Political Science* 52, no. 3 (July 2008): 554–69, <https://doi.org/10.1111/j.1540-5907.2008.00329.x>. Between 1981 and 2020, cities nationwide using at-large election systems underrepresented minorities by 6 to 10 percentage points more than cities using districted elections. Ricca and Trebbi, *Minority Underrepresentation in U.S. Cities*. One 2019 study analyzing southern counties before and after preclearance found long-term increased Black officeholding from Voting Rights Act Section 5 coverage where counties switched to single-member districts. Andrea Bernini, Giovanni Facchini, and Cecilia Testa, "Race, Representation and Local Governments in the US South: The Effect of the Voting Rights Act," *Journal of Political Economy* 131, no. 4 (August 30, 2022), <https://doi.org/10.1086/722092>. Although the harm of at-large elections is well understood, districted elections may not always be the best alternative. Chandler Davidson and Bernard Grofman, *Controversies in Minority Voting* (Washington, DC: Brookings Institution Press, 1992), 83 (observing that where the minority population is too dispersed to allow majority-minority districts, other remedies like limited or cumulative voting may be useful). For example, because Asian American voting power is typically not large or concentrated enough to form a majority in a single-member district, and electing women of color is typically easier in multimember district regimes with voting rules that facilitate proportional representation, some political and racial contexts call for additional methods of redressing minority vote dilution. Hardy-Fanta et al., *Contested Transformations*; and Keith Aoki, "A Tale of Three Cities: Thoughts on Asian American Electoral and Political Power After 2000," *UCLA Asian Pacific American Law Journal* 8, no. 1 (2002): 1–54, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/asiapalj8&div=5&id=&page=>. Researchers have more generally found that non-districted systems that foster proportional representation tend to elect more women. Susan Welch, "Commentary on 'Recruitment of Women to Public Office: A Discriminant Analysis,' 1978," *Political Research Quarterly* 61, no. 1 (March 1, 2008): 29–31, <https://doi.org/10.1177/1065912907311745>.

64 Curtis Bram, Arvind Krishnamurthy, and Jason Douglas Todd, "Do At-Large Elections Reduce Black Representation? A New Baseline for County Legislators" (paper presented at American Political Science Association Annual Meeting, Seattle, 2021, updated October 31, 2022).

65 Scholars have found that at-large systems reduce Latino representation on local school boards, even after controlling for population size. Luis Ricardo Fraga, Kenneth J. Meier, and Robert E. England, "Hispanic Americans and Educational Policy: Limits to Equal Access," *Journal of Politics* 48, no. 4 (1986): 850–76, <https://doi.org/10.2307/2131003>. One nationally representative survey of the 1,800 largest school districts, conducted over several years, revealed that at-large elections "significantly limit" representation in minority-Latino school districts. Angel Molina and Kenneth Meier, "Demographic Dreams, Institutional Realities: Election Design and Latino Representation in American Education," *Politics, Groups, and Identities* 6, no. 1 (January 2, 2018): 77–94, <https://doi.org/10.1080/21565503.2016.1182931>. See also David L. Leal et al., "The Politics of Latino Education: The Biases of At-Large Elections," *Journal of Politics* 66, no. 4 (October 2004): 1224–44, <https://doi.org/10.1111/j.0022-3816.2004.00297.x>. California school boards that were forced to convert to districted elections under the 2001 California Voting Rights Act experienced a "dramatic positive effect" for Latino

representation, particularly in large and segregated districts with significant Latino communities. Carolyn Abott and Asya Magazinnik, "At-Large Elections and Minority Representation in Local Government," *American Journal of Political Science* 64, no. 3 (July 2020): 717–33, <https://www.jstor.org/stable/45295343>. School districts in Texas that switched to districted elections had better Latino representation than those that maintained at-large systems. Jerry L. Polinard et al., "The Impact of District Elections on the Mexican American Community: The Electoral Perspective," *Social Sciences Quarterly* 72, no. 3 (September 1991): 608, <https://www.jstor.org/stable/42862913>.

66 For example, one study found that Vietnamese local candidates in at-large settings in Orange County, California, must spend significantly more than white candidates in order to make the same gains. Christian Collet, "Bloc Voting, Polarization, and the Panethnic Hypothesis: The Case of Little Saigon," *Journal of Politics* 67, no. 3 (August 2005): 907–33, <https://doi.org/10.1111/j.1468-2508.2005.00345.x>.

67 These results echo observations that counties with white majorities tend to employ at-large elections. Historically, white majorities expecting an increase in Black votes after the Voting Rights Act tended to adopt at-large electoral rules that would drown out relatively small Black minorities and win all seats; but when the minority share was closer to a 50–50 split, the possibility of losing the whole body induced the white majority to confine Black votes to districts. Francesco Trebbi, Philippe Aghion, and Alberto Alesina, "Electoral Rule and Minority Representation in US Cities," *Quarterly Journal of Economics* 123, no. 1 (February 2008): 325–57, https://dash.harvard.edu/bitstream/handle/1/4551793/alesina_electoral.pdf. At-large systems were more likely to be used in municipalities where minorities made up approximately 25 percent of the population. Ricca and Trebbi, *Minority Underrepresentation in U.S. Cities*.

68 This includes at-large systems with residency requirements and sole-commissioner systems.

69 Peyton McCrary, "How the Voting Rights Act Works: Implementation of a Civil Rights Policy, 1965–2005," *South Carolina Law Review* 57, no. 4 (2006), <https://scholarcommons.sc.edu/cgi/viewcontent.cgi?article=3697&context=sclr>; and Southern Poverty Law Center, *Drawing the Line*, February 13, 2002, http://web.archive.org/web/20150302135839/http://www.splcenter.org/sites/default/files/downloads/publication/drawing_the_line.pdf.

70 U.S. Commission on Civil Rights, *Voting Rights Enforcement & Reauthorization: The Department of Justice's Record of Enforcing the Temporary Voting Rights Act Provisions*, May 2006, 35–36, <https://www.usccr.gov/files/pubs/docs/051006VRASatReport.pdf>. Thornburg v. Gingles, the landmark case establishing the framework for vote dilution under Section 2 of the Voting Rights Act, included in its analysis of the "totality of the circumstances" that courts consider "the extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group." *Thornburg v. Gingles*, 478 U.S. 30, 36 (June 30, 1986).

71 Robert A. Kengle, "Voting Rights in Georgia: 1982–2006," *Review of Law and Social Justice* 17, no. 2 (2008): 383, https://gould.usc.edu/students/journals/rlsj/issues/assets/docs/issue_17/03_Georgia_Macro.pdf; and letter from J. Stanley Pottinger (assistant attorney general, Civil Rights Division, U.S. Department of Justice) to William G. Solomon, May 30, 1974, https://www.justice.gov/crt/records/vot/obj_letters/letters/GA/GA-1340.pdf (regarding at-large elections combined with numbered posts and majority vote requirements).

72 Kengle, "Voting Rights in Georgia," 375–77. Kengle tracks legislation until 2006, but the DOJ website hosting objection letters does not include any additional objections for staggered terms between 2006 and 2013, when preclearance ended. Brennan Center analysis of Department of Justice objection letters available on DOJ

website. See Department of Justice, Civil Rights Division, "Voting Determination Letters for Georgia," accessed April 11, 2023, <https://www.justice.gov/crt/voting-determination-letters-georgia>.

73 The one exception is Franklin County.

74 Kengle, "Voting Rights in Georgia," 378; and Arrington and Watts, "The Election of Blacks to School Boards in North Carolina" (noting that for school boards with at-large systems with residency requirements, "minorities have all the disadvantages of at-large elections plus the inability to cast single-shot or bullet votes for their own racial or ethnic group").

75 Jeffrey C. O'Neill, "Everything That Can Be Counted Does Not Necessarily Count: The Right to Vote and the Choice of a Voting System," *SSRN Electronic Journal* (2006): 350, <http://www.ssrn.com/abstract=883058>.

76 *Brooks v. Miller*, 158 F.3d 1230 (11th Cir. 1998). Georgia lawmakers adopted the majority vote requirement in response to the judicial invalidation of the infamous county unit system, an Electoral College-like scheme of statewide representation based on counties as political units. J. Morgan Kousser, *Colorblind Injustice: Minority Voting Rights and the Undoing of the Second Reconstruction* (Chapel Hill, NC: University of North Carolina Press, 1999), 206; Gray, 372 U.S. 368 (1963); and Laughlin McDonald and Daniel Levitas, *The Case for Extending and Amending the Voting Rights Act*, American Civil Liberties Union, March 2006, 155, https://www.aclu.org/sites/default/files/field_document/votingrightsreport20060307.pdf. The historical record is replete with evidence that the bill's sponsor proposed the rule to ensure white majority rule, particularly when coupled with at-large elections, and that the general assembly passed it for that purpose. See generally Kousser, *Colorblind Injustice*, 206–18; McDonald and Levitas, *The Case for Extending*, 155; and Davidson and Grofman, *Controversies in Minority Voting*, 26 (first quote). Although Georgia law exempts municipalities that provide a plurality vote rule in their local charter or ordinances, it contains no such exception for counties. O.C.G.A. § 21-2-501.

77 O.C.G.A. § 21-2-501. Runoffs are relatively rare in the United States but more common in the South. Fleischmann and Pierannunzi, *Politics in Georgia*; Mark Niesse, "Runoffs Survive in Georgia as Lawmakers Fixate on Other Election Bills," *Atlanta Journal-Constitution*, March 9, 2023, <https://www.ajc.com/politics/georgia-lawmakers-decline-to-curtail-contentious-runoff-elections/5005J063KRHB5J6JCU4S0GV5LA>; and Rhoden v. Athens-Clarke Cty. Bd. of Elections, 310 Ga. 266, 268–69 (2020) (applying the majority vote requirement to county commission elections).

78 If the Black candidate wins a plurality but not a majority of votes, triggering a runoff between the Black candidate and a second-place white candidate, white voters voting as a bloc in the second election could elect the white candidate despite no support from the Black community because the white candidate would receive a majority of the vote. Southern Poverty Law Center, *Drawing the Line*.

79 Katherine Levine Einstein and Maxwell Palmer, "Racial Disparities in Local Elections," Boston University Department of Political Science, 13, https://maxwellpalmer.com/research/Einstein_Palmer_Local_Elections.pdf. Modern efforts to reform the majority-vote requirement have stalled and tended to hinge on opportunities for partisan gain: The state legislature lowered the threshold for a runoff to 45 percent in 1994 but changed it back to a majority vote requirement in 2008 after Republicans lost the 1996 Senate race. Matthew Brown, "Georgia's Runoff System Was Created to Dilute Black Voting Power," *Washington Post*, December 5, 2022, <https://www.washingtonpost.com/politics/2022/12/05/georgia-runoff-history/>. In 2021 the state legislature passed SB 202, shortening the runoff period from nine weeks to four. Act. No. 9 (2021) (SB 9). After Georgia Republicans successively lost U.S. Senate elections since 2020 despite triggering runoffs, some prominent state Republicans called for reform, but the general assembly eventually declined to vote on eliminating runoffs in the

2023 legislative session. Niesse, "Runoffs Survive in Georgia."

80 O.C.G.A. § 36-5-22.1. Some sole-commissioner systems also feature a county administrator, who is appointed by the sole commissioner.

81 We rely on data from the ACLU's 2006 report *The Case for Extending and Amending the Voting Rights Act* demonstrating that as of that report's publication, no nonwhite person had been documented as sole commissioner. We tracked the subsequent sole commissioners of each county that elects sole commissioners since 2006 and used Georgia voter file data to confirm their ethnicity.

82 Brennan Center analysis; and McDonald and Levitas, *The Case for Extending*, 155.

83 1999 Ga. Laws, p. 4345, Pt. 2, § 1

84 *Clark v. Telfair County*, No. 287-25 (S.D. Ga. October 26, 1988) [Telfair County]; *Nealy v. Webster County*, Civ. No. 88-203 (M.D. Ga. March 16, 1990) [Webster County]; *Howard v. Commissioner of Wheeler County*, Civ. No. 390-057 (S.D. Ga. July 10, 1992) [Wheeler County]; and *Carrollton Branch of NAACP v. Stallings*, No. C84-122N-6 (N.D. Ga. Sept. 17, 1988) [Carroll County]. In *Stallings*, the district court found that the system had been enacted with a discriminatory purpose. In 1951 Carroll County swapped its three-member commission for a sole commissioner, and one of the sponsors said of the change, "Georgia is in trouble with the Negroes unless this bill is passed. This is white man's country and we must keep it that way." *Stallings*, 829 F.2d 1547, 1551 (11th Cir. 1987).

85 In *Holder v. Hall*, which challenged the sole-commissioner system in Bleckley County, although the trial judge himself admitted that "under the circumstances, I wouldn't run if I were Black in [Bleckley] County" (*Hall v. Holder*, 955 F.2d 1563, 1571 (11th Cir. 1992)), the U.S. Supreme Court ultimately ruled that the size of an elected body cannot be subject to a vote dilution challenge. *Holder v. Hall*, 512 U.S. 874 (1994). Three of the majority justices reasoned that there was no objective benchmark for comparing the sole-commissioner system with a comparable non-dilutive system. *Id.* at 2588. The other two majority justices said that the size of a legislative body was not a voting "practice" subject to Section 2. For a critique of this decision, see Laughlin McDonald, "Holder v. Hall: Blinking at Minority Voting Rights," *University of the District of Columbia Law Review* 3, no. 1 (March 1995), <https://digitalcommons.law.udc.edu/udclr/vol3/iss1/5>.

86 Concerned Citizens of Union County, "Petition for Change in Union County Government," 2023, <https://ccofuc.org/petition>.

87 The Boards of Commissioners of Crisp County and Dooly County have six-year terms.

88 These statistics compare turnout in the 2016 and 2020 presidential elections with turnout in the 2014, 2018, and 2022 elections. Turnout is calculated as the number of voters divided by citizen voting-age population. Race is determined from self-identification in the voter file; for methodology, see Sara Loving and Kevin Morris, "Georgia's Racial Turnout Gap Grew in 2022," Brennan Center for Justice, July 12, 2023, <https://www.brennancenter.org/our-work/analysis-opinion/georgias-racial-turnout-gap-grew-2022>.

89 Loving and Morris, "Georgia's Racial Turnout Gap Grew."

90 Thomas E. Perez (assistant attorney general, U.S. Department of Justice Civil Rights Division) to Dennis R. Dunn (deputy attorney general, Georgia Attorney General's Office), December 21, 2012, https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/1_121221_0.pdf; and *Howard v. Augusta-Richmond Cnty. Comm'n*, No. 1:14-cv-00097-JRH-BKE, 2014 WL 12810317 (S.D. Ga. May 13, 2014) (finding the objection non-enforceable post-*Shelby*).

91 O.C.G.A. § 21-2-139; Act No. 343 (2014) (HB 310).

92 Zoltan Hajnal and Paul Lewis, "Municipal Institutions and Voter Turnout in Local Elections," *Urban Affairs Review* 38, no. 5 (May 1, 2003): 645–68, <https://doi.org/10.1177/1078087403038005002>;

Melissa Marschall and John Lappie, "Turnout in Local Elections: Is Timing Really Everything?," *Election Law Journal: Rules, Politics, and Policy* 17 (July 2, 2018), <https://doi.org/10.1089/elj.2017.0462>; Zoltan Hajnal, Vladimir Kogan, and G. Agustin Markarian, "Who Votes: City Election Timing and Voter Composition," *American Political Science Review* 116, no. 1 (February 2022): 374–83, <https://doi.org/10.1017/S0003055421000915>; Einstein and Palmer, "Racial Disparities in Local Elections," 13; Ann Allen and David Plank, "School Board Election Structure and Democratic Representation," *Educational Policy* 19, no. 3 (July 1, 2005): 510–27, <https://doi.org/10.1177/0895904805276144>; and Julia Payson, "When Are Incumbents Held Responsible for Government Performance? Evidence from US School Districts: Accountability and School District Performance," *Legislative Studies Quarterly* 42, no. 3 (August 2017): 421–88, <https://doi.org/10.1111/lsq.12159>.

93 Brian F. Schaffner, Jesse H. Rhodes, and Raymond J. La Raja, *Hometown Inequality: Race, Class, and Representation in American Local Politics* (Cambridge, UK: Cambridge University Press, 2020), 217; and Zoltan Hajnal, Paul Lewis, and Hugh Louch, *Municipal Elections in California: Turnout, Timing, and Competition*, Public Policy Institute of California, 2002, <https://www.ppic.org/publication/municipal-elections-in-california-turnout-timing-and-competition>. Most studies on local election timing focus on the difference between odd-numbered and even-numbered years, but substantive differences in turnout between a general election and a primary are similar in character.

94 Ca. Election Code §§ 14051–52 (West 2019).

95 Garrett Fisher, Taylor King, and Gabriella Limon, "Prison Gerrymandering Undermines Our Democracy," Brennan Center for Justice, October 22, 2021, <https://www.brennancenter.org/our-work/research-reports/prison-gerrymandering-undermines-our-democracy>.

96 Georgia is the only state that has allowed county grand juries to appoint school board members. Laughlin McDonald, *A Voting Rights Odyssey: Black Enfranchisement in Georgia* (Cambridge, UK: Cambridge University Press, 2003), 31.

97 Davidson and Grofman, *Quiet Revolution in the South*, 68. Because commissioners had discretion to select "upright and intelligent persons" to serve as jurors, and jurors were drawn from property tax lists on which Black Georgians were underrepresented, Black Georgians rarely served on county grand juries. McDonald, *A Voting Rights Odyssey*, 31. John Folsom, the first Black person to serve on a grand jury to appoint school board members, was required to sit in the upstairs balcony as a "figurehead." *Wilson v. Powell*, No. 383-14 (S.D. Ga. 1983).

98 *Vereen v. Ben Hill County*, 743 F. Supp. 864 (M.D. Ga. 1990); Ga. Laws 1990, 4435. The threat of litigation motivated the general assembly to pass a constitutional amendment requiring elections for county boards of education. Davidson and Grofman, *Quiet Revolution in the South*, 409.

99 SR 192, 154th Gen. Assemb. (Ga. 2017).

100 Asian Americans Advancing Justice—Atlanta and the Asian American Advocacy Fund, *The Future of Voting: A Profile of Asian American and Pacific Islander Voters in Georgia*, August 2022, 43, https://static1.squarespace.com/static/5f0cc12a064e9716d52e6052/t/62dff75d3738db631340742d/1658845029456/AAPJ_Report_v4.pdf; and Jerry Gonzales and Erik Francisco Medina, 2020: *The Georgia Latino Electorate Grows in Power*, GALEO, June 10, 2021, 13, <https://galeo.org/wp-content/uploads/GLV-2020-Report-1.pdf>.

101 Gonzales and Medina, 2020: *The Georgia Latino Electorate*.

102 Generally, when local legislation — that which applies only to a specific city, county, or special district — receives the requisite number of signatures of local delegation members, the House and Senate pass the legislation as a matter of local courtesy. *Adamson v. Clayton Cnty. Elections and Registration Bd.*, 876 F. Supp. 2d 1347, 1351 (N.D. Ga. 2012). "The underlying assumption of local courtesy is

that the bill affects only a certain city or county, and, therefore, representatives and senators of other districts should defer to that local delegation's judgment." See also Miller, "Who Shall Rule and Govern?"; Fleischmann and Pierannunzi, *Politics in Georgia*; and Plaintiff's Complaint for Declaratory Judgment and Injunctive Relief, *Finn*, No. 22-cv-2300-ELR (N.D. Ga.) at 36, https://southerncoalition.org/wp-content/uploads/2022/06/cobb_county_boe_complaint_final_6.9.2022.pdf.

103 "Local courtesy is a custom, however, and is not provided for in either the House or Senate rules. Should a member of the House or Senate choose to challenge local legislation on the floor, local courtesy is not enforced." *Adamson*, 876 F. Supp. 2d. at 1347.

104 Georgia Senate Rules, Ethics, and Decorum, Rule §3-3.2 (2019-2020), <https://www.senate.ga.gov/sos/Documents/2019SenateRules.pdf>. During the 2020 redistricting cycle, Georgia House Rule 18.1 required this committee to follow sponsorship rules set by the local delegation, and otherwise required unanimity. Georgia House Rules, Ethics, and Decorum, Rule 18 §1, (2019-2020), <https://www.house.ga.gov/Documents/Information/HouseRules2019.pdf>. While local bills are typically assigned to these committees, that assignment is not in law.

105 Miller, "Who Shall Rule and Govern?," 129.

106 According to our analysis, 5 of 139 county commission maps and 4 of 130 school board maps were assigned to the House Governmental Affairs Committee; all other maps went through the House Intragovernmental Coordination Committee. Georgia House Rules, Ethics, and Decorum, Rule 18 §1, (2019-2020); and Georgia Senate Rules, Ethics, and Decorum, Rule §3-3.2 (2019-2020). House Rules require either unanimity or another rule agreed upon by the delegation; Senate Rules require a majority.

107 Redistricting for boards of commissioners for Gwinnett, Cobb, Fulton, Richmond, and Meriwether Counties was assigned to the House Governmental Affairs Committee. H.B. 873, 156th Gen. Assemb. (Ga. 2022); H.B. 1154, 156th Gen. Assemb. (Ga. 2022); S.B. 437, 156th Gen. Assemb. (Ga. 2022); S.B. 457, 156th Gen. Assemb. (Ga. 2022); and S.B. 386, 156th Gen. Assemb. (Ga. 2022). Redistricting for boards of education in Gwinnett, Cobb, Richmond, and Meriwether Counties was assigned to the House Governmental Affairs Committee. S.B. 369, 156th Gen. Assemb. (Ga. 2022); H.B. 1028, 156th Gen. Assemb. (Ga. 2022); S.B. 458, 156th Gen. Assemb. (Ga. 2022); and S.B. 387, 156th Gen. Assemb. (Ga. 2022).

108 *Finn*, No. 22-cv-2300-ELR (N.D. Ga.) at 38–39.

109 Intervenor-defendant Cobb County's Brief in Opposition to Plaintiff's Amended Motion for TRO and Interlocutory Injunction at 8, *Savage v. Cobb County*, No. 23101594, (Super. Ct. Cobb Cnty. Jan. 2, 2023).

110 Curt Yeomans, "Republican Legislators Get Gwinnett Commission Redistricting Bill Reassigned, Democrats Say It's Tantamount to a 'State Takeover,'" *Gwinnett Daily Post*, January 25, 2022, https://www.gwinnettdaily.com/local/republican-legislators-get-gwinnett-commission-redistricting-bill-reassigned-democrats-say-its-tantamount-to-a-state/article_fd437b8a-7df2-11ec-bc92-ef7c52ea59ce.html; and League of Women Voters (LWV) of Georgia, "Georgia General Assembly Must Honor the Decision of the People of Gwinnett," press release, February 3, 2022, <https://myemail.constantcontact.com/JOINT-PRESS-RELEASE--Georgia-General-Assembly-must-honor-the-decision-of-the-people-of-Gwinnett.html?soid=1100405892060&aid=cHowjzGKpLw> (quoting LWV board member Julie Bolen: "This legislative sleight of hand . . . in the Governmental Affairs Committee further undermines our democracy and voters' trust in government. We call upon the Georgia House to reinstate the maps back to the original proposal in HB873 which have been crafted and approved by and for the people.").

111 Jeff Amy and Sudhin Thanwala, "'Out of Order': Georgia Local Redistricting Fights Intensify," AP News, February 13, 2022, <https://apnews.com/article/voting-rights-georgia-school-boards-race-and-ethnicity-redistricting-.bde2f270634cf4fb90ea636f3efd1d1>.

112 Progress Georgia et al. to Rep. Darlene Taylor (chair, Georgia House Governmental Affairs Committee), 2022, <https://progressga.org/darlenetaylorletter>.

113 Counties are categorized by whether they experienced negative, low, medium, or high growth in their communities of color from 2010 to 2020, according to U.S. Census Bureau decennial census redistricting data. Twenty-eight counties experienced negative growth in their minority populations during this 10-year span. The remaining 131 counties were divided into three groups based on the growth rate of their minority populations. Counties were classified as low growth if their minority population rose by less than 2.8 percentage points, medium growth if it rose between 2.8 and 4.7 percentage points, and high growth if it rose more than 4.7 percentage points.

114 Five counties fit this category: Gwinnett, Cobb, Henry, Richmond, and Clayton. Of these, this abuse of power by the state legislature was observed in maps for county governments in Gwinnett, Cobb, and Richmond.

115 Ga. Const. art. III, § 5, para. 8; and Association County Commissioners of Georgia, "County Home Rule & Local Legislation," January 12, 2023, <https://www.accg.org/docs/legal/County%20Home%20Rule%20Local%20Legislation.pdf>.

116 Georgia House Rules, Ethics, and Decorum, Rule 18 §1, (2023-2024), <https://www.house.ga.gov/Documents/Information/HouseRules2019.pdf>. "If a majority of the members of the House whose districts are wholly or partially located within a political subdivision shall file with the chairman of the Committee on Intragovernmental Coordination their own rules as to the number of Representatives who must sign proposed legislation affecting that political subdivision before it will be favorably reported by the Committee on Intragovernmental Coordination, the committee shall observe such rules in considering such legislation. If no rules have been filed, any legislation affecting a political subdivision shall not be favorably reported unless all of the Representatives whose districts are wholly or partially located within the political subdivision shall sign such legislation or the committee votes to pass such legislation."

117 Ga. Const. art. V, § 2, para. 7 allows the governor to convene special legislative sessions with a limited purpose. The governor's proclamation limited the special session "for the purposes and only those purposes specified." The proclamation focused the special session on "enacting, revising, repealing, or amending gender law for: (a) the division of the State into appropriate districts from which members of the Georgia State Senate shall be elected; (b) the division of the State into appropriate districts from which members of the Georgia State House of Representatives shall be elected; and (c) the division of the State into appropriate districts from which members of the House of Representatives to the United States Congress shall be elected." The proclamation also included in its purpose the consideration of amending the tax code, ratifying executive orders suspending the collection of motor fuel and diesel fuel taxes, and considering various appointments. Finally, it included the purpose of "enacting, revising, repealing, or amending local laws which the General Assembly deems necessary to avoid unreasonable hardship or to avoid undue impairment of public functions if consideration and enactment thereof are postponed." Gov. Brian Kemp, "A Proclamation Convening the General Assembly of Georgia in Special Session," September 23, 2021, <https://gov.georgia.gov/document/document/convening-general-assembly-georgia-special-session-92321pdf/download>.

118 Kemp, "A Proclamation."

119 S.B. 5EX, 156th Gen. Assemb. (Ga. 2021); and SB 6EX, 156th Gen. Assemb. (Ga. 2021).

120 The authors of this report looked at bills considered by the Georgia legislature, available at legis.ga.gov, and found no other county-level redistricting bills considered during the November 2021 special session.

121 Donna Lowry, "State Senator Pauses Movement on Controversial Gwinnett County Bills," GPB News, November 16, 2021,

<https://www.gpb.org/news/2021/11/16/state-senator-pauses-movement-on-controversial-gwinnett-county-bills>.

122 "Move to Expand Gwinnett County Commission Comes Under Partisan Fire," *Capitol Beat*, November 10, 2021, <https://capitol-beat.org/2021/11/move-to-expand-gwinnett-county-commission-comes-under-partisan-fire>.

123 "Senate Committee Approves Controversial Plan to Expand Gwinnett Commission," *Capitol Beat*, November 11, 2021, <https://capitol-beat.org/2021/11/senate-committee-approves-controversial-plan-to-expand-gwinnett-commission>.

124 H.B. 872, 156th Gen. Assemb. (Ga. 2022); H.B. 873, 156th Gen. Assemb. (Ga. 2022); S.B. 369, 156th Gen. Assemb. (Ga. 2022); and S.B. 369, 156th Gen. Assemb. (Ga. 2022) (Gwinnett County nonpartisan school board elections).

125 Alia Malik, "GOP's Gwinnett Commission Map Threatens Two Democratic Incumbents," *Atlanta Journal-Constitution*, January 31, 2022, <https://www.ajc.com/news/gop-releases-gwinnett-commission-redistricting-map-causing-confusion/EEL6B735KVCUFHQVB6NDWELIFU>.

126 Athens-Clarke requires commissioners to live in their new district for one year. 2002 Ga. Laws, p. 4246, § 1; 2012 Ga. Laws (Act No. 409), § 1; and Jeff Amy, "Georgia GOP Lawmakers Draw Districts in Democratic Counties," AP News, February 3, 2022, <https://apnews.com/article/voting-rights-joe-biden-atlanta-legislature-athens-213e717d22d6ff212898e9a4d2a5ec23>.

127 Robert Yablon, "Gerrylaunders," *New York University Law Review* 97, no. 3 (June 2022): 985–1062, <https://www.nyulawreview.org/wp-content/uploads/2022/06/NYULawReview-Volume-97-Issue-3-Yablon-.pdf>. Courts consider this short-term disadvantage an "inevitable byproduct of reapportioning a legislative body whose members are elected for staggered four-year terms." *Legislature v. Reinecke*, 516 P.2d 6, 12 (Cal. 1973). And it does not violate the Equal Protection Clause "so long as no particular group is uniquely burdened." *Baldus v. Members of Wisconsin Gov. Accountability Bd.*, 849 F. Supp. 2d 840, 852 (E.D. Wis. 2012).

128 Incumbency advantage from name recognition and institutional credibility makes reelection common and uncontroversial. Hajnal, *America's Uneven Democracy*, 83. If incumbents of color lose their seats more often after redistricting, that can be the product of new maps that deliver harsher electoral environments to Black lawmakers than to white ones.

129 For example, the Athens-Clarke County Board of Commissioners passed what one commissioner called "Georgia's most progressive local budget" in 2021. Among other things, the budget launched a non-police crisis response team, created the state's first zero-fare public transit system, and funded its homeless center as an independent agency. Luke Boggs and Kyle Hayes, "Athens Passes Georgia's Most Progressive Local Budget: A Conversation with Commissioner Timothy Denson," *Peachpod* podcast, July 14, 2021, <https://medium.com/peachpod/athens-passes-georgias-most-progressive-local-budget-a-conversation-with-commissioner-timothy-a64443023f>.

130 Amy, "Georgia GOP Lawmakers Draw Districts."

131 See the appendix for methodology.

132 H.B. 1154, 2021-22 Sess. (Ga. March 2, 2022). In the same session, the legislature grandfathered the current members of the Forsyth County Board of Education when the maps had the effect of swapping members representing Districts 2 and 5. The legislation provided that the board member of former District 2 would now be considered the board member from District 5, and vice versa. H.B. 1246, <https://www.legis.ga.gov/legislation/61840>.

133 Taylor Croft, "Lisa Cupid: Cobb 'Moving Forward' Despite Conservative Opposition," *Atlanta Journal-Constitution*, May 5, 2023, <https://www.ajc.com/neighborhoods/cobb/cupid-cobb-moving-forward-despite-conservative-opposition/DDDFDXK2G5DE5LBS7WIRZ5SO2A>.

- 134** “[A] person elected or appointed as a member of the board from a commissioner district shall continue to reside in that district during that person’s term of office or that office shall become vacant.” H.B. 1154, 2021-22 Sess. (Ga. March 2, 2022). The provisions of the act “necessary to conduct elections” in 2022 became effective upon the governor’s signing, while the rest was to become effective January 1, 2023. H.B. 1154, 2021-22 Sess. (Ga. March 2, 2022). Since Richardson would not have resided in her new district on that date, the law would have effectively ousted her on that date. See *Gambrill*, No. 23102428-56 (Sup. Ct. Cobb Cnty. June 14, 2023).
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- 137** Wendy Parker, “Richardson: ‘I Will Not Step Down as Cobb Commissioner,’” *East Cobb News*, March 11, 2022, <https://eastcobbnews.com/richardson-i-will-not-step-down-as-cobb-commissioner>.
- 138** Taylor Croft, “Cobb Board’s Conflict Escalates Over Electoral Map While Lawsuit Stalls for Now,” *Atlanta Journal-Constitution*, January 10, 2023, <https://www.ajc.com/news/cobb-boards-conflict-escalates-over-electoral-map-while-lawsuit-stalls-for-now/XCIFVLU2UND2FD73E7SV73ZRQ4>.
- 139** S.B. 124, 157th Gen. Assemb. (Ga. 2023). The bill eventually failed, though similar provisions were added to HB 204, which the Senate read for the second time in March 2023. H.B. 204, 157th Gen. Assemb. (Ga. 2023).
- 140** S.B. 236, 157th Gen. Assemb. (Ga. 2023).
- 141** See note 132.
- 142** Seventy-one school boards are elected through partisan school board elections, while 109 use nonpartisan elections. Georgia School Boards Association, “GA Local School Boards Terms and Elections,” <https://gsba.com/wp-content/uploads/2021/07/Boards-Terms-Elections.pdf>.
- 143** On average, people of color make up 58 percent of the five counties that were affected, and 43 percent of the other 154 counties. The average growth in the composition of communities of color in the five counties that were affected was 4.6 percent, while it was 3.1 percent in the other 154.
- 144** Hajnal and Lewis, “Municipal Institutions and Voter Turnout”; Michael Patison, “Why Don’t People Vote? A Quantitative Study and Analysis of Voter Turnout in Mayoral Elections in Large American Cities” (undergraduate thesis, University of Texas at Austin, 2020), https://repositories.lib.utexas.edu/bitstream/handle/2152/84539/patisonmichael_Thesis_Why%20Don%E2%80%99t%20People%20Vote_%20A%20Quantitative%20Study%20and%20Analysis%20of%20Voter%20Turnout%20in%20Mayoral%20Elections%20in%20Large%20American%20Cities_2020_Redacted.pdf; and Brian F. Schaffner et al., “Teams Without Uniforms: The Nonpartisan Ballot in State and Local Elections,” *Political Research Quarterly* 54, no. 7 (2001), <https://doi.org/10.2307/449205>. Switching to nonpartisan elections can also elevate the use of a candidate’s race as a voting cue and make it more difficult for voters to know the values of the leaders they are voting for. Schaffner et al., “Teams Without Uniforms”; and Kenneth J. Meier et al., “Structural Choices and Representational Biases: The Post-Election Color of Representation,” *American Journal of Political Science* 49, no. 4 (September 27, 2005): 762, <https://doi.org/10.1111/j.1540-5907.2005.00153.x>.
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- 151** Desmond Ang, “Do 40-Year-Old Facts Still Matter? Long-Run Effects of Federal Oversight Under the Voting Rights Act,” *American Economic Journal: Applied Economics* 11, no. 3 (July 2019): 1–53, <https://pubs.aeaweb.org/doi/10.1257/app.20170572>.
- 152** Although only a handful of counties used districted schemes at the time of its passage, 13 Georgia counties with significant Black populations immediately switched to at-large elections, fearing a majority-Black district. This “intentional shift” could not “be interpreted as anything other than a continuing resistance to black political participation.” The denial of preclearance by the Department of Justice or threats of litigation ultimately forced these counties to return to districted elections. Davidson and Grofman, *Quiet Revolution in the South*, 81–82, <https://www.icpsr.umich.edu/web/ICPSR/studies/6646/versions/V1>.
- 153** Davidson and Grofman, *Quiet Revolution in the South*, 78, 81–82. The authors surveyed 129 of 159 counties and found 115 had at-large systems prior to passage of the Voting Rights Act.
- 154** Davidson and Grofman, *Quiet Revolution in the South*, 81–82.
- 155** *Whitest v. Crisp Cnty. Sch. Dist.*, 601 F.Supp.3d 1338 (M.D. Ga. 2021); *Wright v. Sumter Cnty. Bd. of Elections and Registration*, 979 F.3d 1282 (11th Cir. 2020); and Georgia State Conference of the NAACP v. Fayette Cnty. Bd. of Comm’rs, 775 F.3d 1336 (11th Cir. 2015). See generally Ellen D. Katz et al., “To Participate and Elect: Section 2 of the Voting Rights Act at 40,” University of Michigan Law School Voting Rights Initiative, 2022, <https://voting.law.umich.edu>.
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