Voting Rights Advocates File Emergency Suit Seeking to Provide Access to Bilingual Absentee Ballot Applications in Georgia

Lawsuit Filed by the Lawyers’ Committee for Civil Rights Under Law on Behalf of Georgia Organizations

Atlanta, GA, April 13, 2020 — Today, voting rights advocates filed an emergency lawsuit in the United States District Court for the Northern District of Georgia. The plaintiffs are demanding that Gwinnett County provide bilingual absentee ballot applications to Spanish speaking voters. They seek to remedy election officials’ recently mailing English-only applications to voters in violation of federal law. The Lawyers’ Committee for Civil Rights Under Law (“Lawyers’ Committee”) and the Law Firm of Bryan Sells LLC brought the suit on behalf of Georgia Association of Latino Elected Officials (GALEO); Georgia Coalition for the People’s Agenda (People’s Agenda); Asian Americans Advancing Justice - Atlanta (Advancing Justice); New Georgia Project (NGP) and Common Cause.

The plaintiffs will be seeking emergency relief as soon as possible because the English-only applications can be used in the June 9 primary. They seek to provide bilingual absentee ballot applications to Gwinnett County’s Spanish-speaking voters. They are guaranteed the right to receive election materials in English and Spanish under Sections 203 and 4(e) of the Voting Rights Act of 1965.

“Sending English-only absentee ballot applications in a diverse county covered under Section 203 is yet another attempt at voter suppression, which is a direct violation of the constitutional rights,” said Kristen Clarke, Executive Director of the Lawyers’ Committee. “With Georgia’s primary election looming, it is imperative that Gwinnett County and other Georgia counties comply with their obligations under the Voting Rights Act and permit Spanish-speaking voters an equal opportunity to cast their ballot and have their voice heard.”

The lawsuit alleges that Gwinnett County’s failure to send the Spanish language version of the absentee ballot application violates the minority language access provisions of the Voting Rights Act. Moreover, there is no Spanish language version of the form available for download from the Secretary of State’s website. There is no Spanish language version visible on the Gwinnett County Elections’s website. Voters only have the option of clicking on a button in the bottom right-hand corner to find an inaccurate computer-generated translation of the application. The lawsuit asks that election officials post an accurately translated version of the application on their websites.

“Section 203 protects access to all Spanish language dominant voters in Gwinnett County, regardless of who sends out election information,” said Jerry Gonzalez, Executive Director of the Georgia Association of Latino Elected Officials. “The Secretary of State’s office and Gwinnett County have a responsibility to ensure they provide equal access to all constituencies but failed to do so in this recent mailing of absentee ballot applications. Given the change in date to the primary election, they have ample time to correct this mistake and send bilingual applications and ballots in full compliance with federal law.”

"As leaders scramble to ensure that the Covid-19 pandemic does not cut off access to the ballot, it’s critical that they protect voters who already face barriers to voting even when we are not in the middle of a public health crisis. No one should have to choose between democracy and their health," aid Phi Nguyen, Litigation Director at
“Gwinnett County has been covered by these provisions of the law since 2016,” said Cindy Battles, Program Coordinator at Common Cause. “Even during a public health emergency, our laws still apply. Elections officials should know their obligations to provide equal access to absentee ballot applications for our upcoming elections.”

“The health and safety of Gwinnett County's Spanish-speaking voters is important and worthy of protection, too,” said Atlanta attorney Bryan Sells.

The Secretary of State and Gwinnett County must take immediate action to remedy the violation of Sections 203 and 4(e) of the Voting Rights Act. Otherwise, Gwinnett County's limited English proficient Spanish speaking voters will not be able to effectively cast an absentee ballot in the upcoming election. Voting in person is not an option for many voters, particularly the elderly and those with weakened immune systems, due to the COVID-19 pandemic.

Gwinnett County became covered under Section 203 of the Voting Rights Act starting in December 2016. Section 4(e) applies nationwide, including to the Georgia Secretary of State.

About Lawyers’ Committee for Civil Rights Under Law. The Lawyers’ Committee for Civil Rights Under Law, a nonpartisan, nonprofit organization, was formed in 1963 at the request of President John F. Kennedy to involve the private bar in providing legal services to address racial discrimination. Now in its 57th year, the Lawyers’ Committee for Civil Rights Under Law is continuing its quest to “Move America Toward Justice.” The principal mission of the Lawyers’ Committee for Civil Rights Under Law is to secure, through the rule of law, equal justice for all, particularly in the areas of criminal justice, fair housing and community development, economic justice, educational opportunities, and voting rights. Contact: Sue Dorfman | press@lawyerscommittee.org |

About the Law Offices of Bryan L. Sells LLC
The Law Office of Bryan L. Sells is a boutique civil rights law firm, based in Atlanta, Georgia, specializing in voting rights, election law, and redistricting.

About the Georgia Association of Latino Elected Officials. GALEO’s mission is to increase civic engagement and leadership development of the Latino/Hispanic community across Georgia. GALEO strives for a better Georgia where the Latino community is engaged civically and its contributions and concerns are recognized.

About Asian Americans Advancing Justice – Atlanta. Asian Americans Advancing Justice – Atlanta is the first nonprofit legal advocacy organization dedicated to protecting the civil rights of Asian Americans, Native Hawaiian, Pacific Islander (AANHPI) and Arab, Middle Eastern, Muslim, and South Asian (AMEMSA) communities in Georgia and the Southeast. We are one of five independent organizations that make up the national Asian Americans Advancing Justice. Together with our affiliates in Chicago, DC, Los Angeles and San Francisco, we bring more than 100 years of collective experience in addressing the civil rights issues faced by Asian Americans and other vulnerable and underserved communities.

About the Georgia Coalition for the Peoples’ Agenda. The Georgia Coalition for the Peoples’ Agenda (GCPA) was founded by Dr. Joseph E. Lowery and is based in Atlanta, Georgia. It is a coalition of more than 30 organizations, which collectively have more than 5,000 individual members. The mission of the GCPA is to improve the quality of governance in Georgia; to help create a more informed and active electorate; and to have responsive and accountable elected officials. In addition to a primary focus upon voting empowerment and civic engagement, the GCPA maintains active committees on Education, Criminal Injustice and Environmental Justice.

About Common Cause Georgia. Common Cause Georgia is a non-profit, non-partisan advocacy organization that works to strengthen public participation in our democracy and ensure that public officials and public institutions are accountable and responsive to citizens. Through a powerful combination of coalition building, lobbying and litigation, grassroots organizing, policy development, research, and public education, we spotlight local, state
and national issues that affect every Georgian.

**About Asian Americans Advancing Justice - Atlanta**

Asian Americans Advancing Justice - Atlanta (formerly Asian American Legal Advocacy Center or AALAC) is the first non-profit law center dedicated to Asian immigrants and refugees (“Asian Americans”) in the Southeast.

Our goal is to engage, educate and empower under-represented Asian Americans to greater civic participation.

We are one of five independent organizations that make up the national Asian Americans Advancing Justice. Together with our affiliates in Chicago, DC, Los Angeles and San Francisco, we bring more than 100 years of collective experience in addressing the civil rights issues faced by Asian Americans and other vulnerable and underserved communities. Visit [www.advancingjustice-atlanta.org](http://www.advancingjustice-atlanta.org).