Student Handout 4: You Be the Judge: Wesley v. Cox (2005)

Pre-Lesson 2 Homework Assignment

Directions: You are asked to act as a judge on the U.S. Court of Appeals for the Eleventh Circuit. Read the case summarized below, Wesley v. Cox (2005), and render a decision on the case by answering the questions at the end of the reading.

Wesley v. Cox (2005)

In 2004, Nu Mu Lambda, an African American chapter of Alpha Phi Alpha fraternity supported by the Wesley Education Foundation, held a voter registration drive in Georgia. When the completed registration forms were submitted to the Georgia secretary of state’s office, all sixty-three voter registration applications were rejected. Cathy Cox, then secretary of state, contended that her elections division had deemed that proper procedures were not followed for holding a voter registration drive independent of a state officially sanctioned registration.

Nu Mu Lambda filed a civil action case, Charles H. Wesley Education Foundation, Inc. et al. v. Cathy Cox et al., in U.S. District Court for the Northern District of Georgia, and pursued the case to the U.S. Court of Appeals for the Eleventh Circuit. The plaintiff, the Wesley Education Foundation, challenged the state of Georgia’s policy of rejecting multiple mail-in voter registration applications gathered by anyone other than the state registrars’ offices. Further, the plaintiff argued that the Nu Mu Lambda voter registration drive was in compliance with the National Voter Registration Act of 1993.

The defendant, the office of the Georgia secretary of state, contended that it could reject the voter registration applications based on longstanding policy and practice. The Georgia Elections Code required private voter registration drives to be approved and advertised in advance by the appropriate board of registrars. The code also required an official from the board of registrars be present throughout the registration drive.

Source: http://www.heardlawoffices.com/Wesley_v_Cox.htm
Questions

1. Did the Georgia Elections Code violate the National Voter Registration Act (Motor Voter Act)?
2. Should the Georgia Secretary of State’s Election Division be required to accept the registration forms?