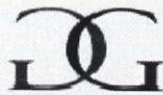


The Law Offices Of



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October 31, 2023

via email to:

Honorable Brian K. Mock, Mayor
Honorable John Mesa, District 1
Honorable Leslie C. Robson, District 2
Honorable Paul Stovall, District 3
Honorable Elmer Veith, District 4
Honorable Jimmy Furth, At-Large Council member

Re: Sixty percent Annexation Petition into the City of Chamblee

Dear Mayor and members of the City Council:

I write to reiterate my request to you to delay consideration of the annexation petition accepted by the City of Chamblee at a specially called council meeting this morning. I spoke at public comment and would like to convey in writing my serious legal concerns related to this annexation petition.¹ The City of Chamblee is only one of the few Georgia cities who has at-large and district council seats whose members are elected city-wide. This rarely used at-large method of voting in Chamblee significantly dilutes minority voter representation.

This proposed annexation, combined with at-large voting, would further dilute minority voter rights. Minority voters in Chamblee and potential new minority voters in the unincorporated area proposed to be annexed would be effectively disenfranchised. Minorities can still vote but that vote does not result in the successful election of the candidate of their choice. As a result, there is no voter equality and the government of Chamblee is not truly representative of its current, or potentially new, residents.

You must delay consideration of this annexation until the Mayor and Council have fully evaluated this significant lack of minority representation in elected office. According to the most recent census figures, the Asian, Hispanic, and Black populations in Chamblee comprise approximately sixty-five percent (65%) of the total population of the City. *Yet, there is not one person of color on Chamblee's elected City Council.* Annexations like the one you accepted this morning contribute to the problem and serve

¹ After the City Council meeting adjourned, one of the Council members advised me that the actual annexation petition was not yet available for public inspection and would not be available until later this week.

Memorandum to Honorable Brian K. Mock, et al.

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to increase the numbers of disenfranchised voters who do not have the opportunity to vote for their candidates of choice.

Two and half years ago, the *Atlanta Journal-Constitution* reported that current City Council members wanted the City Council to be reflective of Chamblee's diverse population. But nothing has changed. There are no Council members of color despite the 2014 annexation of a racially diverse population adding more than 12,000 new residents to the City. Candidates of color will choose to run for elected office in Chamblee if they are given the opportunity to run and obtain votes from voters in smaller districts instead of having to run city-wide.

On October 26, 2023, federal district court Judge Steve Jones, issued an order² which invalidated Georgia congressional and legislative districts based on minority voter dilution. Governor Brian Kemp has now called a special session of the General Assembly to re-draw the lines for certain state's legislative and congressional district lines.

Like the voter dilution issues arising at the state level, this annexation exacerbates the existing dilution of minority voting rights caused by at-large elections. Existing and potentially new residents deserve the right to consider candidates for mayor and the City Council who are persons of color.

As I said this morning in public comment, I am asking you to carefully consider the rights of your current residents and your potential new residents. We would prefer to avoid a divisive controversy that will undermine the productive relationship between the County, Chamblee and all our other municipal partners. Before you pursue any annexation, I am asking that you take all measures to protect the right of your current residents to vote for and elect candidates of their choice by eliminating this outdated and unfair at-large election scheme.

Thank you for your consideration.

Sincerely,


Gerald A. Griggs, Esq.

cc: Michael L. Thurmond, Chief Executive Officer, DeKalb County
Robert Patrick, District 1, Board of Commissioners, DeKalb County

² *Alpha Phi Alpha Fraternity Inc. v. Raffensperger*, No. 1:21-CV-05337-SCJ, 2023 WL 7037537 (N.D. Ga. Oct. 26, 2023).

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Ted Terry, Super District 6, Board of Commissioners, DeKalb County
Michelle L. Spears, District 2, Board of Commissioners, DeKalb County
Larry Johnson, District 3, Board of Commissioners, DeKalb County
Steve Bradshaw, District 4, Board of Commissioners, DeKalb County
Mereda Davis Johnson, District 5, Board of Commissioners, DeKalb County
Lorraine Cochran-Johnson, Super District 7, Board of Commissioners, DeKalb County
Robert E. Wilson, Esq., Counsel for the City
Keri P. Ware, Esq., City Attorney
Viviane H. Ernstes, County Attorney