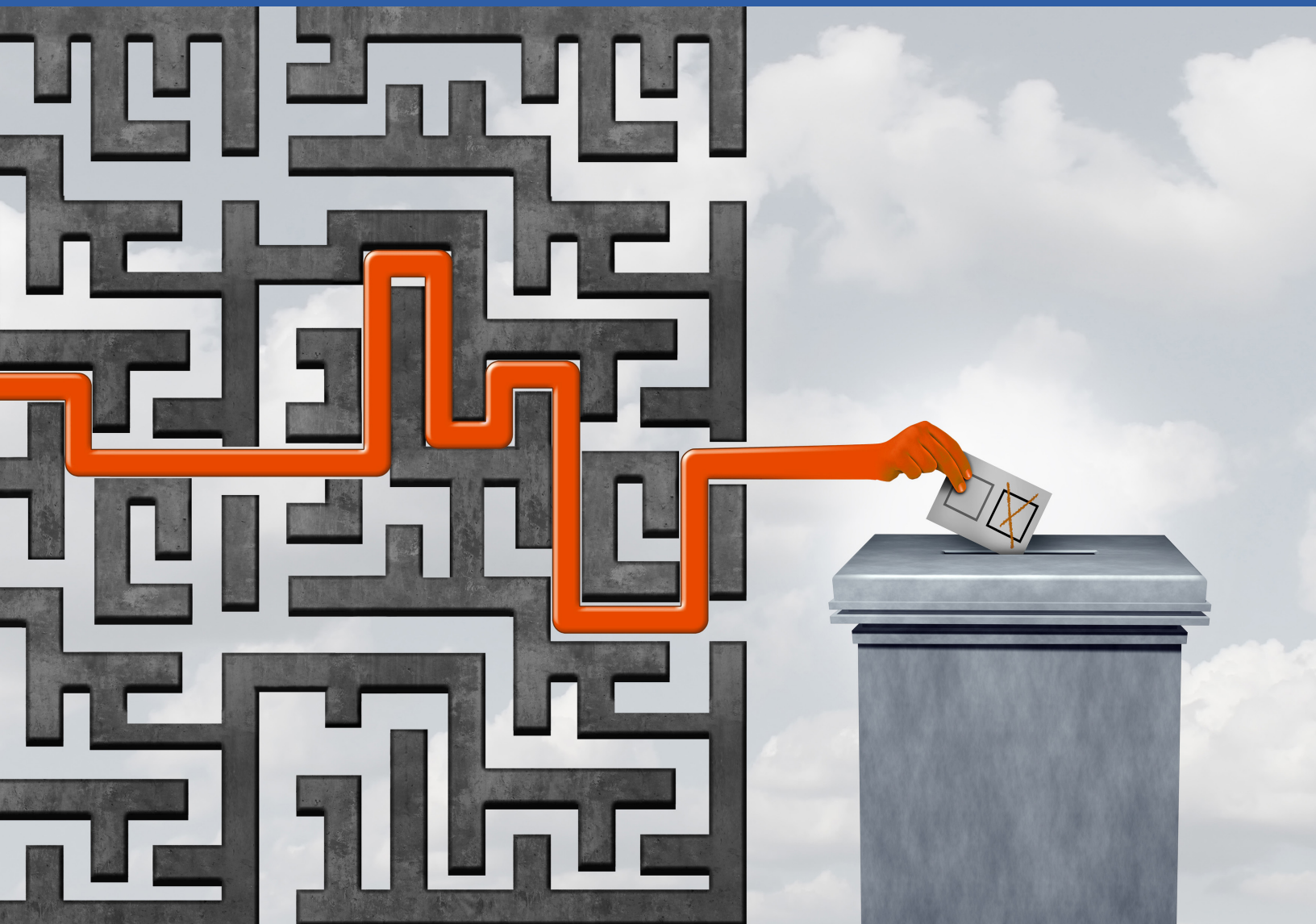


The Central Role of Racial Demographics in Georgia Elections

How Race Affects Elections for the Georgia General Assembly

MAY 2021



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LAWYERS' COMMITTEE FOR
CIVIL RIGHTS
U N D E R L A W

Introduction and Background

The national Lawyers' Committee for Civil Rights Under Law is a non-partisan organization that uses legal advocacy to achieve racial justice, fighting inside and outside the courts to ensure that Black people and other people of color have voice, opportunity, and power to make the promises of our democracy real.

Voting rights is a core program area for the national Lawyers' Committee, and since 2014, the Committee has filed more voting rights lawsuits in Georgia than anywhere else, including redistricting lawsuits involving the Georgia House of Representatives, the Gwinnett County Board of Supervisors, the Gwinnett County School Board, and the Emanuel County School Board.

With numerous partners, the Lawyers' Committee for Civil Rights Under Law is engaged in a robust post-2020 Census redistricting program in more than a dozen states. Our goal is to ensure fair maps that represent the changing demographics of communities, provide marginalized communities voice and power, and comply with core principles underlying the Voting Rights Act and other legal protections.

This program has the following four components:

1. Promote public education about redistricting to empower communities to participate.
2. Provide technical support to communities to ensure that they are able to meaningfully engage in a process that is too often dominated by elected officials armed with technology and expert support.
3. Offer legal support to help communities draft testimony and prepare other analyses that will be critical to ensuring a dynamic redistricting process.
4. Strategically litigate when lawmakers produce maps that are racially unfair and violate constitutional and statutory voting rights protections.

Additionally, in our Participatory Redistricting Project (PRP), where we are partnering with the National Conference of Black Political Scientists, we have recruited and trained 75 students at college institutions in eleven states, all interested in learning how to do redistricting data analysis and work with state and local partners.

In the upcoming Georgia redistricting, the national Lawyers'

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Committee is providing legal support to its Georgia-based partners, including the Georgia State Conference of the NAACP, the Georgia Coalition for the People's Agenda, and the GALEO Latino Community Development Fund, Inc. Public education is a core component of that legal support.

This report is the first in a series to be published that will discuss

the upcoming redistricting for congressional and legislative seats in Georgia. The data and information presented will demonstrate the central role of race in Georgia's elections. Because Georgia requests the race/ethnicity of voter registration applicants, the secretary of state maintains robust voter registration and turnout data by race/ethnicity. This enables the in-depth race/ethnicity analyses contained in this report and those that will follow. As the national Lawyers' Committee was able to perform this analysis, it is likely that Georgia's legislators and political parties have already done so, too.

Since 2004, Georgia has undergone a steady demographic change in which the white percentage of the electorate has decreased (from 68.7% in 2004 to 52.7% today) and the percentage of voters of color has increased (from 29.8% in 2004 to 38.3% today). Because there is a pattern of racially polarized voting in Georgia elections where voters of color vote predominantly for Democratic candidates and a substantial majority of white voters vote for Republican candidates, the changing demographics have turned Georgia from a Republican-dominated state to a competitive state. In the 2018 major statewide elections, Republican candidates prevailed, but by thin margins. In 2020, Joe Biden defeated Donald Trump in Georgia, the first time a

Democratic Presidential candidate has won in Georgia since 1996. In 2021, Raphael Warnock and Jon Ossoff were the first Democratic candidates to win a U.S. Senate election since 1996.

As detailed below, these patterns exist not only in statewide elections but in district elections for the Georgia State Senate and the Georgia House of Representatives. Legislative districts where 40% or more of the registered voters are Black almost always elect Democratic candidates whereas districts where 55% or more of the registered voters are white almost always elect Republican candidates.

Given that Republicans will control the upcoming redistricting process, there is great concern that they will attempt to maintain partisan control by intentionally minimizing the voting strength of Black voters and other voters of color. The mechanism used to achieve Republican control would be to pack voters of color into districts with registered voter populations comprised of 60% or more voters of color voter registration in order to maximize the number of districts that are 55% or more white. In the national Lawyers' Committee's view, the adoption of such redistricting plans would be highly suggestive of discriminatory intent. We will work with our Georgia partners to advocate that the general assembly adopt racially fair plans.

Key takeaways from this report include:

- ▶ **The white percentage of the electorate has steadily decreased between 2004 and 2020 while the percentage of the electorate of people of color has steadily increased.** This demographic change, combined with racially polarized voting patterns, has turned Georgia from a Republican-dominated state into a competitive one.
- ▶ **Racial demographics drive election results in Georgia State House and State Senate elections.** Districts where Black registered voters are 40%+ of the total or where voters of color are 50%+ of the total almost always elect Democratic candidates whereas districts where white voters comprise 55%+ of the registered voters almost always elect Republican candidates.
- ▶ **Because Republicans will control the process for the upcoming redistricting they may try to minimize minority voting strength** by packing voters of color into relatively few districts in order to maximize the number of districts where white voters comprise 55% of the electorate. Such a strategy would appear to be discriminatory and voting rights advocates need to voice their concerns if the general assembly adopts such a strategy.



What is Redistricting and Why Does it Matter?

Redistricting is the process by which boundary lines are redrawn to determine which communities get to vote for which elected office. The district someone lives in influences a number of factors of daily life, including representation in all levels of government, from local town councils to the U.S. House of Representatives, as well as elected representatives responsible for the amount of federal funding received for schools, assistance programs and more. Electoral bodies that are redistricted in Georgia include the United States House of Representatives, Georgia State Senate, Georgia State Assembly, county commissions, city councils, boards of education and

special purpose districts. Redistricting typically happens every ten years following the release of Census data, because of the “one person, one vote” principle under the Equal Protection Clause of the Constitution that requires ensuring equality of population amongst districts.

In Georgia, redistricting plans are first considered by the Legislative and Congressional Reapportionment Committee in the state House and the Reapportionment and Redistricting Committee in the state Senate. Georgia has a Legislative and Congressional Reapportionment Office that provides technical assistance in drawing plans for these committees.

Plans ultimately need to be adopted by both houses of the general assembly and are subject to a gubernatorial veto.

Redistricting plans can be challenged in court on several grounds. If districts are not substantially equal in population, they can be challenged under the one person, one vote doctrine. In addition, intentional discrimination can occur in redistricting plans when a minority group is intentionally cracked (split between multiple districts) or packed (placed together in numbers much greater than required). Other claims include racial gerrymandering and intent or results claims brought under the Voting Rights Act.

Demographic Changes in Georgia's Electorate

The strong correlation between race and candidate of choice in Georgia is evident. Districts with majority Black or person of color electorates tend to elect Democrats and Democrats of color. This phenomenon can be measured precisely because when people register to vote in Georgia, they are asked to identify their race. As a result, Georgia has robust data on racial demographics of the electorate.¹

Categories included are American Indian or Alaskan Native; Asian or Pacific Islander; Black not of Hispanic Origin; Hispanic; White not of Hispanic Origin; Other and Unknown.

Georgia has experienced significant demographic changes in the last decade based on the 2010 Census data and the latest estimates of the 2020 Census data. The state's population of people of

color is increasing at a higher rate than the state's white population, leading to Black, Latinx and Asian communities occupying a larger portion of the state's population. As seen below in Table 1, the white population has increased by 4.31% from 2010 to 2020. By comparison, the Black population has increased by 13.42%; the Latinx population by 17.49%; and the Asian population by 32.18%.

Table 1: Change in Georgia population, 2010-2020

	2010	2020	Net Change	Pct Change
Total Population	9,687,653	10,620,346	932,693	9.63%
White	5,413,920	5,647,364	233,444	4.31%
Black	2,910,800	3,301,306	390,506	13.42%
Latinx	853,689	1,002,996	149,307	17.49%
Asian	311,692	411,983	100,291	32.18%
AIAN	21,279	17,127	-4,152	-19.51%
NHPI	5,152	4,697	-455	-8.83%
Other	19,141	29,054	9,913	51.79%
Multiracial	151,980	205,620	53,640	35.29%
Total People of color	4,273,733	4,972,982	699,249	16.36%

Source: US Census Bureau, 2010 Redistricting Data (PL 94-171); 2020 estimates: HaystaqDNA via Redistricting Data Hub, <https://redistrictingdatahub.org/>

¹ https://sos.ga.gov/index.php/elections/voter_registration_statistics

Table 2: Percentage of Registered Voters in Georgia By Racial/Ethnic Group, General Elections

	2004	2006	2008	2010	2012	2014	2016	2018	2020
Black	27.2%	27.2%	30.0%	29.2%	30.0%	30.5%	30.5%	30.3%	30.0%
White	68.7%	67.2%	62.7%	61.8%	59.2%	57.4%	55.5%	53.4%	52.7%
Asian/Pacific Islander	0.7%	1.0%	1.2%	1.3%	1.4%	1.6%	1.9%	2.2%	2.6%
Hispanic	0.7%	1.0%	1.4%	1.5%	1.7%	2.0%	2.5%	2.9%	3.6%
American Indian or Alaska Native	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.1%	0.1%	0.2%
Other	1.2%	1.0%	1.1%	1.0%	1.0%	1.1%	1.2%	1.4%	1.9%
Unknown	1.5%	2.7%	3.6%	5.2%	6.7%	7.4%	8.3%	9.7%	9.0%
Total People of color	29.8%	30.1%	33.7%	33.0%	34.2%	35.2%	36.2%	36.9%	38.3%

Source: Georgia Secretary of State, https://sos.ga.gov/index.php/Elections/voter_turn_out_by_demographics

Race, registration, and turnout

The increasing voting power of Black people and other electorates of color in the state is evident through decreasing rates of voter registration in the white population. As seen in Table 2, white voter registration decreased from 68.7% in 2006 to its current 52.7% rate, while the percentage of registered voters of color rose from 27.2% to 38.3% in that same time.

The results are reflected graphically in Figure 1.

The same trends can be seen with

Figure 1: Percent of Registered Voters

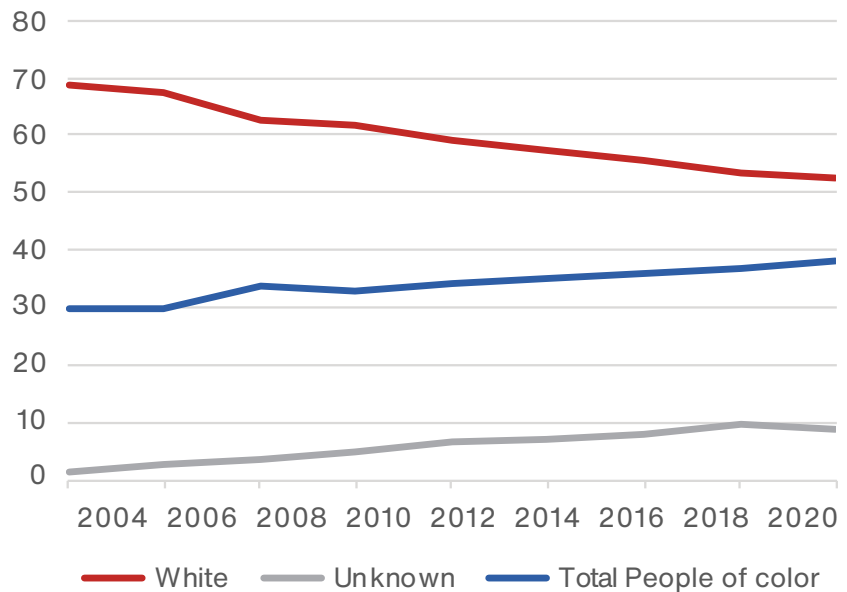


Table 3: Percent of Total Turnout, General Elections

	2004	2006	2008	2010	2012	2014	2016	2018	2020
Black	25.4%	24.1%	30.1%	28.3%	29.9%	28.8%	27.7%	28.9%	27.3%
White	71.4%	72.9%	64.1%	66.3%	61.4%	63.5%	60.8%	58.9%	58.2%
Asian/Pacific Islander	0.6%	0.5%	0.9%	0.6%	1.0%	0.8%	1.6%	1.7%	2.5%
Hispanic	0.6%	0.5%	1.1%	0.7%	1.3%	1.0%	2.1%	2.3%	3.0%
American Indian or Alaska Native	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.1%	0.1%	0.2%
Other	1.0%	0.6%	0.9%	0.7%	0.9%	0.7%	1.0%	1.2%	1.7%
Unknown	1.1%	1.3%	2.9%	3.4%	5.5%	5.1%	6.7%	6.9%	7.1%
Total People of color	27.6%	25.8%	33.0%	30.3%	33.1%	31.4%	32.5%	34.2%	34.7%

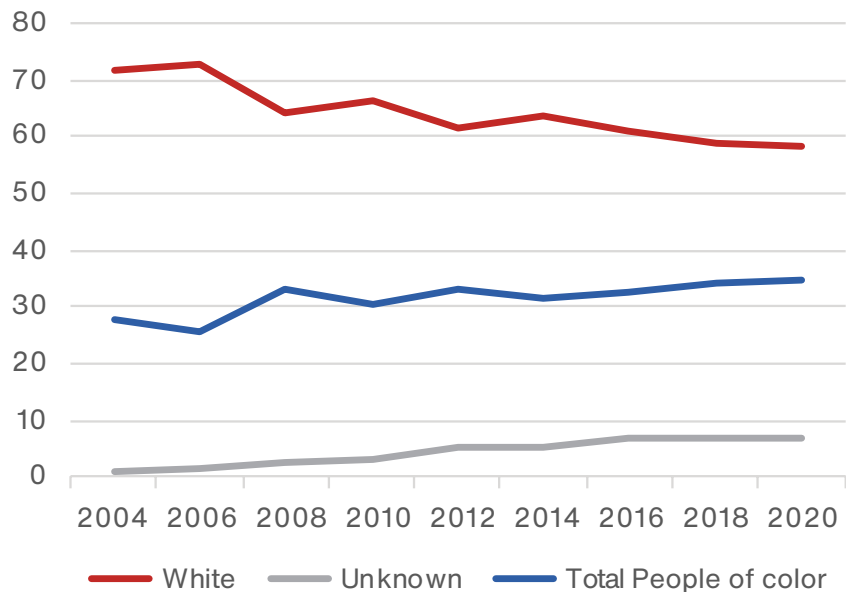
Source: Georgia Secretary of State, https://sos.ga.gov/index.php/Elections/voter_turn_out_by_demographics

respect to turnout. The percentage of voters that are white has decreased by 13.2 percentage points—from 71.4% to 58.2%—from 2004 to 2020 whereas the percentage of voters of color have increased by 7.1 percentage points during that time. The results are reflected in Table 3 and Figure 2.

In addition, Black, Asian or Pacific Islander and Hispanic populations have experienced 1.9, 1.9 and 2.4 percentage point increases in voter turnout respectively, while the white percentage of voter turnout has decreased by 13.2 percentage points from 2004 to 2020.

These trends, in conjunction with increasing voter registration rates for people of color and decreasing

Figure 2: Percent of Total Turnout



voter registration rates for the white population, indicate that the white population has made up

a decreasing proportion of Georgia’s electorate.

Racial Demographics and Who Wins Georgia General Assembly Seats

Racial demographics determine to a significant degree who is elected in the Georgia General Assembly. This can be demonstrated in various ways.

Charts 1 and 2 illustrate the distribution of contest winners over districts by Black voter registration, including the race of the elected candidate, in the last four regular general elections for the Georgia General Assembly (2014-2020).² Chart 1 shows this distribution for all elections, and Chart 2 shows this distribution for all contested elections. For districts that have 40% or more Black voter registration, Republicans almost never win. They have won eight times out of 294 contests, four of those victories from one long-term incumbent. Conversely, if a district has less than 30% Black voter registration, Republican candidates almost always win, and the rare successful Democrats are almost always white.

A second way to measure the correlation between race and election results is an r-squared calculation, which measures the correlation between two variables. The r-squared value between the

Chart 1: Winning Candidate by Percent Black Registered Voters for All Senate and House Elections, 2014-2020

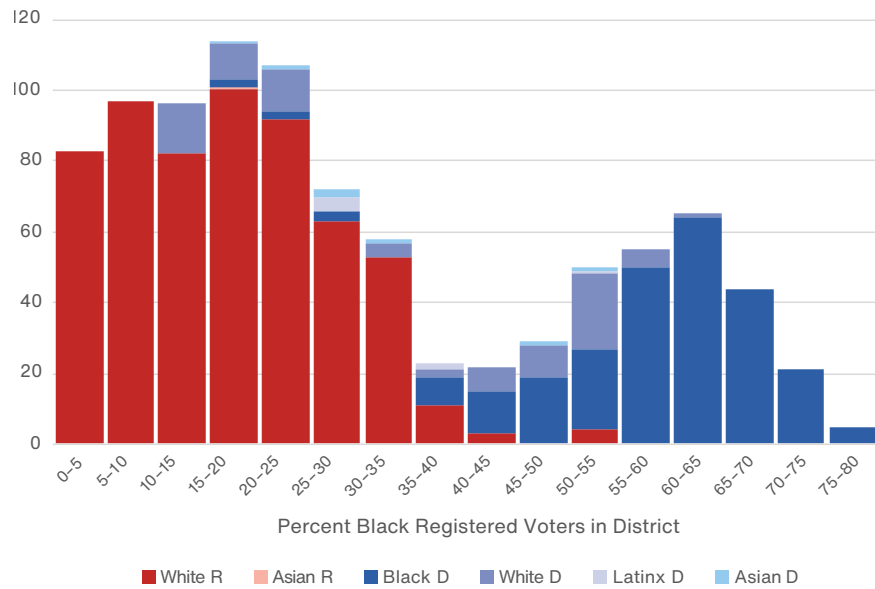
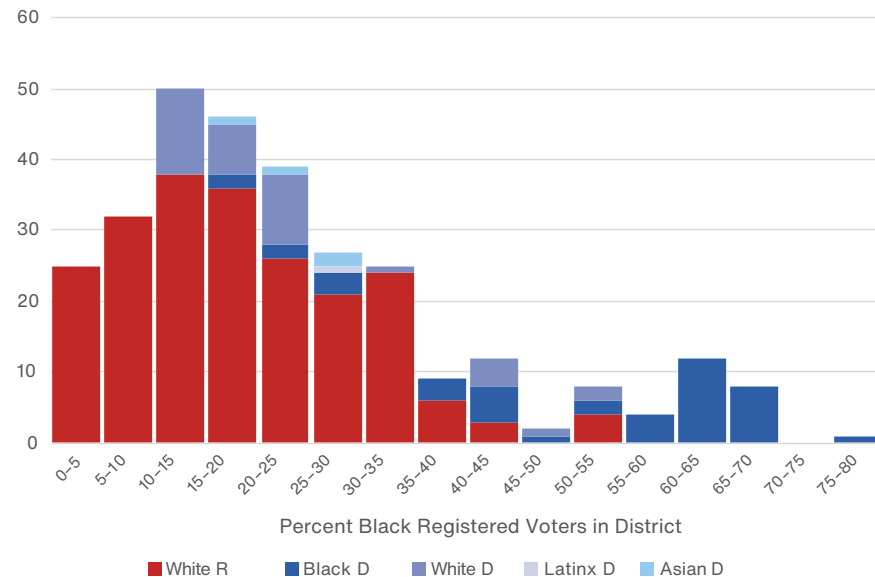
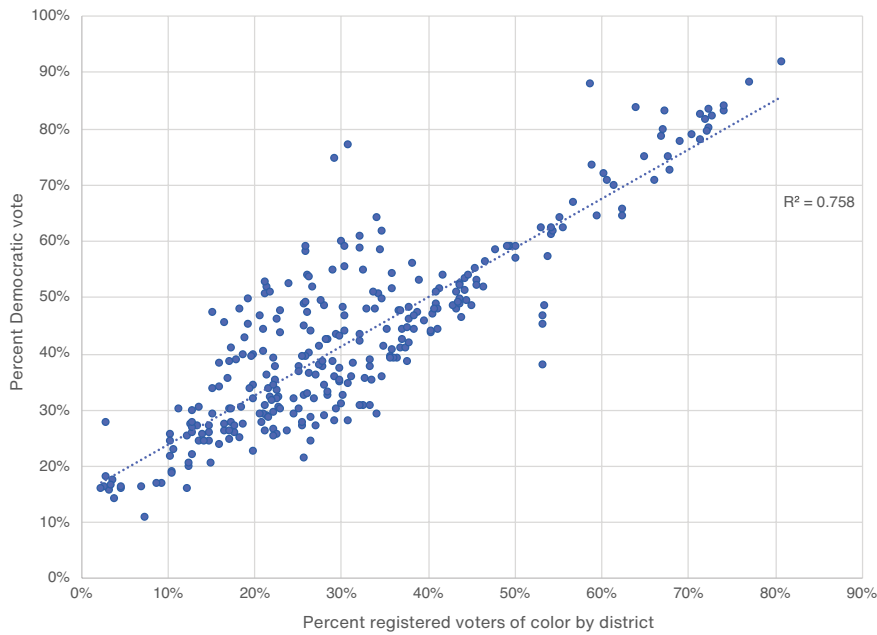


Chart 2: Winning Candidate by Percent Black Registered Voters for Contested Senate and House Elections, 2014-2020



² Determination of candidates' likely racial identity is based on candidate information collected from the Georgia General Assembly webpage, news reports, campaign websites and social media, and other political data collections.

Figure 3: Percent Democratic vote and Percent Registered Voters of Color in 220 contested State House and State Senate elections, 2014-2020



percentage of registered voters of color and percentage of Democrat votes is 0.76, indicating a very close correlation between the two.

A third way of examining this pattern is through election results based on the percentage of registered voters who are white, as reflected in Table 4 regarding the 2020 election results.

Once the percentage of registered voters who are white reaches roughly 55% or above of the electorate, Republican candidates almost always win. In the 123 districts where the percentage of registered voters that are white is 55% and above, 118 Republicans won compared to only five Democrats, all of whom are white.

The current districts skew much more in favor of the Republicans than expected based on the demographic patterns. As stated before, the percentage of registered voters who are white statewide is 52.7%. 34 of 56 Senate districts have more than 52.7% registered voters who are white. 103 of 180 House districts have more than 52.7% registered voters who are white (one is 52.7% white).

The current Senate plan is especially problematic in its packing of voters of color. People of color are over 70% of the registered voters in nine districts and over 60% in six others. Of those 15 districts, only four were contested by Republicans in 2020, and none were able to reach 36% of the vote. The

If the general assembly draws districts that are similar demographically to those under the current plans, it would raise serious concerns of an intentional effort to minimize the strength of the minority vote in order to produce a max-Republican result.

packing of voters of color under this plan has persisted through five election cycles as only five districts have between 40-60% registered voters of color despite significant demographic change. Likewise, only four districts have flipped from one party to another (all Republican to Democrat) over these five election cycles.

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Table 4: Percentage of voters who are white in the 2020 election results

HOUSE						
Percentage of registered voters who are white	Winning Candidate					
	White Republican	Black Democrat	White Democrat	Asian Democrat	Latinx Democrat	Total
Under 40.0	0	48	7	3	2	60
40.0 - 46.2	1	3	2	0	0	6
46.3 - 54.9	11	1	6	0	0	18
55.0 - 62.4	23	0	5	0	0	28
Over 62.4	68	0	0	0	0	68
TOTAL	103	52	20	3	2	180
Under 50.0	5	51	11	3	2	72
Over 50.0	98	1	9	0	0	108
TOTAL	103	52	20	3	2	180

SENATE						
Percentage of registered voters who are white	Winning Candidate					
	White Republican	Black Democrat	White Democrat	Asian Democrat	Latinx Democrat	Total
Under 47.0	0	16	1	2	0	19
47.0 - 54.9	3	0	3	0	0	6
55.0 and above	31	0	0	0	0	31
TOTAL	34	16	4	2	0	56

Conclusion

Voting rights advocates need to be on high alert as Georgia legislators embark on the redistricting process. Georgia's patterns of changing demographics and racially polarized voting have led to an increasingly competitive political

environment that seriously threatens Republican control going forward. Republican control of the redistricting process under these conditions may lead to efforts to adopt redistricting plans that unfairly minimize the voting strength of voters of color in order

to maximize Republican political outcomes. Voting rights and racial justice advocates must be vigilant in calling attention to proposed plans that discriminate against voters of color and by proposing plans that properly reflect the voting strength of voters of color.

About the Authors

Jon Greenbaum has been the chief counsel at the national Lawyers' Committee for more than a decade where he is responsible for overseeing the organization's litigation and much of its programmatic work. He is one of the nation's leading civil rights lawyers and has worked on voting rights issues since 1997 at the Lawyers' Committee as well as the United States Department of Justice.

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The principal mission of the Lawyers' Committee for Civil Rights Under Law is to secure equal justice for all through the rule of law, targeting in particular the inequities confronting African Americans and other racial and ethnic minorities. The national Lawyers' Committee is a nonpartisan, nonprofit organization, formed in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in combating racial discrimination and the resulting inequality of opportunity—work that continues to be vital today.

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