

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

GEORGIA STATE CONFERENCE OF THE
NAACP; WOODROW BILLUPS; and KEITH
MCNEAR,

Plaintiffs,

v.

EMANUEL COUNTY BOARD OF
COMMISSIONERS; RUSTY LANE, in his
official capacity as Chairman; DESSE DAVIS,
in his official capacity as Vice Chairman;
MATT BLACKBURN, in his official capacity
as Commissioner; HUGH FOSKEY, in his
official capacity as Commissioner; KEITH R.
THOMPSON, in his official capacity as
Commissioner; BEAU J. GUNN, in his official
capacity as Emanuel County Administrator;
EMANUEL COUNTY BOARD OF
ELECTIONS; KERRY K. CURRY in her
official capacity as Director of Elections;
EMANUEL COUNTY SCHOOL DISTRICT;
EMANUEL COUNTY SCHOOL BOARD;
FRANK ELLIS, in his official capacity as
Chair; ADAM LANE, in his official capacity as
Vice Chair; MASON HENRY, in his official
capacity as Board Member; ELLIS HOOKS, in
his official capacity as Board Member; STEVE
MEEKS, in his official capacity as Board
Member; JOHNNY PARKER, in his official
capacity as Board Member; BILL ROGERS,
JR., in his official capacity as Board Member,

Defendants.

CIVIL ACTION

FILE NO.

C V 6 1 6 - 0 2 1

COMPLAINT

I. INTRODUCTION

1. The School Board of Emanuel County, Georgia (“the School Board”), plays a leading role in the education of the county’s children. It determines all questions of policy in the governance of the county schools. It is also the ultimate hiring authority for the school system, with control over every position, from district superintendent and school principals, all the way to bus drivers and food service substitutes.

2. About 43 percent of the children in the Emanuel County’s public schools are African-American. African Americans also comprise more than 31 percent of the county’s voting-age population. But African Americans have been prevented from fully participating in their schools’ operations by the way the School Board is elected, because the Districting Plan that went into effect for the School Board in 2012 (“Districting Plan”) gives African Americans less opportunity than other voters to elect School Board members of their choice.

3. The School Board has seven members, each of whom represents a different, single-member district within the county, and each of whom is chosen in a partisan election that requires an absolute majority vote. Under the Districting Plan, African Americans of voting age are needlessly over-concentrated, so as to comprise 81 percent of the voting-age population in one of these seven districts, and a minority in all of the other six. Because voting in Emanuel County is racially polarized, this distribution means that members of a community making up one-third of the county’s voting-age population – and close to half of its students – are able to elect representatives of their choice to no more than one *seventh* of the School Board’s seats.

4. The number of voting-age African Americans in Emanuel County is sufficiently large and geographically compact to constitute a majority in at least one additional single-member district; the county’s African-American voters are politically cohesive; and the

County's racial majority votes sufficiently as a bloc to enable it usually to defeat the minority's preferred candidate. Because of these circumstances, as well as the historical, socioeconomic and electoral conditions of Emanuel County, the Districting Plan violates Section 2 of the Voting Rights Act, 52 U.S.C. § 10301 ("Section 2"). *Thornburg v. Gingles*, 478 U.S. 30 (1986).

5. This violation can deeply affect citizens' lives. To cite just one example: recent studies confirm that "[t]eachers' expectations strongly predict students' postsecondary educational attainments," and "non-black teachers of black students have significantly lower expectations than do black teachers." As noted, the School Board has ultimate authority over the hiring of the County's teachers.

6. For these reasons, plaintiffs seek an order: (i) declaring that the Districting Plan violates the Voting Rights Act; (ii) enjoining defendants from conducting future elections under that Districting Plan; (iii) requiring implementation of a new Districting Plan that is consistent with the Act's requirements; and (iv) providing such additional relief as is appropriate.

II. THE PARTIES

The Plaintiffs

7. Plaintiff Georgia State Conference of the NAACP ("Georgia NAACP") is a non-partisan, interracial, nonprofit membership organization that was founded in 1941 in Savannah, Georgia. Its mission is to eliminate racial discrimination through democratic processes and ensure the equal political, educational, social, and economic rights of all persons, in particular African Americans. It is headquartered in Atlanta, includes 127 branches in most Georgia counties, and currently has approximately 10,000 members. The Georgia NAACP's membership includes African-American voters in Emanuel County who reside in an area of Emanuel County that could constitute a second single-member School Board district containing a majority

African-American voting-age population. The voting strength of these members is diluted by the Section 2 violations alleged herein.

8. Plaintiff WOODROW BILLUPS is an African-American resident of Emanuel County, Georgia, and a registered voter in Emanuel County, Georgia. As a result of the county's presently-configured School Board districts, Mr. Billups, in election after election, has been unable to elect candidates of his choice to the School Board. Mr. Billups resides in an area of Emanuel County that could constitute a second single-member district containing a majority African-American voting-age population, which would provide a remedy for the existing Section 2 violation. The impact of Mr. Billups's vote is diluted by the Section 2 violations alleged herein.

9. Plaintiff KEITH MCNEAR is an African-American resident of Emanuel County, Georgia, and a registered voter in Emanuel County, Georgia. As a result of the county's presently-configured School Board districts, Mr. McNear, in election after election, has been unable to elect candidates of his choice to the School Board. Mr. McNear resides in an area of Emanuel County that could constitute a second single-member district containing a majority African-American voting-age population, which would provide a remedy for the existing Section 2 violation. The impact of Mr. McNear's vote is diluted by the Section 2 violations alleged herein.

The Defendants

10. Emanuel County, Georgia (the "County"), is a geographical and political subdivision of the State of Georgia, located within the Southern District of Georgia. This action is brought against those officials of the County who are charged with ensuring its compliance with applicable state and federal voting laws, including the Voting Rights Act.

11. Defendant EMANUEL COUNTY BOARD OF COMMISSIONERS (the “Board of Commissioners”), established under the Georgia Constitution and the Official Code of Georgia, is the governing authority of the County. Ga. Code Ann. § 36-5-20. The Board of Commissioners provides local government services in Emanuel County and has the legislative power to adopt laws affecting its affairs and local government. In particular, the Board of Commissioners has authority to recommend that the Georgia state legislature adopt alternative single-member districts in Emanuel County. Ga. Const. art. IX, § 2, para. 1.

12. Defendants RUSTY LANE, DESSE DAVIS, MATT BLACKBURN, HUGH FOSKEY and KEITH R. THOMPSON are the members of the Board of Commissioners. Each Defendant is sued in his official capacity.

13. Defendant BEAU J. GUNN is the Emanuel County Administrator. He is being sued in his official capacity.

14. Defendant EMANUEL COUNTY BOARD OF ELECTIONS (the “Board of Elections”) has statutory powers, duties and responsibilities concerning the conduct of elections held in Emanuel County; it oversees and is responsible for the administration of elections in the county, including elections for both the County Commission and the School Board under the Districting Plan at issue in this case. O.C.G.A. § 21-2-40.

15. Defendant KERRY K. CURRY is the Director of Elections for the County. She is sued in her official capacity.

16. Defendant EMANUEL COUNTY SCHOOL DISTRICT (the “District”) is a political subdivision of the State of Georgia. Ga. Code Ann. § 20-2-50.

17. Defendant EMANUEL COUNTY SCHOOL BOARD (the “School Board”) is the body responsible for the governance and administration of the County’s schools.

18. Defendants FRANK ELLIS, ADAM LANE, MASON HENRY, ELLIS HOOKS, STEVE MEEKS, JOHNNY PARKER and BILL ROGERS, Jr. (collectively, the “School Board Members”), are the members of the School Board. Each School Board Member is sued in his official capacity.

III. JURISDICTION

19. This Court has jurisdiction of this action (a) pursuant to 28 U.S.C. § 1343(a), because this action seeks to redress the deprivation, under color of state law, of rights, privileges and immunities secured by the Voting Rights Act; and (b) pursuant to 28 U.S.C. § 1331, because this action arises under the laws of the United States.

20. This Court has jurisdiction to grant both declaratory and injunctive relief, pursuant to 28 U.S.C. §§ 2201 and 2202.

21. This Court has personal jurisdiction over the Defendants, all of whom, on information and belief, are citizens of the State of Georgia who reside within this District.

22. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events or omissions giving rise to the claim occurred in this district.

IV. FACTS AND BACKGROUND

23. Section 2 of the Voting Rights Act, 52 U.S.C. § 10301(a), prohibits any “standard, practice, or procedure” that “results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color.” A violation of Section 2 is established if it is shown that “the political processes leading to nomination or election” in the jurisdiction “are not equally open to participation by [a minority] in that its members have less

opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” *Id.* at § 10301(b). An electoral regime that dilutes the voting strength of a minority community may deprive the members of that community of their right to an equal opportunity to elect representatives of their choice, within the meaning of Section 2.

24. In Emanuel County, African Americans make up 31 percent of the voting age population, but the Districting Plan distributes those citizens in a way that produces (a) one School Board district with a grossly excessive African-American majority and (b) six other School Board districts in which African Americans are ineffective electoral minorities.

25. The Districting Plan violates Section 2 of the Voting Rights Act, because it denies Emanuel County’s African-American residents an equal opportunity to participate in the political process and to elect representatives of their choice.

Emanuel County Demographics

26. The County is located in east-central Georgia. The 2010 decennial Census showed that the County had a total population of 22,598, of whom 33.37% were African-American (alone).

27. Recent estimates show the population of the County has not changed significantly. As of 2014, the County has an estimated population of 22,755, of whom 34.2 percent are African-American (alone).

28. The voting age population of the County, as of the 2010 Census, was 31.1 percent African-American. The 2010 racial demographics for Emanuel County, which are the basis for plaintiffs’ proposed alternative redistricting plans, are as follows:

Table 1 – Emanuel County Population (2010 Census)

	Total Population ¹		Voting Age Population (VAP) ²	
White Alone ³	13,733	60.77%	10,793	64.05%
Black or African American Alone	7,541	33.37%	5,230	31.04%
American Indian and Alaska Native Alone	46	0.20%	34	0.20%
Asian alone	154	0.68%	119	0.71%
Native Hawaiian & Other Pacific Islander Alone	3	0.01%	3	0.02%
Some Other Race Alone	33	0.15%	20	0.12%
Two or More Races	167	0.74%	69	0.41%
Total	22,598		16,850	

29. The County has only one school district and, according to the National Center for Education Statistics, for the 2013-2014 school year, it enrolled approximately 4,375 students. At that time, just over one-half of the student population was white, and approximately 43 percent was African-American.

The School Board and the Districting Plan

30. The seven members of the Emanuel County School Board are elected from separate, single-member districts to four-year, staggered terms. Members from Districts 1, 3 and 7 are chosen in Presidential election years; members from Districts 2, 4, 5 and 6 are chosen in mid-term election years.

¹ Source: U.S. Census, 2010 Census Redistricting Data (Public Law 94-171) Summary File, *Hispanic or Latino, and Not Hispanic or Latino by Race*, Table P2.

² Source: U.S. Census, 2010 Census Redistricting Data (Public Law 94-171) Summary File, *Hispanic or Latino, and Not Hispanic or Latino by Race for the Population 18 Years and Over*, Table P4.

³ Note that the data in this table include only the population of each race that is not Hispanic or Latino. The Hispanic or Latino population in Emanuel County is quite small; as of the 2010 Census, there were only 921 people (582 of whom were 18 and over) in Emanuel County who identified as Hispanic or Latino. See *supra* note 2.

31. The elections for the School Board are partisan, and primary elections are held to determine which candidates advance to the general election. Primary and general elections must be won with a majority of the vote; if no candidate receives a majority, there is a runoff between the top two vote-getters.

32. The School Board's districts are redrawn after each Census. The Districting Plan was approved and went into effect in 2012, and has now been used in two election cycles (2012 and 2014).

33. The population distribution under the Districting Plan is as follows:

Table 2 – Current School Board Districting Plan (2010 Census Data)

District	Total Population	Deviation	Percent Deviation	Total VAP	African-American VAP	African-American Share of VAP
1	3,216	-12	-0.37%	2,492	942	37.80%
2	3,237	9	0.28%	2,408	473	19.64%
3	3,193	-35	-1.08%	2,436	397	16.30%
4	3,166	-62	-1.92%	2,372	504	21.25%
5	3,311	83	2.57%	2,157	1,756	81.41%
6	3,258	30	0.93%	2,515	543	21.59%
7	3,217	-11	-0.34%	2,470	629	25.47%

34. District 5, the only district in which African Americans are a majority of the voting age population, is also the most overpopulated – that is, it is the district with the largest upward deviation from the average population of all seven districts.

35. Neither Districts 1, 2, 3, 4, 6, or 7 provides an opportunity for African-American voters to elect candidates of their choice to the County School Board.

36. Thus, the Districting Plan unnecessarily concentrates African-American voters into District 5, where the African-American voting age population creates an excessive majority of 81.4 percent.

37. The Districting Plan could easily be redrawn to create *two* districts with voting-age populations of African Americans between 55 percent and 65 percent.

Emanuel County School Board Election History

38. African-American candidates for the County's School Board have had quite limited success. No more than one African-American has ever held a seat on the School Board at any time. The only African-American candidates who have been elected to the School Board were elected from the majority-African-American district.

39. School Board District 5 – the district in which the African-American voting age population constitutes an excessive majority – has consistently elected an African-American representative to the School Board.

40. Upon information and belief, every African-American candidate who has run for School Board in Emanuel County in the districts *without* an African-American majority has been defeated by a white candidate.

Emanuel County Board of Commissioners Election History

41. This suit does not challenge the County's plan for electing members of the Board of Commissioners, but the history of voting for that body further demonstrates the racial polarization of voting in the County. Elections for the Board of Commissioners – whose members are elected from five single-member districts, one of which has a majority-African-American population – reflect the same pattern as the elections for School Board.

42. As is the case with the School Board, African-American candidates for the Board of Commissioners have been defeated by white candidates in every district that does not contain an African-American majority. No African-American candidate has been elected to the Board of Commissioners from a district that does not have a majority of African Americans.

43. One current member of the Board of Commissioners is African-American. That Commissioner was elected in a district with a voting age population that is 59% African-American. The remaining four Commission districts all have African-American populations (and African-American voting age populations) of less than 33%.

Emanuel County School Board's 2012 Redistricting Process

44. Upon information and belief, the Districting Plan was prepared in 2012 by the Georgia Legislative & Congressional Reapportionment Office ("GLCRO"), with input from the members of the School Board.

45. In February 2012, the Georgia House and Senate passed H.B. 841, which adopted the Districting Plan.

46. On February 27, 2012, Georgia Governor Nathan Deal signed H.B. 841 into law.

47. On July 10, 2012, the U.S. Department of Justice precleared the Districting Plan, which Emanuel County submitted for preclearance pursuant to Section 5 of the Voting Rights Act. 52 U.S.C. § 10304. Such a preclearance determination does not preclude a subsequent action. *Id.* § 10304(a) ("Neither an affirmative indication by the Attorney General that no objection will be made, nor the Attorney General's failure to object, nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.") The standard of review used under Section 5 was different from the standard under Section 2.

Thornburg v. Gingles

48. The U.S. Supreme Court, in *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986), identified three necessary preconditions ("the *Gingles* preconditions") for a claim of vote dilution under Section 2 of the Voting Rights Act:

(1) the minority group must be “sufficiently large and geographically compact to constitute a majority in a single-member district”;

(2) the minority group must be “politically cohesive”; and

(3) the majority must vote “sufficiently as a bloc to enable it ... usually to defeat the minority’s preferred candidate.”

49. The County’s African-American population is sufficiently numerous and geographically compact to allow for the creation of two properly-apportioned, single-member districts for electing members of the School Board, in both of which African-American voters would constitute a majority of both the total population and the voting-age population.

50. The number of precincts in the School Board districts in the County is not sufficient to derive estimates of group voting behavior using standard statistical methodologies. County-wide general elections provide a sufficient basis to do so.

51. The County’s African-American voters are politically cohesive, having voted overwhelmingly for African-American candidates over other candidates in recent county-wide general elections.

52. County-wide elections in the County show a clear pattern of racially polarized voting. Although African-American voters are politically cohesive, bloc voting by other members of the electorate consistently defeats the candidates preferred by African-Americans in county-wide elections. Estimated levels of white support in county-wide general elections are insufficient for African-American candidates of choice to be elected in Districts 1, 2, 3, 4, 6, or 7.

53. Upon information and belief, each of the African-American candidates for the School Board from districts outside of District 5 was defeated by a white opponent.

Totality of the Circumstances

54. In addition to the facts that satisfy the three *Gingles* preconditions, the totality of the circumstances in this case support plaintiffs' claim that African-American residents of Emanuel County have less opportunity than other members of the electorate to participate in the political process and elect School Board members of their choice, in violation of Section 2 of the Voting Rights Act.

55. There is a long—and well-documented—history of voting discrimination against African Americans in Georgia. Indeed, the United States District Court for the Southern District of Georgia has stated that, “we have given formal judicial notice of the State’s past discrimination in voting, and have acknowledged it in the recent cases.” *Johnson v. Miller*, 864 F. Supp. 1354, 1379-80 (S.D. Ga. 1994) *aff’d and remanded*, 515 U.S. 900 (1995) (citing *Brooks v. State Bd. of Elections*, 848 F.Supp. 1548, 1560–61, 1571 (S.D. Ga. 1994)); *see also Georgia State Conference of the NAACP v. Fayette County Bd. of Comm’rs*, 950 F. Supp. 2d 1294, 1314 (N.D. Ga. 2013), *vacated and remanded on other grounds*, 775 F.3d 1336 (11th Cir. 2015).

56. The history of voting discrimination against African Americans in Georgia between 1982 and 2006 was detailed in various reports during the 2006 reauthorization of the Voting Rights Act. *See* Am. Civil Liberties Union, *The Case for Extending and Amending the Voting Rights Act* 108-479, available at <https://www.aclu.org/files/pdfs/votingrightsreport20060307.pdf>; RenewtheVRA.org, *Voting Rights in Georgia 1982-2000*, available at <http://www.protectcivilrights.org/pdf/voting/GeorgiaVRA.pdf>.

57. African-Americans in the County continue to bear the effects of discrimination, which hinders their ability to participate effectively in the political process. As a result of the

history of official and private discrimination, African-American residents have a lower socioeconomic status and lag behind white residents in a wide range of areas, including employment, income, education, and access to health care.

58. Upon information and belief, over the last 10-15 years, the School Board has overwhelmingly hired white applicants, despite the availability of qualified African-American candidates. Accordingly, while African-American students make up approximately 43% of the student population in the County's schools, the faculty and staff in the County's schools contain a much smaller percentage of African Americans.

59. Upon information and belief, African-American students in the County often find themselves on the receiving end of disparate treatment by white faculty and administration.

60. African-American students in the County's schools continue to face discrimination through the disproportionate use of school discipline on students of color, which can contribute to pushing children out of their public schools and into the juvenile and criminal justice systems.

61. African-American residents of Emanuel County have lower rates of educational attainment than white residents and have rates of poverty and unemployment that are at least twice as high as those of the County's white residents.

62. African-American residents of Emanuel County tend to have lower rates of voter turnout than the County's white residents.

63. There is a majority vote requirement in all elections in Georgia.

64. African-American candidates in majority-white School Board districts have lost to white candidates on at least three occasions recently: in Districts 1 and 7 in the general election of 2012 and in District 1 in the general election of 2008.

65. Upon information and belief, only one African American has ever been elected to a county-wide office in Emanuel County: Roberta Cross-Davenport, an African-American candidate, ran for probate judge in Emanuel County and won in 1986; she died in office in November of 2001.

**COUNT ONE:
VIOLATION OF SECTION 2 OF THE VOTING RIGHTS ACT OF 1965**

66. Plaintiffs repeat and re-allege each and every allegation contained in Paragraphs 1 to 65 above, as if fully set forth herein.

67. As explained in detail above, the County's African-American population is sufficiently numerous and geographically compact to allow for the creation of two properly-apportioned, single-member districts for electing members of the School Board, in both of which African-American voters would constitute a majority of both the total population and the voting-age population. The County's African-American voters are politically cohesive, and elections in the County show a clear pattern of racially polarized voting. These facts satisfy the three "*Gingles* preconditions."

68. As explained in detail above, the totality of the circumstances establishes that the Districting Plan has the effect of denying African-American voters an equal opportunity to participate in the political process and to elect representatives of their choice, in violation of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301.

69. Unless enjoined by order of this Court, Defendants will continue to act in violation of Section 2 of the Voting Rights Act by administering, implementing, and conducting future elections for the School Board using the current, unlawful Districting Plan.

V. **PRAYER FOR RELIEF**

WHEREFORE, the Plaintiffs respectfully pray that the Court:

- a. Declare that the current Districting Plan violates Section 2 of the Voting Rights Act;
- b. Enjoin Defendants, their agents and successors in office, and all persons acting in concert with, or as an agent of, any Defendants in this action, from administering, implementing, or conducting any future elections in Emanuel County, Georgia under the current Districting Plan;
- c. Order the implementation of a new districting plan for the School Board that complies with Section 2 of the Voting Rights Act, 52 U.S.C. § 10301;
- d. Award plaintiffs their reasonable attorneys' fees, pursuant to statute, and the costs and disbursements of maintaining this action; and,
- e. Order such additional relief as the interests of justice may require.

Respectfully submitted this 23rd day of February, 2016.

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JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Georgia State Conference of the NAACP, Woodrow Billups, and Keith McNear

(b) County of Residence of First Listed Plaintiff Emanuel County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
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DEFENDANTS

Emanuel County Board of Commissioners, et al.

County of Residence of First Listed Defendant Emanuel County
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

CV 616 - 021

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Section 2 of the Voting Rights Act, 52 U.S.C. § 10301
 Brief description of cause:
Emanuel County's Redistricting Plan Violates Section 2 of the Voting Rights Act

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ _____ CHECK YES only if demanded in complaint:
 JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER _____

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____