CASES RAISING CLAIMS UNDER SECTION 2 OF THE VOTING RIGHTS ACT

United States v. Town of Lake Park, FL (S.D. Fla. 2009)

On October 26, 2009, the Court entered a consent judgment and decree replacing the current at-large method of election with a limited voting plan providing for the election of four Commissioners with concurrent terms. On March 31, 2009, the Department filed a complaint against the Town of Lake Park in Palm Beach County, FL for violations of Section 2 of the Voting Rights Act. The complaint alleges that the Town's at-large system of electing its Commissioners denies black voters an equal opportunity to elect representatives of their choice. Although black voting age citizens compose 38% of Lake Park's total citizen voting age population, no black candidate ever has been elected to office since the Town's founding in 1923.

United States v. Euclid City School District Board of Education, OH, (N.D. Ohio 2008)

On December 2, 2008, the Department filed a complaint and stipulations against the Euclid City School District Board of Education in Ohio alleging violations of Section 2 of the Voting Rights Act. The complaint alleges that the at-large system of electing members of the school board dilutes the voting strength of African American citizens due to racially polarized voting.

United States v. Salem County and the Borough of Penns Grove, NJ, et al (D.N.J. 2008)

On July 28, 2008, the Department simultaneously filed a complaint and proposed consent decree against Salem County and the Borough of Penns Grove, NJ alleging that the parties violated the Voting Rights Act against Latino voters with disparate treatment, lack of Spanish-language materials and the denial to voters of the right to choose their assistor of choice. On July 29, the court entered the settlement agreement.

United States v. The School Board of Osceola County (M.D. Fla. 2008)

On April 23, 2008, the court approved a consent judgment and decree in this suit challenging the districting plan for electing Osceola County's school board under Section 2 of the Voting Rights Act. The complaint, filed on April 16, 2008 simultaneously with the agreement, alleged that the boundaries of the existing single-member districts diluted Hispanic voting strength by dividing the largest Hispanic population concentration between two districts such that none of the five districts was majority Hispanic in eligible voters. The consent judgment and decree, in which the parties stipulated that the existing districts violated Section 2, provides for a new plan which includes one district with a Hispanic voter registration majority. Voters in the Hispanic majority district will elect a school board member in 2008.

United States v. Georgetown County School District, et. al.(D.S.C. 2008)

On March 14, 2008, the United States filed a complaint alleging violations of Section 2 of the Voting Rights Act that the at-large methods of electing the Board dilutes the voting strength of African American citizens. On March 21, 2008, the Court enter the consent decree.

United States v. City of Philadelphia, PA (E.D. Pa. 2007)

On October 13, 2006, the United States filed a complaint against the City of Philadelphia, PA, under Sections 203 and 208 of the Voting Rights Act for failing to establish an effective Spanish bilingual program and for denying limited-English proficient voters their assistor of choice. On April 26, 2007, the United States filed an amended complaint, contemporaneously with the signing of a settlement agreement. The amended complaint further alleged violations of Sections 2 of the Voting Rights Act as the election system and procedures denied minority voters equal access to the election process, and 4(e) of the Voting Rights Act for its failure to provide election information to citizens educated in Spanish in American flag schools in Puerto Rico; violations of the Help America Vote Act of 2002 for failing to provide alternative-language information; and a violation of Section 8 of the National Voter Registration Act of 1993 for failing to remove deceased voters from the rolls. The settlement agreement, among other things, requires the defendants to establish an effective bilingual program, including bilingual interpreters and alternative-language information; to allow limited-English proficient voters to utilize assistors of choice; to provide alternative-language information; and to undertake a program of voter list maintenance. On June 4, 2007, the Court entered an order retaining jurisdiction to enforce the terms of the settlement agreement until July 1, 2009. On July 14, 2008, the settlement agreement was amended.

United States v. Village of Port Chester, NY (S.D.N.Y. 2006)

On December 22, 2009, the Court signed and entered a consent decree regarding the implementation program for cumulative voting. On January 17, 2008, the Court issued a decision and order for the United States in its Section 2 case against the Village of Port Chester, NY. On December 15, 2006, the Department filed a complaint against the Village of Port Chester, NY, alleging that Port Chester's at-large system of electing its governing board of trustees dilutes the voting strength of the Village's Hispanic citizens, in violation of Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973. On March 2, the Court granted the United States' motion for a preliminary injunction, enjoining the election of two trustees scheduled for March 20, 2007. In recent years, Hispanics have consistently voted cohesively together, and their preferred candidates for the Board of Trustees and other local offices, whether Hispanic or not, usually have been defeated by white bloc voting.

United States v. City of Euclid, et al (N.D. Ohio 2006)

On July 10, the Department filed a complaint against the City of Euclid, Ohio under Section 2 of the Voting Rights Act. The complaint alleges that the mixed at-large/ward system of electing the city council dilutes the voting strength of African-American citizens. In the course of the investigation, it was found that while African-Americans compose nearly 30% of Euclid's electorate, and although there have been eight recent African-American candidacies for the Euclid City Council, not a single African-American candidate has ever been elected to that body. Further, in seven recent elections for Euclid City Council, African-Americans voted cohesively and white voters voted sufficiently as a bloc to defeat the African-American voters' candidates of choice.

United States v. Long County, GA (S.D. Ga. 2006)

On February 8, 2006, the United States filed a complaint against Long County, Georgia under Section 2 of the Voting Rights Act. The complaint alleged that Long County officials required 45 Hispanic residents whose right to vote had been challenged on the grounds that they were not U.S. citizens to attend a hearing and prove their citizenship, even though there was no evidence calling into question their citizenship and even though similarly situated non-Hispanics were not required to do so. According to the complaint, the defendants' conduct had the effect of denying Hispanic voters an equal opportunity to participate in the political process and to elect candidates of their choice. On February 10, 2006, the district court entered a consent decree that requires defendants to train their election officials and poll workers on federal law, to maintain uniform procedures for responding to voter challenges, and to notify Hispanic voters who were challenged that no evidence was presented to support the challenges against them and that they are free to vote.

United States v. City of Boston, MA (D. Mass. 2005)

On July 29, 2005, the United States filed a complaint against the City of Boston under Sections 2 and 203 of the Voting Rights Act. The complaint alleged that the City's election practices and procedures discriminate against members of language-minority groups, specifically persons of Spanish, Chinese, and Vietnamese heritage, so as to deny and abridge their right to vote in violation of Section 2. The suit also alleged that the City has violated Section 203 by failing to make all election information available in Spanish to voters who need it. On October 18, 2005, the three-judge court issued an order authorizing federal examiners through December 31, 2008; retaining the court's jurisdiction through expiration of the federal examiner designation and the agreement, both to occur on December 31, 2008; and providing that either the Department or the City may petition to the court to resolve any disputes during the life of the agreement.

United States v. Osceola County (M.D. Fla 2005)

This suit challenged the at-large system for electing the county's Board of Commissioners under Section 2 of the Voting Rights Act. Although Hispanics comprise more than one-third of the county's electorate, the county never elected a Hispanic candidate to the Board under the at-large system or to any county-wide office. The complaint, filed July 18, 2005, alleged that the existing electoral system operated to dilute Hispanic voting strength, and that Osceola County had adopted and maintained the at-large method of election with a discriminatory purpose. On June 26, 2006, the court issued a ruling from the bench granting the Department's motion for a preliminary injunction, enjoining the scheduled 2006 county commission elections. On October 18, 2006, after a trial on the merits, the Court issued a memorandum opinion ruling that the at-large method of election violated Section 2. On December 8, 2006, the court entered its remedial order rejecting the county's proposal of a mixed system of five single-member districts and two at-large seats, and adopting the five single-member district map submitted by the United States and agreed to by the parties. The court ordered a special election in 2007 in two districts, including the majority Hispanic district, under the court-approved plan.

United States v. Ike Brown and Noxubee County (S.D. Miss. 2005)

On August 27, 2007, the Court entered a remedial order in *United States v. Brown* (S.D. Miss). On June 29, 2007, the Court entered judgment for the United States. The Court's 104 page opinion held that the Voting Rights Act is a colorblind statute and protects all voters from racial discrimination, regardless of the race of the voter. The Court then ruled that Defendants had an illiegal discriminatory intent to discriminate against white voters. In its complaint, the United States alleged that the practices of local election and party officials discriminate against whites in violation of Section 2 of the Voting Rights Act. The United States entered in a consent decree with the Noxubee County superintendent of general elections, administrator of absentee ballots, registrar, and the county government. The consent decree prohibits a wide range of discriminatory and illegal voting practices, and requires these officials to report such incidents if they receive information that they are continuing. This consent decree was approved by the district court and filed simultaneously with the filing of the complaint.

United States v. Berks County (E.D. Pa. 2003)

The United States alleged in its complaint that the county violated several sections of the Voting Rights Act. The facts showed that the county discriminated against Hispanic individuals, primarily Puerto Rican voters, through hostile treatment at the polls, failure to provide adequate language assistance, and by not permitting Hispanic voters to bring assistors of their choice into the polling place. These actions resulted in violations of Sections 2,
4(e), and 208 of the Voting Rights Act. The court granted a preliminary injunction on March 18, 2003, and permanent relief on August 20, 2003. Both decisions resulted in increased protection for Hispanic voters. Since the court entered its decision, the Department has monitored elections, utilizing federal observers pursuant to a provision of the order, to ensure compliance with the court's order.

United States v. Osceola County (M.D. Fla. 2002)

The complaint filed by the United States in this case alleged that the county violated Section 2 of the Voting Rights Act by discriminating against Hispanic voters through hostile treatment at the polls and the failure to provide adequate language assistance. In addition, it alleged the county violated Section 208 of the Voting Rights Act by not permitting Hispanic voters to bring assistors of their choice into the polling places. On July 22, 2002, the parties entered a consent decree remedying the violations.

United States v. Alamosa County (D. Colo. 2001)

In this case, the United States' complaint alleged the at-large method of election of the Alamosa County Board of Commissioners violated Section 2 of the Voting Rights Act because it diluted the voting strength of Hispanic voters in violation of Section 2. The case was tried in May 2003. On November 26, 2003, the court found for Alamosa County, entering an opinion finding that a Section 2 violation had not been proved.

United States v. Crockett County (W.D. Tenn. 2001)

The United States alleged in its complaint that the method of electing the county's board of commissioners violated Section 2 of the Voting Rights Act because it diluted the voting strength of African Amerian voters. This case was resolved with the filing of a consent decree, filed simultaneously with the complaint.

United States v. Charleston County (D. S.C. 2001)

The United States alleged in its complaint that the at-large method of electing members of the Charleston County Commission violated Section 2 of the Voting Rights Act by diluting the voting strength of African American voters. Prior to the beginning of trial, the court issued a ruling for the United States on its motion for partial summary judgment that the residential patterns within the county were such that a council district could be drawn in which minority voters would be a majority of the population and that African American voters were politically cohesive. Following trial, the court issued an opinion finding the county's method of election violated Section 2. The United States Court of Appeals for the Fourth Circuit affirmed the trial court's opinion. The opinion of the court of appeals is reported at 365 F.3d 341 (4th Cir. 2004) or on the Appellate Section's website. The county appealed the decision to the United States Supreme Court, and a certiorari was denied on November 29, 2004.

United States v. City of Hamtramck, Michigan (E.D. Mich. 2000)

In this complaint, the United States alleged that the city violated 42 U.S.C. 1971 and Section 2 of the Voting Rights Act by implementing discriminatory, race-based challenges at the polls directed at Arab Americans. The facts showed that in the general election of November 2, 1999, city election officials required Arab-American voters to take an oath as a condition to voting, without requiring a factual basis for the challenges. On August 7, 2000, the court approved a consent order and decree, which required the city to train election officials and poll workers on the proper application of federal and state laws, including nondiscriminatory challenge procedures, to appoint Arabic and Bengali-speaking election inspectors, and certified the city for the assignment of federal observers through December 31, 2003. The court subsequently approved two extensions of the order and decree, first amended consent order and decree; second amended consent order and decree, which extended the federal observer authority and bilingual election inspector provisions through January 31, 2006.

United States v. Upper San Gabriel Valley Municipal Water District (C.D. Cal. 2000)

On July 21, 2000, the United States filed a complaint against the Upper San Gabriel Valley Municipal Water District in Ventura County, California, challenging under Section 2 of the Voting Rights Act the districting plan for the five election divisions from which the Water District Board of Directors was elected. The complaint alleged that the districting plan fragmented the Hispanic population concentration primarily by dividing predominantly Hispanic areas and placing them in separate divisions, resulting in Hispanic citizens being denied an equal opportunity to participate in the electoral process and to elect candidates of their choice. While Hispanic persons comprised 46.49 percent of the population of the Water District according to the 1990 Census and nine Hispanic candidates had run for positions on the Board of Directors, no Hispanic person had ever been elected to the Board in its 40 year history. During the pendency of the lawsuit, the Water District adopted a

new districting plan which did not dilute Hispanic voting strength and under which elections were held in 2002. Consequently, on June 13, 2003, the court entered a Stipulation and Order dismissing the case, which had become moot.

United States v. Morgan City, LA (W.D. La. 2000)

In this complaint filed June 27, 2000, the United States alleged that the at-large method of electing city councilmembers in Morgan City, LA violated Section 2 of the Voting Rights Act by diluting the voting strength of black voters. On August 16, 2000, the court entered a consent decree, filed simultaneously with the complaint which provided for a change in the method of election from at-large to five single member districts, one of which provided black voters with an opportunity to elect a representative of choice.

Greig v. City of St. Martinville, (W.D. La. 2000)

The United States' complaint alleged a violation of Section 2 of the Voting Rights Act in this action initiated by private plaintiffs against the City of St. Martinville over the city's failure to conduct two consecutive city council elections. The United States alleged that the city's action and inaction with respect to its redistricting process in the 1990s (its adoption of three retrogressive plans and the council members' holding over in office) denied or abridged black voters' right to vote on account of race. The case was resolved when the city adopted a new redistricting plan prepared by the court's special master, which received Section 5 preclearance, and scheduled elections pursuant to the precleared plan. On July 19, 2001, the suit was voluntarily dismissed.

United States v. City of Santa Paula, CA (C.D. Cal. 2000)

On April 6, 2000, the United States filed a complaint against the City of Santa Paula, CA alleging that the city's at-large method of electing the city council diluted Hispanic voting strength in violation of Section 2 of the Voting Rights Act. On October 24, 2001, the court entered a settlement agreement under which the City would conduct a proposition vote at the November 5, 2002 general election placing three district election options on the ballot. As part of the settlement agreement, the parties also stipulated to facts establishing significant elements of the United States' claim. Pursuant to the agreement, the United States' complaint was dismissed without prejudice.

United States v. State of South Dakota (D.S.D. 2000)

The United States filed this complaint on March 31, 2000, alleging that the at-large method of electing members for the South Dakota House of Representatives from District 28 had the intent and the result of diluting American Indian voting strength in violation of Section 2 of the Voting Rights Act. In 1991, the state had created two single-member districts in House District 28, designated as District No. 28A and District 28B. House District 28A had a majority-Indian total and voting-age population. In 1996, after electoral successes by American Indian candidates in the 1994 primary elections, the state legislature eliminated the majority-Indian House district and created an at-large, dual-member method of election for House District 28. Private intervenors were allowed in this case, and they alleged both Section 2 claims and a state law claim based on the contention that a provision of the South Dakota Constitution prohibited redistricting during the middle of a decade. The federal district

court certified this state law question to the South Dakota Supreme Court, and that Court ruled that mid-decade redistricting was not allowed under the State Constitution. The case then returned to the federal district court which ordered a remedy that divided House District 28 into two districts, one of which was majority-Indian. In the first election under this remedial plan, an American Indian candidate was elected from the majority-Indian district.

United States v. Roosevelt County, MT (D. Mont. 2000)

On March 24, 2000, the United States filed a complaint against Roosevelt County, Montana, alleging that the at-large method of election for the Roosevelt County Commission diluted the voting strength of American Indian voters in violation of Section 2 of the Voting Rights Act. Simultaneously with the filing of the complaint the court approved the parties' consent decree which provided for the election of the three county commissioners from three single-member districts, one of which is majority-Indian.

United States v. Town of Cicero, IL, (N.D. Ill. 2000)

On March 14, 2000, the United States obtained a temporary restraining order enjoining the Town of Cicero from placing a referendum on the ballot to alter the residency requirements to run for mayor. In its complaint, the United States alleged that defendants sought the referendum with a discriminatory purpose of excluding two Hispanic candidates from running for mayor in the 2001 municipal elections, in violation of Section 2 of the Voting Rights Act. On October 23, 2000, the court entered a stipulated order authorizing the appointment of federal observers to monitor town elections through 2005.

United States v. Benson County, MT (D.N.D. 2000)

On March 6, 2000, the United States filed a complaint against Benson County, North Dakota, alleging that the at-large method of election for the Benson County Commissioners diluted American Indian voting strength in violation of the discriminatory result standard of Section 2. On March 10, 2000, the court entered the parties' consent decree, which changed the method of election to the use of five single-member districts, one of which was majority-Indian.

United States v. Blaine County (D. Mont. 1999)

In its complaint, the United States alleged that the at-large method of election for the Blaine County Commission violated Section 2 of the Voting Rights Act because it denied Native American residents an equal opportunity to participate in the political process and elect candidates of their choice. The district court first issued an opinion rejecting the county's challenge to the constitutionality of Section 2. Following trial, the court issued a decision holding that the plan violated Section 2 and ordered the county to adopt a remedial plan. The county appealed the district court's decisions on the constitutionality of Section 2 as well as its finding that the at-large election method violated federal law to the United States Court of Appeals for the Ninth Circuit. The court of appeals decision, which affirmed both findings, can be found at 363 F.3d 897 (9th Cir. 2004) or on the Appellate Section's website.

United States v. City of Lawrence (D. Mass. 1998)

In this action, the United States' first complaint, filed in 1998, alleged that the city's methods of electing its city council and school board violated Section 2 of the Voting Rights Act because both denied Hispanic citizens an equal opportunity to participate in the political process and elect candidates of their chioce. The complaint also alleged violations of Section 203 and Section 2 of the Act based on the city's failure to provide Spanish-language minority citizens with electoral information and assistance in Spanish and the refusal to appoint Hispanic and Spanish-speaking poll workers. The United States and the city were able to resolve all the claims except those related to the method of election with a consent decree. The city subsequently agreed to change the method of electing its school committee from at-large to single-member districts, and to adopt an election plan for its city council and school board that complied with Section 2 upon release of the 2000 Census.

In 2001, the United States filed a supplemental complaint, which alleged that the post-2000 Census redistricting plans did not resolved the Section 2 violation. In a separate consent decree, the city agreed in 2002 to revise the districting plans for both bodies to provide an additional Hispanic-majority district. The consent decree also required the city to appoint a person who is bilingual in English and Spanish to the board of registrars and to the staff in the elections office.

United States v. Cibola County (D.N.M. 1993)

On January 31, 2007, the United States filed an amended complaint against Cibola County, New Mexico, to add claims under the National Voter Registration Act (NVRA) and the Help America Vote Act of 2002 (HAVA). Simultaneous with the filing of the amended complaint, the parties filed an amended joint stipulation in which the County agreed to remedy the NVRA and HAVA violations, as well as to extend the provisions of the prior joint stipulation. The court entered the amended joint stipulation on March 19, 2007. In the original complaint filed in 1993, the United States alleged that Cibola County had violated Sections 2 and 203 of the Voting Rights Act by failing to ensure that American Indians in the County have an equal opportunity to participate in the electoral process, including those who rely on Keres and Navajo, American Indian languages that are historically unwritten. The parties initially resolved this case in 1994 through a stipulation and order that required the County to establish an effective Native American Election Information Program. The federal court had entered on May 3, 2004, an order approving a joint stipulation, which modified the original one and extended it through December 31, 2006.

United States v. New Mexico and Sandoval County (D.N.M. 1988)

On November 28, 2007, a three-judge court entered an order and amended joint stipulation, modifiying and extending the existing consent decree until January 31, 2009. The United States filed a complaint alleging that the State of New Mexico and Sandoval County had violated Sections 2 and 203 of the Voting Rights Act by failing to provide voting and election information in Keres and Navajo, American Indian languages that are historically unwritten. The parties initially resolved this case in 1990 through a settlement agreement that required the State and County to implement a Native American Election Information Program (NAEIP). Pursuant to the agreement, the case was dismissed against the state defendants on December 31, 1990. On September 9, 1994, the court entered a consent decree proposed by the County and the United States, which modified the original NAEIP and

extended the modified program through September 9, 2004. On November 8, 2004, the court entered an order approving a joint stipulation between the County and the United States, which further modified the NAEIP and extended its provisions through January 15, 2007. On april 3, 2007, the United States and the County filed a joint motion seeking the current extension.

http://www.justice.gov/crt/voting/litigation/caselist.php