

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
BEAUFORT DIVISION

PRISCILLA FRASER, GEORGE M. )  
HOOD, LOUISE RAWLINGS, and )  
ANTHONY CANNICK, )

Plaintiffs, )

v. )

Civil Action No.: 9:14-cv-2578-SB

JASPER COUNTY, SOUTH CAROLINA, )  
SCHOOL DISTRICT; BERTY RILEY, )  
in her official capacity as Chair of the Board )  
of Trustees of Jasper County School District;) )  
JASPER COUNTY, SOUTH CAROLINA, )  
BOARD OF ELECTIONS AND )  
REGISTRATION COMMISSION; and )  
JEANINE M. BOSTICK, in her official )  
capacity as Director of Jasper County )  
Elections and Voter Registration, )

Defendants. )

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COMPLAINT

NATURE OF THE CASE

1. This is an action brought under 42 U.S.C. § 1983 to enforce rights guaranteed to Plaintiffs by the equal protection clause of the Fourteenth Amendment of the Constitution of the United States. Plaintiffs seek declaratory and injunctive relief against further use of the existing districts for the Jasper County, South Carolina, School District Board of Trustees on the grounds that they are malapportioned in violation of one person, one vote. Plaintiffs further seek a court ordered plan that remedies the existing malapportionment and complies with Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, so that the upcoming elections can go forward in a timely and lawful manner.

JURISDICTION AND VENUE

2. This Court has original jurisdiction over this case pursuant to Article III of the Constitution of the United States and 28 U.S.C. §§ 1331, and 1343(a)(3) & (4).

3. This suit is authorized by 42 U.S.C. § 1988.

4. Declaratory relief is authorized by 28 U.S.C. §§ 2201 and 2202.

5. Venue is proper in the Beaufort Division of the District of South Carolina pursuant to 28 U.S.C. § 1391(b).

PARTIES

6. Plaintiffs Priscilla Fraser, George M. Hood, Louise Rawlings, and Anthony Cannick are residents and registered voters of Jasper County, South Carolina, and reside in District 7 for the Jasper County School District Board of Trustees, which is malapportioned on the basis of population, and are underrepresented and will be affected by any court ordered redistricting.

7. Defendant Jasper County School District is a political subdivisions of the State of South Carolina and as such is a corporate body under South Carolina law subject to suit.

8. The Jasper County School District is the legislative body for the public school system.

9. Defendant Berty Riley is the Chair of the Board of Trustees of the Jasper County School District. She is sued in her official capacity.

10. Defendant Board of Elections and Registration Commission has general supervisory authority over elections in the county, including for the County School District Board of Trustees.

11. Defendant Jeanine M. Bostick is the Director of Jasper County Elections and Voter Registration, and has general supervisory authority over elections in the county, including for the County School District Board of Trustees. She is sued in her official capacity.

12. The Defendants, both personally and through the conduct of their agents, servants and employees, were and are acting under color of state law at all times relevant to this action.

### FACTS

13. The Board of Trustees of the Jasper County School District consists of nine members elected from nine single member districts.

14. Elections for the Board of Trustees are non-partisan. Candidate qualification is scheduled to end in August 2014, and elections will be held at the time of the general election on November 4, 2014. Terms of office are staggered, and Districts 1, 3, 5, 6, 7, 8, and 9 will be up for election in 2014.

15. The Board of Trustees is the governing body for the Jasper County public school system, and as such, its members are required to be elected in conformity with the Fourteenth Amendment of the Constitution of the United States.

16. The existing districts for the Board of Trustees were drawn in 1997, and in light of the 2010 census are malapportioned.

17. Based upon the 2010 Census, the total population of Jasper County is 23,467, of whom 10,510 (44.79%) are African American, 8,922 (38.02%) are white, and 3,684 (15.7%) are Hispanic. The ideal population for each district is 2,607 people. The existing districts possess a total deviation of 62.37% from ideal district size.

18. The population and deviation from ideal size of each district is as follows:

<u>District</u>	<u>2010 Pop</u>	<u>Deviation</u>
1	1,959	-28.84%
2	2,056	-25.32%
3	2,985	+ 8.43%
4	2,509	- 8.86%
5	2,380	-13.55%

6	2,550	- 7.37%
7	3,676	+33.53%
8	2,474	-10.13%
9	2,878	+ 4.54%

Total deviation: 62.37%

19. All Plaintiffs are residents of District 7, which is overpopulated compared to all the other districts.

20. All Plaintiffs will be affected by any redistricting to comply with one person, one vote.

21. The Jasper County School District and the South Carolina House and Senate have the duty under state and federal law to redraw their districts for the School District Board of Trustees every ten years based upon a true and correct enumeration of the county's inhabitants.

22. Despite having had an adequate opportunity to do so, the School District and the South Carolina General Assembly have failed to secure and adopt legislation redistricting the existing districts for the School District Board of Trustees.

23. Elections for the School District Board of Trustees will be held under the malapportioned plan unless enjoined by this Court.

#### CLAIM ONE

24. Further use by Defendants of the existing malapportioned districts for the Jasper County School District Board of Trustees would violate rights guaranteed to Plaintiffs by the equal protection clause of the Fourteenth Amendment of the Constitution of the United States.

#### RELIEF

25. A real and actual controversy exists between the parties.

26. Plaintiffs have no adequate remedy at law other than this action for declaratory and injunctive relief.

27. Plaintiffs are suffering irreparable harm as a result of the violations complained of herein, and that harm will continue unless declared unlawful and enjoined by this Court.

WHEREFORE, Plaintiffs respectfully pray that this Court:

- (1) take original jurisdiction over this case;
- (2) enter a declaratory judgment that further use by Defendants of the existing districts for the Jasper County School District Board of Trustees violates rights guaranteed to Plaintiffs by the Fourteenth Amendment of the Constitution of the United States;
- (3) enter a permanent injunction prohibiting any further use of the existing districts for the School District Board of Trustees;
- (4) commence proceedings to draft and implement a new redistricting plan in time for the 2014 elections that complies with one person, one vote and Section 2 of the Voting Rights Act;
- (5) award Plaintiffs the costs of this action together with their reasonable attorneys' fees pursuant to 42 U.S.C. §§ 1988 and 1973l(e); and,
- (6) retain jurisdiction of this action and grant Plaintiffs any further relief which may in the discretion of this Court be necessary and proper to ensure that timely and lawful procedures are used in elections for the School District Board of Trustees.

Respectfully submitted,

s/M. Laughlin McDonald

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s/Susan K. Dunn

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ATTORNEYS FOR PLAINTIFFS

June 25, 2014