

## **New School-Board Elections to Accommodate the Decennial Census**

*Cox v. Donaldson*

*(George Howard, Jr., E.D. Ark. 5:02-cv-319)*

Three school-board members filed a federal complaint on September 3, 2002, to enjoin a September 17 school-board election. Five school-board directors served staggered five-year terms, and the opening of all seats to new elections was intended to accommodate the 2000 census data. On the day after the election, the district judge issued an agreed order temporarily enjoining certification of the election. The following May, the parties agreed that the election would be certified only for the position with the expired term.

*Subject:* District lines. *Topics:* Enjoining elections; enjoining certification.

On September 3, 2002, three school-board members filed a federal complaint in the Eastern District of Arkansas against Chicot County’s clerk and its board of election commissioners to enjoin a September 17 school-board election.<sup>1</sup> The complaint alleged “an intent to eliminate African American presence on the Lakeside School Board” by vacating all positions—five directors serving five-year terms staggered so that one term expired each year—and holding new elections.<sup>2</sup> With their complaint, the plaintiffs filed a motion for a preliminary injunction.<sup>3</sup>

On the day after the election, Judge George Howard, Jr., issued an agreed order enjoining certification of the election results pending further orders of the court.<sup>4</sup> On the next day, the defendants explained in response to the injunction motion that the election was called to accommodate decennial re-districting.<sup>5</sup>

On May 21, 2003, Judge Howard granted a stipulated motion to dismiss the case, reciting the parties’ agreement that the election would be certified for only one of the board positions.<sup>6</sup>

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1. Complaint, *Cox v. Donaldson*, No. 5:02-cv-319 (E.D. Ark. Sept. 3, 2002), D.E. 1.

2. *Id.* at 2–4.

3. Preliminary-Injunction Motion, *id.* (Sept. 3, 2002), D.E. 2.

4. Order, *id.* (Sept. 18, 2002), D.E. 5.

Judge Howard died on April 21, 2007. Federal Judicial Center Biographical Directory of Article III Federal Judges, [www.fjc.gov/history/judges](http://www.fjc.gov/history/judges).

5. Response, *Cox*, No. 5:02-cv-319 (E.D. Ark. Sept. 19, 2002), D.E. 7.

6. Order, *id.* (May 21, 2003), D.E. 16.