

Electronic Bingo and Voting Rights

Johnson v. Riley

(Sharon Lovelace Blackburn, N.D. Ala. 7:10-cv-2067)

Voters filed a federal complaint challenging police actions against electronic bingo operations as a violation of the voting rights of the voters who approved the operations. The complaint included a claim that executive orders and police actions violated the Voting Rights Act because they had not received section 5 preclearance. The district judge denied as moot a motion for a temporary restraining order preserving a state-court injunction, because the state court had denied a motion to dissolve its order. The following year, the court accepted a voluntary dismissal.

Subject: Ballot measures. *Topics:* Section 5 preclearance; matters for state courts; ballot measure.

On Thursday, July 29, 2010, thirty-one voters filed a federal complaint in the Northern District of Alabama challenging Georgia's police actions against electronic bingo operations in Greene and Macon Counties as a violation of the voting rights of the voters who approved the operations.¹ The complaint included a claim that executive orders and police actions violated the Voting Rights Act because they had not received section 5 preclearance.²

The plaintiffs filed a motion for a preliminary injunction on Monday³ and a motion for a temporary restraining order on Wednesday.⁴

On the case's second Friday, Judge Sharon Lovelace Blackburn denied as moot the motion for a temporary restraining order preserving a state-court injunction, because the state court had denied a motion to dissolve its order.⁵ She also asked the circuit's chief judge to empanel a three-judge district court,⁶ and he empaneled one on August 11.⁷

1. Complaint, *Johnson v. Riley*, No. 7:10-cv-2067 (N.D. Ala. July 29, 2010), D.E. 1; see Charles J. Dean, *Electronic Bingo Advocates File Suit in Federal Court*, Birmingham News, July 30, 2010, at 5.

2. Complaint, *supra* note 1, at 15–17; see Voting Rights Act of 1965, Pub. L. No. 89-110, § 5, 79 Stat. 437, 439, *as amended*, 52 U.S.C. § 10304 (requiring preclearance of changes to voting procedures in jurisdictions with a certified history of discrimination and requiring that preclearance disputes be heard by a three-judge district court).

On June 25, 2013, the Supreme Court declined to hold section 5 unconstitutional, but the Court did hold unconstitutional the criteria for which jurisdictions require section 5 preclearance. *Shelby County v. Holder*, 570 U.S. 529 (2013).

3. Preliminary-Injunction Motion, *Johnson*, No. 7:10-cv-2067 (N.D. Ala. Aug. 2, 2010), D.E. 3.

4. Temporary-Restraining-Order Motion, *id.* (Aug. 4, 2010), D.E. 5.

5. Order, *id.* (Aug. 6, 2010), D.E. 7, *amended*, Order, *id.* (Aug. 13, 2010), D.E. 11; see Kim Chandler, *Judge Won't Allow Raid*, Birmingham News, Aug. 6, 2010, at 1.

6. Docket Sheet, *Johnson*, No. 7:10-cv-2067 (N.D. Ala. July 29, 2010).

7. Order, *id.* (Aug. 11, 2010), D.E. 9.

On February 3, 2011, Judge Blackburn accepted the plaintiffs' voluntary dismissal.⁸

8. Dismissal Order, *id.* (Feb. 3, 2011), D.E. 27.