

FILED
U.S. DISTRICT COURT
S.A. IV.

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

2016 FEB -8 PM 3:46

BRUNSWICK DIVISION

CLERK
SOUTH OF GA.

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

Case No. **CV 206-040**

LONG COUNTY, GEORGIA; LONG)

COUNTY BOARD OF)

COMMISSIONERS; THE OFFICE OF)

THE ELECTIONS SUPERINTENDENT)

OF LONG COUNTY; and THE OFFICE)

OF THE REGISTRAR OF LONG)

COUNTY,)

COMPLAINT

Defendants.)

The United States of America alleges:

1. This action is brought by the United States seeking injunctive and declaratory relief pursuant to Sections 2 and 12(d) of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973, 42 U.S.C. § 1973j(d), and 28 U.S.C. § 2201.

2. This Court has jurisdiction over this action pursuant to 42 U.S.C. § 1973j(f) and 28 U.S.C. §§ 1331 and 1345.

3. Defendant Long County is a geographical and political subdivision of the State of Georgia located within the Southern District of Georgia, Savannah Division.

4. Defendant Long County Board of Commissioners is the governing body for Long County, with responsibilities which include adopting appropriations.

5. Defendant the Office of the Elections Superintendent of Long County has duties, powers, and responsibilities concerning the administration of elections in Long County.

6. Defendant the Office of the Registrar of Long County has duties, powers, and responsibilities concerning the processing of voter registrations and the maintenance of the voter registration list in Long County.

7. According to the 2000 Census, Long County had a total population of 10,304, of whom 870 (8.4%) were Hispanic. The Hispanic population in Long County increased 460% from the 1990 Census, in which it totaled 189, to the 2000 Census. According to Census estimates, the Hispanic population in Long County totaled 1,030 in 2004.

8. Section 2 of the Voting Rights Act prohibits Defendants from applying or imposing any "voting qualification or prerequisite to voting or standard, practice, or procedure" which results in a denial or abridgement of the right to vote on account of race or color. 42 U.S.C. § 1973.

9. In July 2004, three candidates running for office in the July 20, 2004 primary election in Long County filed 45 challenges against Hispanic or Spanish-surnamed voters on the grounds that they were not United States citizens. In responding to these challenges, Defendants abridged the rights of Hispanic voters by requiring Hispanic voters who were challenged to prove their citizenship in order to vote, even though Defendants were aware that the challenges were not supported by any credible evidence calling into question the citizenship of the challenged voters. The County also imposed separate and distinct procedures for these Hispanic challenged voters

than for non-Hispanic voters challenged on other bases.

10. Based on the totality of the circumstances, Defendants' conduct has had the effect of denying Hispanic voters an equal opportunity to participate in the political process and to elect candidates of their choice on an equal basis with other citizens, in violation of Section 2 of the Voting Rights Act, 42 U.S.C. § 1973.

11. Unless enjoined by this Court, Defendants will continue to violate Section 2 of the Voting Rights Act, 42 U.S.C. § 1973, by implementing standards, practices or procedures that deny Hispanic voters the opportunity to participate effectively in the political process on an equal basis with other members of the electorate.

WHEREFORE, the United States prays that the Court enter a JUDGMENT that:

1. Declares that the actions of the Defendants described herein constitute a violation of the Section 2 of the Voting Rights Act, 42 U.S.C. § 1973;

2. Enjoins the Defendants, their officials, agents, employees, and all other persons acting in concert or participation with them from implementing practices or procedures that deny or abridge the rights of Hispanic voters in violation of Section 2 of the Voting Rights Act, 42 U.S.C. § 1973; and

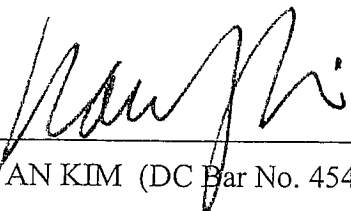
3. Requires Defendants to devise and implement a remedial program that provides Long County's Hispanic voters the opportunity to fully participate in the political process consistent with Section 2 of the Voting Rights Act, 42 U.S.C. § 1973.

The United States further prays for such additional relief as the interests of justice may require.

Dated:

ALBERTO GONZALES

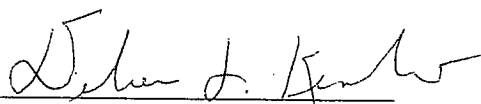
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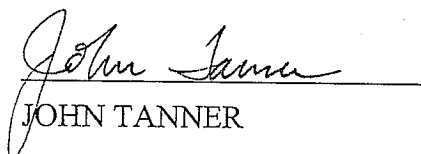


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