

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

**ORIGINAL FILED**

JAN 17 2001

LARRY W. PROPPS, CLERK  
CHARLESTON, SC

THE UNITED STATES OF AMERICA, )

Plaintiff, )

v. )

CIVIL ACTION NO.

CHARLESTON COUNTY, SOUTH )  
CAROLINA; CHARLESTON COUNTY )  
COUNCIL; JOHN O. CONLON, TOI )  
AHRENS ESTES, CINDY M. FLOYD, )  
RUTH C. GLOVER, A.D. JORDAN, )  
BARRETT S. LAWRIMORE, TIMOTHY E. )  
SCOTT, LEON E. STAVRINAKIS, )  
CHARLES WALLACE, members of the )  
Charleston County Council; )  
CHARLESTON COUNTY ELECTION )  
COMMISSION, )

Defendants. )

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COMPLAINT

The United States of America, plaintiff herein, alleges:

1. The Attorney General files this action pursuant to Sections 2 and 12(d) of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973, and 42 U.S.C. 1973j(d). The Court has jurisdiction of this action pursuant to 28 U.S.C. 1345 and 42 U.S.C. 1973j(f).

2. Defendant Charleston County, South Carolina is a political and geographical subdivision of the State of South Carolina.

3. Defendant Charleston County Council is the body established under the laws of the State of South Carolina that is responsible for governing Charleston County.

4. The Charleston County Council consists of nine members, Defendants John O. Conlon, Toi Ahrens Estes, Cindy M. Floyd, Ruth C. Glover, A.D. Jordan, Barrett S. Lawrimore, Timothy E. Scott, Leon E. Stavrinakis, and Charles Wallace. All nine councilmembers are residents of Charleston County, and each councilmember is sued in his or her official capacity.

5. Defendant Charleston County Election Commission is responsible for exercising certain powers and duties associated with the conduct of primary and general elections in Charleston County, including elections for the Charleston County Council.

6. According to the 1990 Census, Charleston County has a total population of 295,039, 187,740 (63.6%) of which are white and 103,008 (34.9%) of which are black, and has a voting age population was 221,434, 149,565 (67.5%) of which are white and 68,491 (30.9%) of which are black. Persons in other racial groups constitute less than two percent of the total population and voting age population in Charleston County. Based on South Carolina Election Commission statistics, as of April 1, 2000, nonwhite persons constitute 31 percent of the county's registered voters.

7. The Charleston County Council is composed of nine members elected at large in partisan elections to four-year, staggered terms. Residency requirements are used in elections for County Council. Three members are residents of the City of Charleston, three members are residents from the area between the Ashley and Cooper rivers that is not in the City of Charleston,

two members are residents from the area west of the Ashley River that is not in the City of Charleston, and one member is a resident from the area east of the Cooper River.

8. The black population of Charleston County is sufficiently numerous and geographically compact that a properly apportioned single-member district plan for electing the Defendant County Council can be drawn in which black citizens would constitute a majority of the total population, voting age population, and registered voters in three districts.

9. Black voters in Charleston County are politically cohesive. Racially polarized voting patterns prevail in elections for the Charleston County Council. White bloc voting usually results in the defeat of candidates who are preferred by black voters. In elections since 1992 for the Charleston County Council, black and white voters consistently have preferred different candidates and the candidates preferred by white voters usually have defeated black voters' preferred candidates.

10. Defendant Timothy E. Scott is the only black member of the Charleston County Council, and he was not preferred by black voters when he was most recently elected.

11. In addition to the at-large feature of the system for electing the Charleston County Council, there are other features of the election system that reduce the opportunities of black voters to overcome the effect of white bloc voting. These features include the large size of Charleston County and the use of partisan elections which act as a de facto majority vote

requirement. They also include the use of residency requirements, which in combination with the staggering of elections, have the effect of operating as a numbered post requirement by limiting the number of successful candidates in a given contest and helping to ensure that elections involving both black and white candidates are head-to-head.

12. Black persons in Charleston County have suffered from a history of official discrimination that has affected the ability of black persons to participate effectively in the political process.

13. Black persons in Charleston County bear the effects of past discrimination in areas such as education, employment, and housing, as reflected in their depressed socioeconomic status relative to white Charleston County residents.

14. Charleston County is only one of three counties in South Carolina that elects its entire county council at large. The other two counties, Hampton County and Jasper County, each have less than 20,000 residents.

15. Under the totality of the circumstances, the at-large election system for electing the Charleston County Council has the effect of diluting black voting strength, resulting in black citizens being denied an opportunity equal to that afforded to other members of the electorate to participate in the political process and elect representatives of their choice, in violation of Section 2 of the Voting Rights Act, 42 U.S.C. 1973.

16. Unless enjoined by order of this Court, Defendants will continue to conduct elections for the Charleston County Council using the current at-large electoral system, in violation of Section 2 of the Voting Rights Act, 42 U.S.C. 1973.

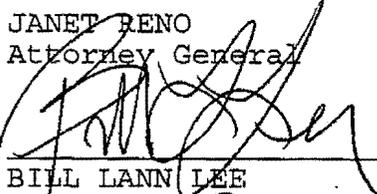
WHEREFORE, the United States of America prays that this Court enter an order:

- (1) Declaring that the at-large method of electing members of the Charleston County Council violates Section 2 of the Voting Rights Act;
- (2) Enjoining the Defendants, their agents and successors in office, and all persons acting in concert with any of them, from administering, implementing, or conducting any future elections for the Charleston County under the current at-large method of electing county councilmembers;
- (3) Ordering Defendants to devise and implement an election system for the Charleston County Council which complies with Section 2 of the Voting Rights Act, 42 U.S.C. 1973; and

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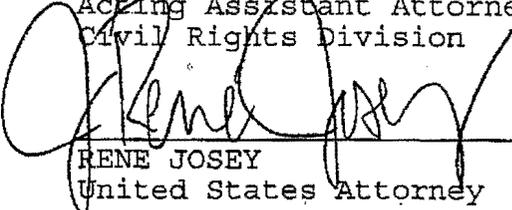
- (4) Ordering such additional relief as the interests of justice may require, together with the costs and disbursements in maintaining this action.

JANET RENO  
Attorney General



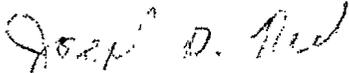
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BILL LANN LEE  
Acting Assistant Attorney General  
Civil Rights Division



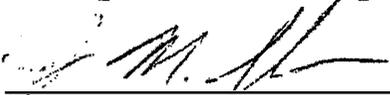
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RENE JOSEY  
United States Attorney



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JOSEPH D. RICH  
Acting Chief, Voting Section



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