

New School Board Elections to Accommodate the Decennial Census

Cox v. Donaldson

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

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.¹ 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 expires each year—and holding new elections.² With their complaint, the plaintiffs filed a motion for a preliminary injunction.³

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.⁴ On the next day, the defendants explained in response to the injunction motion that the election was called to accommodate decennial redistricting.⁵

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

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 Federal Judges, <http://www.fjc.gov/history/home.nsf/page/judges.html>.

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.