

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

MATHIS KEARSE WRIGHT, JR.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO.: 1:14-cv-42 (WLS)
	:	
SUMTER COUNTY BOARD OF	:	
ELECTIONS AND REGISTRATION,	:	
	:	
Defendant.	:	
_____	:	

ORDER

Before the Court is the Report of the Special Master (Doc. 272) and the Parties Responses thereto (Docs. 268; 269; 270; 271.) After this Court found, following a bench trial, that Sumter County's School Board election map violates the Voting Rights Act of 1965 (Doc. 198), the Special Master proposed five alternative election maps that each draw seven single-member election districts in Sumter County in a way that purportedly complies with the Voting Rights Act by affording black voters a realistic opportunity to more proportional representation on the School Board and that are purportedly superior to the maps proposed by Plaintiff. The Court now must choose which proposed map should become Sumter County's new election map for future elections, at least until the Georgia General Assembly adopts a replacement map¹ or the Eleventh Circuit Court of Appeals, currently considering the appeal in this case, issues a decision necessitating a different map.

¹ On multiple occasions in this litigation, the Court has expressly afforded the General Assembly opportunities to take up the legislative task of redrawing Sumter County's election map. (*See, e.g.*, Doc. 198 at 37.) *See generally Wise v. Lipscomb*, 437 U.S. 535, 540 (1978) (noting that elected officials generally should have the first opportunity to remedy an unlawful election plan). So far, the General Assembly has not done so.

The Parties have expressed little preference about which proposed map the Court should choose. Plaintiff objects to the Special Master's proposed Map 2 on the grounds that it would present an inadequate opportunity for black voters to achieve proportional representation on the Board. (Docs. 269 at 1–2.) Plaintiff also asserts that the Special Master's proposed Map 3 could lead to the greatest increase in black representation on the Board, but only if the Court reschedules the School Board election from May to November; Plaintiff thus urges the Court to not adopt Map 3 unless the Court also reschedules the election. (Docs. 269 at 5; 271 at 2.) Defendant, meanwhile, neither opposes nor favors any particular map but rather objects generally to the Court's finding of liability in the first place. (Docs. 268; 270.)

Because the matter that the Court must decide is one of significant public importance,² and because the Court has been presented with limited information regarding the viability of each proposed map relative to each other, the Court will hold a **hearing, open to the public, on Monday, January 13, 2020 at 3:00 p.m.** at which the Court will welcome additional information and will further consider which proposed map to select, if any, and, among other things, what reasons exist for and against rescheduling the School Board election from May to November. The Court **ORDERS** that the Parties be present for the hearing so that the Court may seek information and hear from them directly regarding the issues before the Court. The Court further **ORDERS** that the Parties and their counsel notice any other persons, organizations, government officials and representatives, and other interested parties that are

² The Court has been contacted by an elected representative of the General Assembly who wished to notify the Court that there are currently "holdover" members of the Sumter County School Board now serving expired terms due to the cancellation of recent School Board elections as a result of this litigation. The Court declined to talk with the representative because the Court is prohibited from discussing matters pending before it with persons other than the Parties and only in the presence of all parties or their representatives.

not a Party that they may know to be interested in these proceedings of the public hearing. The Special Master shall be available by telephone to testify at the hearing and answer questions by the Court and others.

The Court appreciates that the Parties have requested that the Court select a map as soon as possible so the case may proceed on appeal. (Docs. 270; 271.) The Court expects to promptly enter a written decision after the hearing on January 13, 2019.

SO ORDERED, this 19th day of December 2019.

/s/ W. Louis Sands

W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT