

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHAMBERLAIN SCHOOL DISTRICT; JIM
ANDERSON, JAY BLUM, JERRI ANN HAAK,
ERIC MILLER, JOEL PAZOUR, ANNETTE
PRIEBE, and KEITH REUER, in their official
capacities as members of the Chamberlain School
Board,

Defendants.

Civil Action No. 4:20-cv-4084

COMPLAINT

The United States of America, plaintiff herein, alleges:

1. The Attorney General files this action pursuant to Section 2 and Section 12(d) of the Voting Rights Act, 52 U.S.C. §§ 10301 and 10308(d).

2. Section 2 of the Voting Rights Act prohibits enforcement of any voting qualification, prerequisite to voting, standard, practice, or procedure that results in the denial or abridgment of the right to vote on account of race, color, or language minority status.

3. In this action, the United States challenges the at-large method of electing members of the school board of the Chamberlain School District because it violates Section 2 of the Voting Rights Act.

JURISDICTION AND VENUE

4. This Court has original jurisdiction of this action under 28 U.S.C. §§ 1331, 1345, and 2201(a) and 52 U.S.C. § 10308(f).

5. Venue is proper in this Court under 28 U.S.C. §§ 122(2) and 1391(b).

PARTIES

6. The Voting Rights Act authorizes the Attorney General to file a civil action on behalf of the United States of America seeking injunctive, preventive, and permanent relief for violations of Section 2 of the Act. 52 U.S.C. § 10308(d).

7. The Chamberlain School District is a political and geographical subdivision of the State of South Dakota; it encompasses portions of Brule, Buffalo, and Lyman Counties.

8. Jim Anderson, Jay Blum, Jerri Ann Haak, Eric Miller, Joel Pazour, Annette Priebe, and Keith Reuer are the current members of the Chamberlain School Board, which is the governing body of the Chamberlain School District. S.D. Codified Laws §§ 13-8-1, 13-8-2; Chamberlain School District 07-1 Bd. Policies (“CSD Policy”) §§ BB, BBA. They are sued in their official capacities.

ALLEGATIONS

9. According to the 2010 Census, the Chamberlain School District had a total population of 6,044, of whom 3,763 (62.3%) were white, 2,138 (35.4%) were American Indian/Alaska Native, and 139 (2.3%) were members of other racial groups. The total voting-age population was 4,297, of whom 2,981 (69.4%) were white, 1,244 (29.0%) were American Indian/Alaska Native, and 71 (1.7%) were members of other racial groups.

10. The Chamberlain School Board is composed of seven members elected on an at-large basis in non-partisan contests by all voters in the Chamberlain School District. CSD Policy § BB.

11. Members of the Chamberlain School Board serve staggered, three-year terms. Every year, two or three seats on the Chamberlain School Board are open. CSD Policy §§ BB, BBB; *see also* S.D. Codified Laws § 13-8-2. No election is held if seats are uncontested. S.D. Codified Laws § 13-7-9.

12. South Dakota law does not mandate the current at-large method of electing the Chamberlain School Board. *See* S.D. Codified Laws § 13-8-7.1.

13. The American Indian population of the Chamberlain School District is sufficiently large and geographically compact to constitute a majority of the voting-age population in two single-member districts under an illustrative seven-district plan.

14. School board elections are marked by a pattern of racially polarized voting. The American Indian population in the Chamberlain School District is politically cohesive in those elections while the white population votes sufficiently as a bloc in those elections to usually defeat the preferred candidate of American Indian voters.

15. Since at least 2007, only one American Indian candidate has won an election for the Chamberlain School Board.

16. American Indian residents in South Dakota have historically suffered from official discrimination affecting the right to vote.

17. Significant socioeconomic disparities exist between white and American Indian residents of the Chamberlain School District in areas such as education and employment. Such

disparities hinder the current ability of American Indian citizens in the School District to participate effectively in the political process.

18. The Chamberlain School District's method of election is characterized by the use of practices and procedures that have the result of impairing American Indian electoral opportunities. These include, but are not limited to, at-large elections, staggered terms, and off-year elections.

19. The at-large method of electing the Chamberlain School Board dilutes the voting strength of American Indian citizens.

CAUSE OF ACTION

20. Under the totality of circumstances, the current at-large method of electing the Chamberlain School Board violates Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, because it results in the Chamberlain School District's American Indian citizens having less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

21. Unless enjoined by order of this Court, Defendants will continue to violate Section 2 of the Voting Rights Act by administering, implementing, and conducting future elections for the Chamberlain School Board using an at-large method of election.

PRAYER FOR RELIEF

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

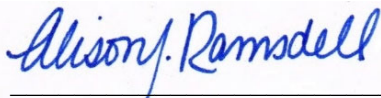
- (1) Declaring that the at-large method of electing the Chamberlain School Board violates Section 2 of the Voting Rights Act, 52 U.S.C. § 10301;
- (2) Enjoining Defendants, their agents and successors in office, and all persons acting in concert with them from administering, implementing, or conducting any future

elections for the Chamberlain School Board under the at-large method of election;

- (3) Ordering Defendants to devise and implement a method of election for the Chamberlain School Board that complies with Section 2 of the Voting Rights Act; and
- (4) Granting such additional relief as the interests of justice may require.

Date: May 27, 2020

RONALD A. PARSONS, JR.
United States Attorney
District of South Dakota



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CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

see attached

DEFENDANTS

Chamberlain School District, Jim Anderson, Jay Blum, Jerri Ann Haak, Eric Miller, Joel Pazour, Annette Priebe, and Keith Reuer, in their official capacities as members of the Chamberlain School Board

County of Residence of First Listed Defendant Brule, Buffalo & Lyman, SD
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED

Attorneys (If Known)

Rodney Freeman

Churchill, Manolis, Freeman, Kludt & Burns, LLP

333 Dakota Ave. S., 2nd Floor, P.O. Box 176, Huron, S.D. 57350

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U S Government Plaintiff
- ☐ 2 U S Government Defendant
- ☐ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business In This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business In Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act IMMIGRATION ☐ 462 Naturalization Application ☐ 465 Other Immigration Actions	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) FEDERAL TAX SUITS ☐ 870 Taxes (U S Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/ Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☒ 441 Voting ☐ 442 Employment ☐ 443 Housing/ Accommodations ☐ 445 Amer w/Disabilities - Employment ☐ 446 Amer w/Disabilities - Other ☐ 448 Education PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☐ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Condition ☐ 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Voting Rights Act, 52 U.S.C. § 10301

Brief description of cause:
vote dilution under Section 2 of the Voting Rights Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ _____
UNDER RULE 23, F.R.Cv.P.

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE _____

DOCKET NUMBER _____

DATE

05/27/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ Maura Eileen O'Connor

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG JUDGE _____

Attachment to Civil Cover Sheet

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