

Civil Rights Groups File Lawsuit Charging Racial Discrimination In Chester County Vote

Lincoln University Students And Other Residents Forced To Wait Up To Seven Hours In Pouring Rain To Vote

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PHILADELPHIA - A coalition of civil rights groups filed a federal lawsuit today on behalf of African-American residents and Lincoln University students in Chester County, charging that the County Board of Elections and Department of Voter Services deprived African-Americans in Lower Oxford East Township of their right to vote by assigning them to inconvenient and inadequate polling facilities. Community members had warned county officials that the existing polling place could not handle the anticipated record number of voters. On Election Day 2008, hundreds of Lower Oxford East voters – most of them African-American – waited up to seven hours in the pouring rain to cast their votes. Those who were unable to wait left without voting.

The lawsuit asks the court to order Chester County to return the Lower Oxford East polling place to the Lincoln University campus, where it had been in the 1990s, authorize federal elections monitors and award damages to residents who faced extreme difficulties or were prevented from voting in the 2008 general election.

“That this happened to Lincoln University students who walk the same halls as the great civil rights advocate Justice Thurgood Marshall once did, and to community members who live where he once lived, makes it an even more compelling case,” said Phil Wilson, lead lawyer for the plaintiffs. “This suit will help ensure that racial discrimination at the polls – a sad part of our national electoral legacy – is a thing of the past in Chester County.”

Lower Oxford East Township contains the largest concentration of African-American voters of any voting precinct in predominantly white Chester County, in large part because of Lincoln University, an historically African-American university. The Lower Oxford East voting precinct made national news in November 2008 as some voters waited literally all day to cast their votes. Many voters could not wait that long and were unable to vote. Late in the evening, a Chester County judge ordered the county to expand the facilities at Lower Oxford East to process voters faster.

But by then, the damage was done: voter turnout at Lower Oxford East was the lowest of any precinct in Chester County – just under 56%, compared with nearly 80% turnout elsewhere. And although African-Americans make up more than half of the voting age

population in Lower East Township, the African-American vote there was lower than in other precincts.

"Voting is everyone's right," said Shanisha Smith, a plaintiff and student at Lincoln University. "Being involved in this lawsuit would allow those who come after me an opportunity to exercise that right. In my eyes, being the voice of my peers and standing up for what's right is not an obligation but a responsibility I welcome. "

The lawsuit charges that the long lines at Lower Oxford East resulted from a combination of factors, most importantly the location of the polling place in a tiny community center that could accommodate only two lines of voters, a small number of privacy booths and a single ballot scanner. Voting was slowed further by the failure of the Department of Voter Services to provide up-to-date voter rolls and frivolous challenges by a Republican poll watcher to young African-American voters – problems that did not occur at other polling places.

The lawsuit also charges that the County Board of Elections refused to address the cramped conditions before the election. Early in the fall of 2008, residents of Lower Oxford East petitioned to have the polling place returned to a larger facility on the Lincoln University campus because of the anticipated large turnout. But the Chester County Board of Elections rejected the move, 2-1. In elections occurring after the disastrous 2008 general election, the board combined the Lower Oxford East and Lower Oxford West polling places in a small township building further away from the university, an unsatisfactory solution that did not remedy the voting access problems.

"Keeping your opponents from voting is not the American way to win elections," observed co-counsel Michael Churchill of the Public Interest Law Center of Philadelphia.

The plaintiffs are represented *pro bono* by Wilson, John E. McKeever and Nicole Edwards of DLA Piper LLP (US); Churchill of the Public Interest Law Center of Philadelphia; Mary Catherine Roper of the American Civil Liberties Union of Pennsylvania; Bryan Sells of the American Civil Liberties Union Voting Rights Project; and Marian Schneider, Esq., a Chester County lawyer, election integrity and voting rights advocate.

The lawsuit, *Golden English v. Chester County*, was filed in the United States District Court for the Eastern District of Pennsylvania. A copy of the complaint is available at: <http://www.aclupa.org/legal/legaldocket/englishetalvchestercounty.htm>