

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA, AMERICUS DIVISION

Edge v. Sumter County School District

541 F. Supp. 55 (M.D. Ga. 1981) · No. Civ. A. No. 80-20-AMER · Decided December 1, 1981

SUMMARY

A three-judge federal district court held that Sumter County School District's 1973 shift to at-large board elections was subject to Section 5 of the Voting Rights Act because it resulted from a legislative enactment reflecting elected representatives' policy choices. The court granted plaintiffs summary judgment, enjoined further use of the unprecleared at-large plan, and remanded the case to a single-judge district court to supervise development of a legally enforceable election plan.

CASE DETAILS

COURT	United States District Court for the Middle District of Georgia, Americus Division
WRITING FOR THE COURT	Anderson, Circuit Judge; Owens, District Judge; Elliott, District Judge
JURISDICTION	Georgia
DECIDED	December 1, 1981
DOCKET	Civ. A. No. 80-20-AMER
DISPOSITION	remanded
PROCEDURAL POSTURE	Plaintiffs moved for summary judgment on whether the 1973 at-large election system was subject to Section 5 of the Voting Rights Act. The three-judge district court granted the motion, enjoined further use of the unprecleared at-large plan, and remanded the case to a single-judge district court.
STANDARD OF REVIEW	Summary judgment standard; because the basic facts were undisputed, the court determined whether plaintiffs were entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published federal district court opinion
PARTIES	Judson Edge, et al., Plaintiffs v. Sumter County School District, et al., Defendants

TOPICS

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QUESTIONS PRESENTED

1. Whether the 1973 change from a mixed district and at-large election system to an entirely at-large system was subject to the Section 5 preclearance requirements of the Voting Rights Act.
2. Whether the three-judge Section 5 court could remedy the underlying malapportionment or should remand that issue to a single-judge district court.

HOLDINGS

1. The 1973 change to an at-large method of electing the Sumter County School District Board was subject to Section 5 preclearance because it resulted from the policy choices of the Georgia Legislature, not from a court-directed election plan. The continued use of the system after the Attorney General's objection violated Section 5.
2. The three-judge Section 5 court lacked authority to remedy the malapportionment underlying the invalid election system. After deciding the Section 5 issue, it was required to remand the case to a single-judge district court to supervise development and implementation of a legally enforceable election plan.

KEY QUOTATIONS

"The Court did not direct that any particular system be adopted." (541 F. Supp. at 57)

*"There can be no doubt that the change to an at-large election system which we are here considering, resulting as it did from an Act of the Georgia Legislature, reflected the 'policy choices of the elected representatives of the people', and, in light of the Supreme Court decision in *McDaniel v. Sanchez*, supra, we are led to conclude that it is clear that the adoption of the at-large system is subject to the preclearance requirements of Section 5 and that the elections held under the at-large system in spite of the Attorney General's objections violated Section 5."* (541 F. Supp. at 57)

FACTUAL BACKGROUND

Before 1973, the Sumter County Board of Education was elected from a combination of single-member districts, a two-member district, and an at-large position. After a federal court declared those districts unconstitutionally apportioned in *Carter v. Crenshaw*, the Georgia General Assembly enacted a statute providing for at-large elections for the entire Board. The change was submitted for Section 5 preclearance, but the Attorney General objected, and the District nevertheless continued using the at-large system.

PROCEDURAL HISTORY

The Sumter County Board of Education had used a mixed system of single-member, multimember, and at-large districts. In *Carter v. Crenshaw*, the existing districts were declared unconstitutionally apportioned, after which the Georgia General Assembly enacted a 1973 statute establishing at-large elections for the entire Board. The

Attorney General objected to the change under Section 5, but the District continued using the system. Plaintiffs challenged the system, and this three-judge court resolved the Section 5 preclearance issue and remanded for development of a lawful election plan.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The case was remanded to the single-judge District Court to supervise the development and implementation of a new election plan satisfying legal requirements. The new plan was required to undergo Section 5 preclearance.

CASES CITED

- Carter v. Crenshaw, C.A. No. 768 (M.D. Ga., Americus Division)
- McDaniel v. Sanchez, 452 U.S. 130, 101 S. Ct. 2224, 68 L. Ed. 2d 724 (1981)

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