

August 20, 2013

SCSJ Files Appeal of Pasquotank decision denying college student Montravias King the right to run for city council

Contact: Clare Barnett, SCSJ Staff Attorney, clare@scsj.org, 919-323-3380 x 152

WAKE COUNTY, NC – Today the Southern Coalition for Social Justice filed an appeal with the North Carolina State Board of Elections, arguing that the Pasquotank County Board of Elections acted incorrectly in ruling that Elizabeth City State University student Montravias King is ineligible to run for City Council due to his residence in a college dormitory.

King, who has lived and voted in Pasquotank County since 2009 when he began attending Elizabeth City State University, has a consistent record of community service that led to his decision to run for local elected office. Since 2009, King has never been denied the right to vote despite his college address. Yet although the residency requirements are the same for voting as they are for running for City Council, Montravias finds himself unable to participate in the political process in Elizabeth City because he lives on the campus of the state university he attends.

The challenge to Mr. King’s city council run was initiated by Richard D. Gilbert, the Pasquotank Republican Party chairman, who argues that Elizabeth City State University students who live in campus dorms have not established residency for the purpose of voting. He contends a dorm room occupied for only part of the year is a temporary residence. The local board of elections agreed with him on August 13, barring King from the city ballot. The chairman signed the order on Tuesday, opening the window for SCSJ’s appeal to the state Board of Elections. According to SCSJ staff attorney Clare Barnett, Pasquotank’s decision “is based on a misapplication of the law and ignores the well-established right of college students to vote in their college communities.” “Under the equal protection principles of the Constitution, you can’t treat college students differently from other voters,” Barnett said.

In addition to appealing the local board of elections’ decision on behalf of Mr. King, SCSJ has also asked the State Board of Elections to delay any implementation of the local board’s order, until they have ruled on the matter. “Not only is the local board’s decision contrary to the facts presented at the hearing, it effectively means that no student living on campus can vote where they go to school, a ruling directly contrary to U.S. Supreme Court precedent,” said Anita Earls, Executive Director of the Southern Coalition for Social Justice.

#####