

JUL 13 1973

DJ 166-012-3

Mr. Henry L. Crisp
Crisp & Oxford
Attorneys at Law
Americus, Georgia 31709

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Dear Mr. Crisp:

This is in reference to your submission under Section 5 of the Voting Rights Act of 1965 of changes in election laws with regard to school board elections in Sumter County, Georgia submitted pursuant to Section 5 of the Voting Rights Act of 1965 on May 14, 1971.

After a careful examination of the demographic characteristics of Sumter County and an analysis of recent Court decisions, we are unable to conclude, as we must under the Voting Rights Act, that the use of the at-large election system you submitted will not have a racially discriminatory effect. Our investigation reflects that there are significant concentrations of black citizens in parts of Sumter County and that the requirement that all candidates must be voted on county-wide would result in the dilution and minimization of the voting strength of black citizens.

Recent Supreme Court decisions dealing with issues of this nature, and to which we feel obligated to give great weight, indicate that the combination

of at-large election, district residence requirement, and a majority requirement would have the effect of abridging minority voting rights in Sumner County. The reasoning of these recent cases is illustrated by the Court's decision last month which held that the multi-member election system, numerical post and majority vote requirement of Dallas and Bexar Counties, Texas tended to abridge minority voting power and therefore violated the Fourteenth Amendment. White v. Register, 41 U.S.L.W. 4285 (1973). See also Whitcomb v. Chavis, 403 U.S. 124 (1971).

For the foregoing reasons, I must on behalf of the Attorney General interpose an objection to the use of an at-large system to elect school board members. We have reached this conclusion reluctantly because we fully understand the complexities involved in devising a reapportionment plan to satisfy the need of the city and its citizens and simultaneously comply with the mandates of the Federal Constitution and laws. We are persuaded, however, that the Voting Rights Act compels this result. We do not, in this instance, ask that the results of the June 5, 1973 special election be overturned. However, we feel a responsibility to inform you that all future elections held under the present at-large system will be unlawful.

Of course, as provided by Section 5, you have an alternative of instituting an action in the United States District Court for the District of Columbia for a declaratory judgment that the changes do not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.

I must stress that my decision does not in any way impair the county's decision to elect school board members, but merely renders unenforceable the at-large voting feature of the election system. If you have any questions concerning this matter, do not hesitate to call on me or members of my staff.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division