

MAY 30 1974

Mr. William G. Solomon
Law Offices of John Ray Nicholson
Citizens & Southern National Bank
Building
Athens, Georgia 30601

Dear Mr. Solomon:

This is in reference to Georgia Act Number 602 (H.B. No. 950) enacted April 17, 1973, which changes the Georgia statutory law with regard to the method of selection of members of the Clarke County Board of Education, submitted to the Attorney General pursuant to Section 3 of the Voting Rights Act of 1963. Your submission was received on April 2, 1974.

After careful examination of the proposed change, the supporting material and information obtained from other sources, we are unable to conclude, as we must under the Voting Rights Act that this plan, which features an at-large election, numbered posts and a majority requirement, does 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, therefore, on behalf of the Attorney General, interpose an objection to the implementation of this plan.

The submitted change requires that a Board of Education candidate designate the specific post he seeks and receive a majority vote from the county at-large to be elected. 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 an at-large election with a numbered post and a majority requirement would have the effect of abridging minority voting rights in Clarke County. See White v. Regester, 412 U.S. 755 (1973) and Whitcomb v. Chavis, 403 U.S. 124 (1971).

Of course, Section 3 permits you to seek a declaratory judgment from the District Court for the District of Columbia that this plan neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race. Until such judgment is rendered by that court, however, the legal effect of the objection of the Attorney General is to render unenforceable this change in the method of selecting members of the Clarke County Board of Education.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division