



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

November 9, 1987

John W. Halstead, Jr., Esq.
Jennette, Morrison, Austin
& Halstead
P. O. Box 384
Elizabeth City, North Carolina 27909

Dear Mr. Halstead:

This refers to Chapter 173, H.B. No. 490 (1977) which provides for three single-member residency districts and one double-member residency district with staggered terms, and prohibits the double-member district representatives from residing in the same township, and the implementation schedule therefor for the board of education in Camden County, North Carolina. We received the information to complete your submission on September 10, 1987.

We have considered carefully the information you have provided, as well as comments and information received from other interested parties. Initially, we note that under the method of election for which Section 5 preclearance has been granted, the board of education consisted of five members elected at large by a plurality vote for four-year, staggered terms without residency districts. Under that system, black voters have the opportunity to utilize the technique of single-shot voting, which would appear to afford them an effective opportunity to elect candidates of their choice to the board of education. The effect of the residency districts imposed by Chapter 173 eliminates that opportunity by effectively precluding the use of single-shot voting.

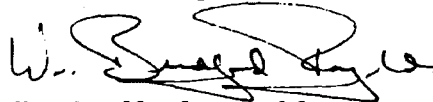
Our analysis has shown what appears to be a pattern of racially polarized voting in Camden County. In this context, the residency districts operate to remove the feature of the existing system (*i.e.*, single-shot voting) that has served to compensate for the racially polarized voting and permit black voters the ability to participate meaningfully in school board elections.

Under Section 5 of the Voting Rights Act, the submitting authority has the burden of showing that a submitted change has neither a discriminatory purpose nor a discriminatory effect. See Georgia v. United States, 411 U.S. 526 (1973); see also Section 51.52 of the Procedures for the Administration of Section 5 (52 Fed. Reg. 497-498 (1987)). Under these circumstances, I cannot conclude that the Camden County Board of Education has sustained its burden of demonstrating that the residency district requirements are free of a discriminatory effect under Section 5. Accordingly, I must, on behalf of the Attorney General, interpose an objection to the residency district requirements effected by Chapter 173.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that these changes have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, Section 51.45 of the guidelines (52 Fed. Reg. 496 (1987)) permits you to request that the Attorney General reconsider the objection. However, until the objection is withdrawn or a judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the use of the residency districts occasioned by Chapter 173 (1977) legally unenforceable. Section 51.10 (52 Fed. Reg. 492 (1987)).

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the Camden County Board of Education plans to take with respect to this matter. If you have any questions, feel free to call Rebecca J. Wertz (202-724-8290), Attorney-Reviewer of the Section 5 Unit of the Voting Section.

Sincerely,

A handwritten signature in dark ink, appearing to read "Wm. Bradford Reynolds", with a stylized flourish at the end.

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division