

28 FEB 1977

Mr. Tanner T. Hunt, Jr.
Attorney for the South Park
Independent School District
P. O. Box 3708
Beaumont, Texas 77704

Dear Mr. Hunt:

This is in reference to the change to election by position for the Board of Trustees of South Park Independent School District, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was received on December 28, 1976.

We have given careful consideration to the information furnished by you as well as information and comments from interested parties. Our analysis reveals that blacks constitute a substantial proportion of the population of South Park Independent School District and that bloc voting along racial lines may exist. Under these circumstances, recent court decisions, to which we feel obligated to give great weight, suggest that the combination of such features as numbered positions and at-large elections have the potential for abridging minority voting rights. See White v. Regester, 412 U.S. 755 (1973); Whitcomb v. Chavis, 403 U.S. 124 (1971).

On the basis of our analysis, we are unable to conclude, as we must under the Voting Rights Act, that this change will not have a racially discriminatory effect on the conduct of elections in South Park

Independent School District. Accordingly, on behalf of the Attorney General I must interpose an objection to the implementation of the change to electing the Board of Trustees of South Park Independent School District by designated position.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the District Court for the District of Columbia that this change has neither 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 is to make the change in question unenforceable.

Sincerely,

DREW S. DAYS, III
Acting Assistant Attorney General
Civil Rights Division