

APR 28 1978

Mr. Glenn Sodd
Dawson, Dawson, Sodd & Davis
Attorneys at Law
State National Bank Building
Corsicana, Texas 75110

Dear Mr. Sodd:

This is in reference to the numbered post and majority vote requirements for the election of the Board of Trustees of the Corsicana Independent School District, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, as amended. Information completing your submission was received on February 27, 1978.

We have examined this electoral system in view of the circumstances in Corsicana, Texas that, under the legal principles by which we are guided, we must consider relevant. See White v. Rozester, 412 U.S. 755 (1973); Zimmer v. McKeithen, 435 F.2d 1297 (1973). Navitt v. Sides, _____ F.2d _____ (5th Cir. 1978).

According to the information you have provided, information and comments from other interested persons, research conducted by our staff, and data contained in the 1970 Census, the following circumstances appear to exist. About 23 percent of the residents of the school district are black. There are indications that white voters in the district are reluctant to support black candidates but that candidates supported by black voters may in some circumstances be elected through the use of single-shot voting or when the vote of the white electorate is split among two or more candidates. In these circumstances the imposition of numbered post and majority vote requirements may have the effect of diluting black voting strength in elections for school trustees.

cc: Records
Clerk
Jones/McKeithen / Anderson / McKeithen / Sodd
Cordon/Abbott
Public File
[unclear]

Under Section 5 the burden is on the jurisdiction proposing a voting change to show that the new practice or procedure is not discriminatory in purpose or effect. The burden of proof is the same when a submission is made to the Attorney General as it would be in a suit for a declaratory judgment under Section 5 brought in the United States District Court for the District of Columbia. See Georgia v. United States, 411 U.S. 526 (1973). The Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, C.F.R. 51.19, state:

If the evidence as to the purpose or effect of the change is conflicting, and the Attorney General is unable to resolve the conflict within the 60-day period, he shall, consistent with the above-described burden of proof applicable in the district court, enter an objection. . . .

Under the circumstances of this case, we are unable to conclude that the school district has sustained its burden of showing that the adoption and use of numbered post and majority vote requirements for trustee elections of the Corsicana Independent School District does not have a discriminatory purpose and will not have a discriminatory effect. Accordingly, on behalf of the Attorney General, I must interpose an objection to these requirements.

Under the Procedures for the Administration of Section 5 of the Voting Rights Act (42 C.F.R. 51.21(b) and (c), 51.23, and 51.24) you may request the Attorney General to reconsider this objection. In addition, Section 5 permits you to seek a declaratory judgment from the United States District Court for the District of Columbia that these 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. However, until such time as the objection may be withdrawn or a favorable judgment from the District of Columbia Court obtained, the effect of the objection by the Attorney General is to make the numbered post and majority vote requirements for the election of the Board of Trustees of the Corsicana School Board legally unenforceable.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division