

14 SEP 1979

Mr. Walter E. Mizell
City Attorney
City of Lockhart
Brown, Karoney, Ross,
Eaker and Barber
1300 American Bank Tower
221 West Sixth Street
Austin, Texas 78701

Dear Mr. Mizell:

This is in reference to the Home Rule Charter adopted on February 20, 1973 for the City of Lockhart, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on July 16, 1979.

We have given careful consideration to the information provided by you, as well as information and comments from other interested parties. Our analysis reveals that the Home Rule Charter for Lockhart provides for an at-large election scheme, which includes the use of staggered terms and numbered places. The new form of government also provides for two additional representatives, and a council with somewhat greater power than the prior form of government. There are, in addition, indications that racial bloc voting exists in Lockhart elections, and that the city government may not be as responsive to its minority constituents as to its Anglo constituents.

Recent court decisions suggest that an at-large voting system which incorporates features such as numbered posts and staggered terms may operate to minimize or dilute the voting strength of minority groups and thus have an invidious discriminatory effect. See White v. Regester, 412 U.S. 755 (1973); Whitcomb v. Chavis, 403 U.S. 124 (1971).

In view of these court decisions, and on the basis of all the available facts and circumstances, the Attorney General is unable to conclude, as he must under the Voting Rights Act, that the Home Rule Charter, in its present form will not have a discriminatory effect on the voting rights of racial or language minorities in the City of Lockhart. On behalf of the Attorney General, I must interpose an objection to the Home Rule Charter insofar as it incorporates an at-large method of election, with numbered posts and staggered terms.

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 this change has neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. In addition, the Procedures for the Administration of Section 5 (18 C.F.R. 51.21(b) and (c), 51.23, and 51.24) permit you to request the Attorney General to reconsider the objection. However, until the objection is withdrawn or the judgment from the District of Columbia Court obtained, the effect of the objection by the Attorney General is to make the Home Rule Charter legally unenforceable with respect to the at-large method of election, and the numbered post and staggered term features.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us within twenty days of your receipt of this letter of the course of action the City of Lockhart plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call John MacCoun, the Director of the Section 5 Unit, at 202-724-7439.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division