

Weldon G. Berger
Chairman, Board of Commissioners
Post Office Box 810
Taylor, Texas 76574

3 DEC 1979

Dear Mr. Berger:

This is in reference to the polling place change implemented by the City of Taylor, Williamson County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on October 2, 1979.

We have given careful consideration to the information provided in your submission and that received from other interested parties. Our analysis reveals that the City Hall polling site was centrally located and accessible to all the voters in the city, while the National Guard Armory is located approximately ten to twelve blocks north of City Hall in a predominantly white area, a significant inconvenience to the city's minority voters who appear to be concentrated in the southern and southwestern portions of the city. It also appears that the change may have had the effect of deterring participation by some minority voters in elections subsequent to this change. For example, three minority candidates ran and 2,231 votes were cast in the 1972 election held at City Hall. In 1973, the first election year in which the Armory was used as a polling site, no minorities participated as candidates and only 717 votes were cast. By contrast, in 1974, when election activity was again shifted to City Hall, a minority candidate participated and 1,599 votes were cast.

Under Section 5 of the Voting Rights Act the submitting authority has the burden of proving that a submitted change has no discriminatory purpose or effect. See, e.g., Georgia v. United States, 411 U.S. 536 (1973); 28 C.F.R. 51.19. In light of the considerations discussed above, we cannot conclude that the change to the use of the National Guard Armory as the city's exclusive polling place does not have the effect of discriminating on account of race, color, or membership in a language minority group. Therefore, on behalf of the Attorney General, I must interpose an objection to the implementation of the polling place change.

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, color, or membership in a language minority group. In addition, the Procedures for the Administration of Section 5 (28 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 polling place change legally unenforceable.

While we understand the city's desire to provide for its voters a voting site with ample parking and shelter, we note that there are alternatives that may have not been considered. The use of the National Guard Armory as an additional site, for example, or a change to two other sites accessible to voters residing in both the northern and southern portions of the city would meet the city's need to remove election activities from City Hall without adversely affecting minority voters. If the city decides to submit such a change, the Attorney General may reconsider his objection.

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 what course of action the City of Taylor plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Elda Gordon (202--724-6675) of our staff, who has been assigned to handle this submission.

Sincerely,

DREW S. DAYS III
Assistant Attorney General
Civil Rights Division