

NOV 4 1980

Mr. Richard Bolf
Wilson County Clerk
P.O. Box 27
Floresville, Texas 78114

Dear Mr. Bolf:

This is in reference to the three polling place changes for Wilson County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was received on September 29, 1980.

With regard to the changes for Voting Box No. 14 in Floresville City, within Commissioner's Precinct No. 4 and Voting Box No. 10 in La Vernia City within Commissioner's Precinct No. 3, the Attorney General does not interpose any objections to the changes in question. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes. In addition, as authorized by Section 5, the Attorney General reserves the right to reexamine this submission if additional information that would otherwise require an objection comes to his attention during the remainder of the sixty-day period.

With respect to the proposed new polling place selected for Voting Box No. 1, Commissioner's Precinct No. 3, however, we cannot reach a like conclusion. In that regard, we have analyzed carefully the information contained in your submission and comments from other interested persons. Our analysis reveals that the new polling place would be approximately one and one-half miles from the present polling place, that there is no public transportation to the proposed polling place, and that the present site is located in close proximity to a heavily minority populated area and is within walking distance to a great majority of the minority registered voters in that precinct. Under the proposed change access to the polling place would be significantly reduced, particularly for minority persons, many of whom we understand are without the use of an automobile. We have, in addition, been presented with no compelling reason why the change is necessary.

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. 526 (1973), 28 C.F.R. 51.19. In light of the considerations discussed above, I cannot conclude, as I must under the Voting Rights Act, that that burden has been sustained in this instance. Under these circumstances, therefore, on behalf of the Attorney General, I must interpose an objection to the polling place change for Voting Box No. 1, Commissioner's Precinct No. 3, in Wilson County, Texas.

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 for Voting Box No. 1, Commissioner's Precinct No. 3, legally unenforceable.

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 Wilson County plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Mr. Max Salazar (202-724-7169) of our staff, who has been assigned to handle this submission.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division