

Mr. David B. Worthy  
City Attorney  
P. O. Box 1432  
Martinsville, Virginia 24112

Dear Mr. Worthy:

This is in reference to the consolidation of precincts in Martinsville, Virginia submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was received on February 19, 1974.

We have carefully considered the submitted changes and supporting materials as well as information received from private citizens. The total of the information available to us reveals strongly opposing views as to the effect of the change involved. As we understand the City's position, the consolidations will result in economic savings to the City since the reduction in number of polling places will require fewer voting machines and fewer persons to man polling places on election day. Opponents maintain that generally the consolidations of precincts and accompanying reduction in polling places will result in added inconvenience to voters in their exercise of the franchise but, more particularly, will impose an inordinate burden upon black voters in precincts 1 and 6. We have been told that the number of blacks who vote will be

diminished by this consolidation since many blacks vote during the early morning hours and after work and the longer lines resulting from consolidation will discourage them from voting. We also understand that a large percentage of black voters in the past have gotten to the polls without the necessity of transportation but that the substantial increase in distance of more than a mile, plus the existence of a main thoroughfare which would bisect the consolidated precinct, would make walking to the polls, as in the past, a significant but apparently unnecessary hardship for many persons in that precinct.

Section 5 of the Voting Rights Act allows the implementation of changes such as those here involved if the United States District Court for the District of Columbia or the Attorney General determines that such changes do not have a racially discriminatory purpose or effect. As provided in Section 51.19 of the Attorney General's procedural guidelines (28 C.F.R. 51.19), the submitting authority has the burden of proof in such matters. While we have weighed carefully all the information before us, we cannot conclude that the consolidation of precincts 1 and 6 will not have the effect of denying or abridging the right to vote on account of race or color. Consequently, on behalf of the Attorney General I must interpose an objection to the consolidation of those two precincts.

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 the consolidation neither has

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the purpose nor will have the effect of denying or abridging the right to vote on account of race. However, until and unless such a judgment is obtained, that portion of the consolidation involving precincts 1 and 6 remains unenforceable.

Sincerely,

J. STANLEY POTTINGER  
Assistant Attorney General  
Civil Rights Division