U. S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General *Washington, D.C. 20530*

May 5, 2006

Ms. Renee Smith Byas
Vice Chancellor and General Counsel
North Harris Montgomery Community College District
5000 Research Forest Drive
The Woodlands, Texas 77381

Dear Ms. Byas:

This refers to the change from the past practice of conducting joint elections with 11 Independent School Districts (ISD), to the sole conduct of the May 13, 2006, regular and special bond and tax election, including the reduction in the number of polling places and early voting locations, for the North Harris Montgomery Community College District (District) in Harris and Montgomery Counties, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission on March 10, 2006.

We have carefully considered the information you have provided, as well as information and comments from other interested parties. We note that currently, elections of the District are consolidated with other elections, including those of 11 of the 12 ISDs that comprise the District. Voters currently may go to a single polling place and vote in elections of the District, as well as the elections of their respective ISDs. In the last election, 84 polling places served the voters of the District.

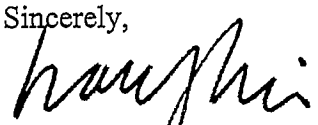
Under the proposed change, District elections will be held separately from ISD elections, so that voters will have to travel to two separate polling places in order to cast their ballots. Moreover, instead of 84 polling places, there will be 12 polling places. These 12 polling places will serve a geographic area of well over 1,000 square miles with over 540,000 registered voters. The assignment of voters to these 12 sites is remarkably uneven: the site with the smallest proportion of minority voters will serve 6,500 voters, while the most heavily minority site (79.2% black and Hispanic) will serve over 67,000 voters.

Section 5 provides that the submitting authority has the burden of establishing that the proposed changes will not have a retrogressive effect on minority voters to participate in the political process and elect candidates their choice, and that the proposed changes were not adopted with such a discriminatory purpose. We cannot conclude that the statutory burden has been met in this instance. Accordingly, I must, on behalf of the Attorney General, interpose an objection to the proposed changes.

We note that under Section 5 you have the right to seek a declaratory judgment from the United States District Court for the District of Columbia that the proposed changes neither have 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. See 28 C.F.R. 51.44. In addition, you may request that the Attorney General reconsider the objection. See 28 C.F.R. 51.45. However, until the objection is withdrawn or a judgment from the District Court for the District of Columbia is obtained, the proposed changes continue to be legally unenforceable. *Clark v. Roemer*, 500 U.S. 646 (1991); 28 C.F.R. 51.10.

To enable us to meet our responsibility to enforce the Voting Rights Act, please inform us of the action the District plans to take concerning this matter. If you have any questions, you should call Ms. Yvette Rivera (202-305-4953), Special Litigation Counsel in the Voting Section.

Sincerely,



Wan J. Kim
Assistant Attorney General