

OCT 29 1974

Mr. B. G. Hines
Chairman
Sutler County Democratic
Executive Committee
Spec, Alabama 35460

Dear Mr. Hines:

This is in reference to your submission to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965 of the 1970 enlargement of the Sutler County Democratic Executive Committee. Your submission was received on August 27, 1974.

We have considered the change in question and supporting information furnished by you as well as data compiled by the Bureau of the Census and information and comments from interested parties. This information shows that the enlargement was made immediately after the qualification of ten black citizens for positions on the Sutler County Democratic Executive Committee (hereinafter referred to as the Committee) and after the close of the qualifying period for Committee candidacy, but prior to the election date for Committee membership. The information also shows that all the individuals appointed to the Committee pursuant to the enlargement were white, with the result that the otherwise projected 10 to 8 black majority on the Committee was changed by expansion to a 25 to 10 black minority.

USA, Birmingham, Ala.
Probate Judge Wilbur E. Dearman

Our information shows further that in 1974 elections were held for all positions on the enlarged Committee and that 16 blacks and 18 whites were elected as new members, replacing the old Committee created partially by appointments in 1970. Thus, it would appear that the effect on black voting strength of the enlargement of the Committee in 1970 and appointment of whites to the vacancies created has been substantially corrected and the Attorney General, therefore, at this point in time, does not interpose an objection to the increase in the number of Committee members.

However, during the course of our evaluation of your submission, it came to our attention that the method adopted for electing the enlarged Committee, and the method used in this year's election, utilizes a number of multi-member districts (or beats) and disallows single-shot voting in those districts. In this connection, we note that the use of multi-member districts and anti-single shot requirements in areas with substantial populations of racial minorities has been found to dilute minorities' voting strength. See, C.A. Georgia v. United States, 411 U.S. 526 (1973), and Stevenson v. West, C.A. No. 72-45 (D.S.C. April 7, 1972). Our analysis in the instant matter indicates that such a racially dilutive effect may well have obtained in this year's elections for Committee members in Sumter County.

In view of these factors, the Attorney General is unable to conclude, as he must under the Voting Rights Act, that the use of the anti-single shot requirement in several of the beats will not have a racially discriminatory effect. For that reason, on behalf of the Attorney General I must interpose an objection to that feature of the method of electing members to the Sumter County Democratic Executive Committee in multi-member Beats 6, 7, and 18 in future elections.

Of course, as is provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the District Court for the District of Columbia that the enlargement neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race.

Sincerely,

J. STANLEY POTTINGER
Assistant Attorney General
Civil Rights Division