

DJ 166-012-3  
X9172

APR 27 1977

Mr. Kirby A. Glaze  
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& Glaze  
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120 North McDonough Street  
Jonesboro, Georgia 30236

Dear Mr. Glaze:

This is in reference to the change to election by position for the City Council for the City of Palmetto, Georgia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on February 26, 1977.

We have given careful consideration to the information furnished by you as well as information and comments from interested parties. Our analysis reveals that blacks constitute a substantial proportion of the population of Palmetto and that bloc voting along racial lines may exist. Under these circumstances, recent court decisions, to which we feel obligated to give great weight, suggest that the combination of such features as numbered positions and at-large elections have the potential for abridging minority voting rights. See Dunston v. Scott, 336 F. Supp. 206, 213 n.9 (N.D. N.C. 1972); White v. Regester, 412 U.S. 755, 766-67 (1973); Zimmer v. McKeithen, 485 F. 2d 1297, 1305 (5th Cir. 1973), aff'd "without approval of the constitutional views expressed by the Court of Appeals" sub nom. East Carroll School Board v. Marshall, 424 U.S. 636 (1976); and Blacks United for Lasting Leadership v. City of Shreveport, 71 F.R.D. 623, 628, 632, 636 (W.D. La. 1976).

On the basis of our analysis, we are unable to conclude, as we must under the Voting Rights Act, that this change will not have a racially discriminatory effect on the conduct of elections in Palmetto.

Accordingly, on behalf of the Attorney General I must interpose an objection to the implementation of the change to electing the Board of Trustees of Palmetto by designated position.

Of course, as 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 this change does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color. In addition, our guidelines (28 C.F.R. Sections 51.21, 51.23, and 51.24) permit reconsideration of the objection should you have new information bearing on the matter. However, until such time as the objection may be withdrawn or a judgment from the District of Columbia Court obtained, the legal effect of the objection by the Attorney General is to make the change to the numbered place system unenforceable.

Sincerely,

Drew S. Days III  
Assistant Attorney General  
Civil Rights Division