

SEP 11 1980

Mr. Harry E. Schmid
Elections Supervisor
DeKalb County Courthouse, Room 101-A
Decatur, Georgia 30030

Dear Mr. Schmid:

This is in reference to the disallowance of neighborhood voter registration drives in DeKalb County, Georgia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on July 14, 1980.

We have reviewed carefully the information submitted by you as well as statistical data, information, comments and views presented by other interested persons. Our analysis revealed that although blacks constitute 32 percent of the voting age population, they comprise only 13 percent of DeKalb County's registered voters. Of the black voting age population, 24 percent are registered to vote, while 81 percent of the white voting age population is registered. Thus, there is significant underregistration among potential black voters. It is also our understanding that, as the additional registration system is presently constituted, prospective voters may take advantage of deputy registrars who go into local communities to register people to vote, and that many people, particularly blacks, have taken advantage of this opportunity. Disallowing neighborhood voter registration drives indicates that no such opportunity would be available under the proposed change.

We have also reviewed carefully your proffered justification of disallowing neighborhood voter registration drives; namely the possible illegality of registration drives. Such a concern is not supported by the Attorney General of the State of Georgia in his letter to us of July 1, 1980 (copy enclosed). That letter explained that the Georgia Code, Section 64-610(a), provides that any fixed location in the county may be used by the board of registrars to receive applications for registration and to register electors, and that Georgia Code Section 64-610(b) permits the board of registrars to open voter registration offices at any time, under fixed hours of operation, in order to suit the convenience of the

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public, including neighborhood registration drives of the type heretofore conducted in DeKalb County by various community organizations. Therefore, I believe the DeKalb Board of Registrations and Elections' expressed concern that neighborhood voter registration drives may be illegal is without foundation.

Under all the circumstances, I am unable to conclude, as I must under the Voting Rights Act of 1965, that disallowing neighborhood voter registration drives 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. I must, therefore, on behalf of the Attorney General, interpose an objection to disallowing neighborhood voter registration drives in DeKalb County, Georgia.

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 disallowing neighborhood voter registration drives 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 the DeKalb County Board of Registrations and Elections plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Ms. Mallie Wright (202-724-7170), of our staff, who has been assigned to handle this submission.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division