

D.J. 166-012-3
V6804

APR 23 1976

Mrs. Sue W. Seale
Hale County Board of Registrars
Hale County Courthouse
Greensboro, Alabama 36744

Dear Mrs. Seale:

This is in reference to the change in the method of electing members of the "board of revenue, court of county commissioners, or other like governing body" in Hale County as provided for in Act No. 1092 of the 1969 Alabama Legislature, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act.

Your request for review was received initially on July 25, 1974. By letter dated September 20, 1974, we advised you that the information received to that point was not sufficient to complete your submission and requested additional information to enable us to properly evaluate the change. Our request sought, among other data, a description of the prior method of electing each group of county officials affected by the change and a breakdown of the population of each commissioner district by race. The information we requested was never received and on October 21, 1975, you informed agents of the Federal Bureau of Investigation that you had provided all information available to you. On March 25, 1976, during a telephone conversation with Departmental attorney Michael Scadron, you advised that prior to January 1965 the Hale County commissioners were elected from single-member districts but that now such districts are used only for residency requirements

and commissioners are elected by the voters in the county at-large. Also during that conversation, Mr. Scadron represented that we would attempt to evaluate your submission with the information now provided.

During the course of our review of the submission Mr. James Fallon of this Division spoke with you again on April 21, 1976. At that time you advised Mr. Fallon that the Board of Revenue (predecessor to the county commission) minutes of a January 1966 meeting reflect that that body voted at that time to have at-large elections instead of the former single member districts and that such at-large elections were in fact held beginning in May 1966.

In view of this additional information we are now able to consider your submission complete insofar as the change from district elections to at-large elections is concerned. Thus, we turn to a consideration of the merits of that change.

In examining changes in voting procedures under Section 5 of the Voting Rights Act, it is incumbent on the Attorney General to determine whether the changes, either in purpose or effect, result in racial discrimination in voting. Under Section 5 the burden of proving that changes affecting voting have no racial purpose and have had or will have no racial effect lies with the submitting authority. Georgia v. United States, 411 U.S. 526 (1973); 28 C.F.R. 51.19.

According to the data we examined, the southern portion of Hale County is more heavily black than the northern portion and voting beats in Commissioner District 3 to the south are predominantly black. Our information further demonstrates that there is a pattern of racial bloc voting in Hale County and that no black has ever been elected to county-wide office.

Based on our evaluation of the change from single-member districts to at-large election of commissioners, which included examination of geographic and demographic data and comments from interested parties, we cannot conclude as we must under the Voting Rights Act that that change has neither the purpose nor the effect of diluting the voting strength of the black community in Hale County. Accordingly, I must on behalf of the Attorney General interpose an objection to the submitted change to at-large election of members of the Hale County Commission.

During the course of your conversation with Mr. Fallon you also indicated that it had been your intent to submit the redistricting of the four commissioner districts used since 1966 for residency purposes. You further mentioned that those districts were enacted into law by Act 620, H1717, 1973 Alabama Legislature, and that this redistricting was done by Western Alabama Planning (Mr. Lewis McRae).

As indicated in our prior correspondence on this matter, the information you have furnished on this aspect of your submission is insufficient for the Attorney General to make a determination. While these districts now become ineffective as residency districts under the at-large election system which

is unenforceable because of the Attorney General's objection, upon a completed submission of those districts we will evaluate them should the county decide to utilize them as single member districts from which commissioners are to be elected in the future. To complete the submission in that regard, we will need the following information:

1. A copy of Act 620 (H.1717) (p. 925 Regular and Special Session of Alabama Legislature, Volume II, 1973).
2. Copies of any written instructions, a statement of oral instructions given to Western Alabama Planning, Inc. with respect to the county's goals or guidelines to be used in redistricting.
3. Copies of all materials, including maps, charts, and other data provided to the county by Western Alabama Planning, Inc.
4. Whether there was input from minorities or minority groups in adopting the 1973 redistricting, and if so, the minority person's name(s).
5. A map indicating the commissioner district lines prior to 1973.

Irrespective of the action that may be taken with respect to the redistricting, however, unless and until a declaratory judgment from the United States District Court for the District of Columbia that the change from district to at-large election has neither the purpose nor effect of denying or abridging the right

to vote on account of race or color is obtained, the legal effect of the objection by the Attorney General to the change to at-large elections is to render that change legally unenforceable. Accordingly, and since elections are scheduled for some of the commission positions during the May 4 primary, we request that you advise us by April 28, 1976, of the steps the county will take with respect to the conduct of that election.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division