



Office of the Assistant Attorney General

Washington, D.C. 20530

**APR 23 1982**

Mr. J. H. Robison  
Chairman, Conecuh County Democratic  
Executive Committee  
P. O. Box 106  
Evergreen, Alabama 36401

Dear Mr. Robison:

This is in reference to the changes in filing fees and the change in method of election and size of the Conecuh County Democratic Executive Committee in Conecuh County, Alabama, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973c. Your submission was received on February 23, 1982.

The Attorney General does not interpose any objections with respect to the changes in filing fees. However, we feel a responsibility to point out that Section 5 of the Voting Rights Act expressly provides that the failure of the Attorney General to object does not bar any subsequent judicial action to enjoin the enforcement of such changes.

With respect to the change in method of election and reduction in size of the executive committee, we have given careful consideration to the materials provided by you and other interested parties in Conecuh County as well as information derived from our observation of elections in the county. We note that prior to 1971, members of the County Democratic Executive Committee were elected from 16 two-member districts, a number of which are predominantly black. Under the submitted change, executive committee members are elected from two 15-member districts, both of which contain large white majorities. The change was first enacted shortly after the first black candidacies in the county and since enactment of the change, no more than one member of the thirty-member committee has been a black person. The absence of black representation, moreover, appears to be a significant contributing factor in the racial disparities found to exist in the Conecuh County election process which we have previously brought to your attention.

Under Section 5 of the Voting Rights Act the submitting authority has the burden of proving that a submitted change has no discriminatory purpose or effect. See, e.g., Georgia v. United States, 411 U.S. 526 (1973); see also Section 51.39(e) of the Procedures for the Administration of Section 5 (46 Fed. Reg. 878). Under the circumstances involved here, however, I cannot conclude, as I must under the Voting Rights Act, that that burden has been sustained in this instance. Accordingly, on behalf of the Attorney General I must interpose an objection to the change in method of electing the Conecuh County Democratic Executive Committee.

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 (Section 51.44, 46 Fed. Reg. 878) 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 is obtained, the effect of the objection by the Attorney General is to make the change in size and election method legally unenforceable.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the Conecuh County Alabama Democratic Executive Committee plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Carl W. Gabel (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Sincerely,



Wm. Bradford Reynolds  
Assistant Attorney General  
Civil Rights Division