

T. 12-22-71  
Re.T. 1-5-72  
DLN:PM:gml  
DJ 166-012-3

JAN 7 1972

Mr. James V Davis  
City Attorney  
City of Albany  
P. O. Box 447  
Albany, Georgia 31702

Dear Mr. Davis:

This is in reference to Act 627 of the Georgia General Assembly requiring City of Albany elections to be held on the same day as Dougherty County elections and ordinances of the City of Albany conforming City of Albany polling places to Dougherty County polling places which were submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was received on November 22, 1971.

The Attorney General will not at this time interpose any objection to the changes in polling places. In this connection, 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 these changes.

With respect to the provisions relating to holding city and county elections on the same day, however, as you know some of the city and county election districts are not coterminous, resulting

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in a situation where a substantial concentration of black voters located directly north of the Monroe Vocational School would be required to vote in two widely separated polling places on the same day if this change were implemented. Therefore, absent some modification making the city and county districts coterminous or otherwise dealing with the problem, we are unable to conclude that the change will not have a racially discriminatory effect on voting rights. Consequently, I must, on behalf of the Attorney General, interpose an objection to the implementation of this change. However, should steps be taken, which I understand is being done, to solve the problem we will consider withdrawing our objection upon receipt of that information.

Of course, as provided for by Section 5, you have the alternative of instituting an action in the United States District Court for the District of Columbia for a declaratory judgment that the changes do not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.

Sincerely,

DAVID L. NORMAN  
Assistant Attorney General  
Civil Rights Division