



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

Honorable Michael J. Bowers
Attorney General
State of Georgia
Department of Law
132 State Judicial Building
Atlanta, Georgia 30334

AUG 12 1982

Dear Mr. Attorney General:

This is in reference to Part II of House Bill 1 Ex., 1982 Extraordinary Session, which concerns the grant of authority to the Governor of the State of Georgia to alter, for this year only, the times and procedures for the election of the Georgia members of the United States House of Representatives; the possible use of paper ballots for the 1982 primary congressional election; and, the proposed expedited primary and general election dates for the 1982 congressional elections. Part II of House Bill 1 Ex. was appended to the supplemental reapportionment plan submitted to the United States District Court for the District of Columbia and, on August 9, 1982, hand-delivered by you to our staff with the request that the Attorney General administratively review Part II pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. You explained that the reapportionment plan itself was being submitted to the Court for Section 5 review but that you have not requested the Court to review, pursuant to Section 5, the voting changes described in Part II of H.B. 1 Ex. In accordance with your request, we have conducted the Section 5 review of the voting changes in Part II on an expedited basis pursuant to the Procedures for the Administration of Section 5 (28 C.F.R. 51.32).

With regard to the grant of authority to the Governor to alter the times and procedures for the 1982 congressional election and the possible use of paper ballots during the congressional primary election, the Attorney General does not interpose any objections. 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. In addition, as authorized by Section 5, the Attorney General reserves the right to

reexamine this submission if additional information that would otherwise require an objection comes to his attention during the remainder of the sixty-day period. 28 C.F.R. 51.42 and 51.48.

We do not reach a like conclusion with regard to the portion of this submission dealing with the proposed schedule for the conduct of the 1982 congressional elections. The reapportionment of the Fourth and Fifth Congressional Districts proposed by H.B. 1, if precleared by the Court pursuant to Section 5, will alter significantly the present configuration and racial composition of those districts and may result in candidacies which will be of special interest to minority voters. However, the election schedule, particularly as it impacts upon those districts, would allow potential candidates only until Friday, August 13, 1982, to decide whether to run and to satisfy the requirements of qualification. It would also allow a campaign period of only seventeen days, a period which would appear to be inadequate to allow newly identified candidates the opportunity to present their views to the voters and, conversely, to allow voters the opportunity to make a reasoned selection among candidates. These consequences would impact unfairly on black voters of the Atlanta area. In other areas of the state candidates have been identified and have had ample opportunity to present their views to the voters; in the Atlanta area, potential candidates necessarily have awaited the development of a final plan before determining whether and where to seek office.

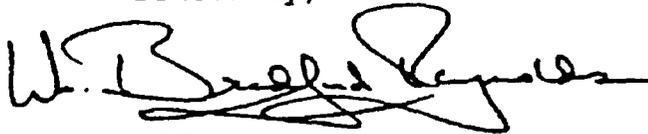
We recognize the State's desire to conduct elections under a tight schedule such as this in order to save the cost of conducting a special congressional primary election on a date when other elections are not held. However, in our view, this potential cost-savings does not in the present circumstances provide sufficient justification for imposing such stringent time requirements on the deadline for candidates' qualification and the date of the primary election.

For these reasons, I cannot conclude that the State has satisfied its burden of demonstrating that the proposed schedule contained in Part II of House Bill 1 Ex. is entitled to preclearance. Accordingly, on behalf of the Attorney General, I must interpose a Section 5 objection to the proposed election schedule.

Although we are required to interpose this Section 5 objection to the proposed schedule for the conduct of the 1982 primary and general congressional elections, we are aware of the State's need to devise promptly an acceptable election schedule. Our staff stands ready to assist in any way possible and to conduct our Section 5 review of a revised schedule on an expedited basis. In reviewing a revised schedule we will be particularly concerned with the time allowed candidates to qualify and campaign prior to the conduct of the first primary election, since this time period would appear to have the most significant impact on the opportunity of black voters of the new Fifth District to exercise an effective vote in the 1982 congressional elections.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us of the course of action the State of Georgia plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Paul F. Hancock (202-724-3095), of the Voting Section. We are providing a copy of this letter to the members of the three-judge Court hearing Busbee v. Smith and to counsel of record.

Sincerely,

A handwritten signature in dark ink, appearing to read "Wm. Bradford Reynolds". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division