

DSD:JMC:CEI:rjs  
DJ 166-012-3  
C6249

16 OCT 1979

F. W. Dulaney, Esq.  
Dulaney & Dulaney  
Post Office Box 188  
Tunica, Mississippi 38676

Dear Mr. Dulaney:

This is in reference to the change from paper ballot voting to the use of the electronic punch card voting system for Tunica County, Mississippi, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was received on September 7, 1979.

We have given careful consideration to the proposed change from a paper ballot system of voting throughout Tunica County to the punch card system. Our analysis reveals that this change will have a potentially harmful effect on black voters, because no notice has been given of the change, and no demonstration of the use of the machine has taken place. The short time which now remains before the November 6th General Election appears insufficient to effectively notify the voters of the change, and to instruct them properly in the use of the punch card machine. It is therefore, my duty to object on behalf of the Attorney General to the implementation of the punch card machine.

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. Such a request for reconsideration would be particularly appropriate after the county has taken measures to insure proper notification and instruction to voters for any future use of the punch card system after the November 6, 1975 election. However, until the objection is withdrawn or the judgment from the District of Columbia Court obtained, the effect of the objection by the Attorney General is to make the change from paper ballots to the electronic punch card voting system legally unenforceable.

Sincerely,

DREW S. BAYS III  
Assistant Attorney General  
Civil Rights Division