SEP 27 1971

DJ 166-012-3

Mr. Alex K. Brock
Executive Secretary
State Board of Elections
Suite 501 Raleigh Building
5 West Hargett Street
Raleigh, North Carolina 27601

Dear Mr. Brock:

This is in reference to your letter of July 26, 1971 enclosing a submission of several enactments which were recently ratified by the 1971 session of the General Assembly of North Carolina. These enactments, which are House Bills 967, 697, 940, 935, 59, 1178, 1559, 1503 and Senate Bills 395 and 995, were submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965 and were received at this Department on July 27, 1971.

It is my understanding from your telephone conversation of September 22, 1971 with Mr. John Kramer, an attorney on my staff, that §163-299(d) of House Bill 59 is interpreted by your office as not to extend anti-single-shot-voting prohibitions in municipal elections beyond those which are presently authorized in G.S.N.C. §163-151. On the basis of this understanding, the Attorney General does not

interpose any objections to House Bills 39, 967, 699, 940, 935, 1178, 1539 and Senate Bill 995. 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 reference to House Bill 1503 and Senate Bill 995 of your submission, we note that these enactments concern the applicability of Chapter 1063 of the 1967 Session Laws of North Carolina which had created numbered seats in certain multi-member representative and senatorial districts in the State. As I am sure you are aware, on July 30, 1971 the Attorney General interposed an objection to the implementation of Chapter 1063 in the 39 counties covered by Section 5. In view of this objection and in the absence in your submission of any further substantive information concerning Chapter 1063, the Attorney General must interpose an objection to House Bill 1503 and Senate Bill 995 in so far as these enactments make Chapter 1063 applicable to the 39 counties of North Carolina covered by Section 5.

Despite this objection by the Attorney General, you have, of course, the alternative of instituting an action in the United States District Court for the District of Columbia seeking a declaratory judgment that these enactments 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