

DEC 12 1978

Honorable W. Charles Barrett
Mayor, City of Laurinburg
Post Office Box 312
Laurinburg, North Carolina 28352

Dear Mayor Barrett:

This is in reference to the implementation of a majority vote requirement, the separation of electoral contests for two-year and four-year councilmanic terms, and the increase in the number of voting precincts for the City of Laurinburg, North Carolina, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Additional information with respect to the majority vote requirement and the submission of the separation of contests and number of voting precincts were received on October 12, 1978, and additional supplementary information was received on December 4, 1978.

The Attorney General does not object to the increase in the number of voting precincts. 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 change.

With respect to the other changes involved, we have given careful consideration to the information furnished by you as well as Bureau of the Census data and information and comments from interested parties. Our analysis reveals that blacks constitute about 37 percent of the population of the City of Laurinburg, that the city council is elected at-large, and that racial bloc voting appears to exist. Under these circumstances, court decisions, to which we feel obligated to give great weight, indicate that a majority vote requirement and the separation of electoral contests could have the potential for abridging minority voting rights. See White v. Regester, 412 U.S. 755, 766-67 (1973); Zimmer v. McKelthen, 485 F. 2d 1297, 1305 (5th Cir. 1973), aff'd sub nom. East Carroll Parish School Board v. Marshall, 424 U.S. 636 (1976); Nevitt v. Sides, 571 F. 2d 209 (5th Cir. 1978).

cc: Public File

We note in particular that in the 1969 and 1971 elections, the last elections held under the prior system, the successful black candidate finished third and was elected to the two-year term, and that in the 1971 election the successful black candidate was elected by a plurality. The removal of plurality and combined election, electoral features which would appear to have facilitated black electoral success, thus would seem to have adversely affected the ability of blacks in Laurinburg to elect candidates of their choice. We note in addition that although there has been one black member of the five-member city council since 1969, there has never been more than one black serving on the council at any time, although blacks constitute nearly two-fifths of the city's population.

Under these circumstances I am unable to conclude that the majority vote requirement and the separation of electoral contests will not have a racially discriminatory effect. Accordingly, on behalf of the Attorney General, I must interpose an objection to these features of the electoral system of the City of Laurinburg.

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 these changes have neither the purpose nor will have the effect of denying or abridging the right to vote on account of race or color. 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. 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 majority vote requirement and the separation of electoral contests for two-year and four-year councilmanic terms legally unenforceable.

To enable this Department to meet its responsibility to enforce the Voting Rights Act, please inform us within twenty days of your receipt of this letter of the course of action the City of Laurinburg plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Voting Section Attorney David Hunter at 202--633-3849.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division