

JUN 4 1974

T. 4/16/74

JSP:JFC:mh  
DU 166-012-3

Mr. James C. Abbot

Attorney

Louisville, Georgia 30434

Dear Mr. Abbot:

This is in reference to Georgia Act Number 1071 (H.B. No. 1561) enacted March 22, 1974, which changes the method of election of councilmen to a post system and further requires a majority vote to decide all elections to any office, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was received on April 5, 1974.

After carefully considering the proposed change, the supporting material and information obtained from other sources, we are unable to conclude, as we must under the Voting Rights Act, that this plan does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color. I must, therefore, on behalf of the Attorney General, interpose an objection to the implementation of this plan.

The submitted change requires that a city councilman candidate designate the specific post he seeks and receive a majority vote to be elected. Our analysis has shown that there, as in Louisville,

there is increasing participation in the political process by the black community, a majority and designated post requirement have the practical effect of eliminating the potential for minority voters to elect candidates of their choice.

In addition, recent court decisions dealing with issues of this nature, and to which we feel obligated to give great weight, indicate that the combination of numbered posts and majority vote requirements in the context of at-large elections would have the effect of abridging minority voting rights. See White v. Regester, 41 U.S.L.W. 4885 (1973); Graves v. Burnes, 343 F. Supp. 704 (N.D. Tex. 1972). See also, Whitcomb v. Chavis, 403 U.S. 124 (1971).

Of course, Section 3 permits you to seek a declaratory judgment from the District Court for the District of Columbia that this plan neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race. Until such a judgment is rendered by that court, however, the legal effect of the objection of the Attorney General is to render unenforceable this change in the method of electing members of the City Council of Louisville, Georgia.

Sincerely,

J. STANLEY POTYNSKI  
Assistant Attorney General  
Civil Rights Division