

JUN 10 1975

Mr. Charles L. Goodson
City Attorney
11 Perry Street
Newnan, Georgia 30263

Dear Mr. Goodson:

This is in reference to Act No. 675 enacted by the General Assembly of Georgia in 1973, which you submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965. Your submission was received on April 11, 1975.

The Attorney General does not interpose any objection to the change in the increase of terms of office from 2 years to 4 years. 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 a change.

Our analysis indicates, however, that in addition to increasing the terms of office for city council from 2 to 4 years, those terms would be further staggered so that one council member would be elected every year for a four-year term. Our review shows that this provision of Act No. 675 would have the same effect on potential voting strength of racial minorities as would the numbered post requirement in Section 817 of the Newnan Code, to which the Attorney General interposed an objection on October 13, 1971, and Act 912 (1972), to

which the Attorney General interposed an objection on July 31, 1972. Therefore, we are unable to conclude, as we must under the Voting Rights Act of 1965, that the implementation of this further staggering of terms of office does not have the purpose or 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 the additional staggering of terms of office provided for in Act No. 675.

Of course, Section 5 permits you to seek a declaratory judgment from the United States 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 or color. However, until such a judgment is rendered by that Court, the legal effect of the objection by the Attorney General is to render unenforceable the residency requirement plan.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division