DJ 166-012-3
X9353r A1197

JUN 21 1977

Honorable J. S. Haddock, Jr.
Judge, Probate Court
Charlton County
Post Office Box 427
Folkston, Georgia 31537

Dear Judge Haddock:

This is in reference to Act No. 1222 (H.B. 2037) of the 1974 Session of the Georgia General Assembly and the use of voting machines for Charlton County, Georgia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on April 22, 1977.

Except as specified below, the Attorney General does not interpose any objections to the changes in question. 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.

Prior to the enactment of Act No. 1222 the Board of Commissioners of Charlton County had three members, elected at large from residency districts. Terms of office were not staggered. Act No. 1222, in addition to increasing the size of the Board of Commissioners from three members to five (Section 1), requires that Commissioners be elected from numbered posts (Section 2) and staggers the terms of the Commissioners (Section 3).

We have given careful consideration to these changes as well as to the supporting information you provided, demographic information, comments from interested parties, and relevant court decisions. See White v. Regester, 412 U.S. 755 (1973); Kirksey v. Board of Supervisors of Hinds County, No. 75-2212 (5th Cir. May 31, 1977), and Zimmer v. McKeithen, 485 F.2d 1297 (5th Cir. 1973), aff'd sub nom. East Carroll Parish School Board v. Marshall, 424 U.S. 636 (1976). Our analysis reveals that blacks

have not been elected to the Board of Commissioners of Charlton County under the elective system established by Act No. 1222; that nevertheless under an at-large election system without numbered posts and staggered terms blacks would have a greater potential for electing a candidate of their choice; and that voting along racial lines is present in Charlton County. Under these circumstances we are unable to conclude that the imposition of the numbered posts and staggered terms required by Section 2 and 3 will not have a racially discriminatory effect.

Accordingly, on behalf of the Attorney General, I must interpose an objection to Sections 2 and 3 of Act No. 1222 (1974). We wish to emphasize however, that we do not object to the increase in size of the commission or other changes involved.

Of course, as provided by Section 5 of the Voting Rights Act, you have the right to seek a declaratory judgment from the District Court for the District of Columbia that this change 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. In addition, our guidelines (28 C.F.R. Sections 51.21, 51.22, and 51.24) permit reconsideration of the objection should you have new information bearing on the matter. However, until such time as the objection may be withdrawn or a judgment from the District of Columbia Court obtained, the legal effect of the objection by the Attorney General is to render the changes in question legally unenforceable.

Because an election has already been held pursuant to Act No. 1222, we request that you inform us within 30 days of your receipt of this letter of the steps that will be taken to comply with Section 5 of the Voting Rights Act.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division

Weekly Report ☒
Summary ☐

DJ 166-012-3
A1196-1197

AUG 29 1977

Honorable J. S. Haddock, Jr.
Judge, Probate Court
Charlton County
Post Office Box 427
Folkston, Georgia 31537

Dear Judge Haddock:

This is in reference to your request that the Attorney General reconsider his June 21, 1977 objection under Section 5 of the Voting Rights Act of 1965, as amended, to Act Nos. 360 and 1222, concerning the election of the School Board members and County Commissioners of Charlton County. Your request for reconsideration was received on June 29, 1977.

We have carefully considered the information you have provided, but find that it fails to provide a basis for our withdrawing the objections that were interposed. In particular, we have reanalyzed voting practices in the county and find that our original conclusion, that racial bloc voting exists, is still warranted. Therefore, I must on behalf of the Attorney General decline to withdraw the objection to those sections of Act Nos. 360 and 1222.

As you know, Section 5 permits you seeking a declaratory judgment in the United States District Court for the District of Columbia that these changes neither have 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 objections by the Attorney General is to render the changes in question legally unenforceable.

It is our understanding, based on the July 20, 1977 letter of Robert W. Harrison, Jr., County Attorney, and the August 15, 1977 telephone conversation between Joseph A. Jappay of the Voting Section staff and Mr. Harrison, that legislation to remedy the features found objectionable in Act Nos. 369 and 1221 is in preparation. If we can be of assistance in this regard, please feel free to call Mr. Jappay.

Sincerely,

Drew S. Days III
Assistant Attorney General
Civil Rights Division