



Office of the Assistant Attorney General

Washington, D.C. 20530

5 MAR 1982

Ms. Norma S. Lyons
Elections Supervisor
Board of Registrations
and Elections
DeKalb County Courthouse
Room 101-A
556 North McDonough Street
Decatur, Georgia 30030

Dear Ms. Lyons:

This is in reference to recent changes by DeKalb County which restrict neighborhood voter registration drives to even-numbered years and require that written preclearance be received from the United States Attorney General prior to the conduct of any voter registration drive by a community organization or civic group, and the written policy statement regarding procedures and regulations for conducting community voter registration drives in DeKalb 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 January 4, 1982.

The Attorney General does not interpose any objections to the changes embodied by the written policy statement regarding procedures and regulations for conducting community voter registration drives. 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.

With respect to the restriction of neighborhood registration drives to even-numbered years, we have reviewed carefully the information submitted to you as well as statistical data, information, comments and views presented by other interested persons. Our analysis reveals that there is significant underregistration among black potential voters in DeKalb County. Although blacks constitute 23.4% of the voting age population, they comprise only 16.1% of the county's registered voters. Of the black voting age population, 41.8% are registered to vote as compared to 68.4% of the white voting age population.

Our analysis also shows, however, that in recent years there has been significant voter registration activity among blacks in DeKalb County. It is our understanding that black registration increased 12.8% since 1980. We further understand that a substantial portion of these new registrations occurred during 1981 and was a result of neighborhood registration activities by civic organizations and community groups. Thus, it would appear that disallowing such voter registration drives during odd-numbered years would substantially reduce the opportunities for black potential voters to register.

In addition, our review has disclosed no justifiable reason for requiring that a written Section 5 response be received prior to the beginning of neighborhood voter registration drives. In our view any interpretation of the Voting Rights Act that would result in a limitation on the opportunity to exercise the franchise because of the need for a procedural formality such as this would be contrary to the purposes of the Act and the intent of the Congress in enacting it. Changes involving increased opportunities to register are just the type of change that Section 51.32 of our procedural guidelines (46 Fed. Reg. 877) was designed to expedite. Frequently decisions on such matters are transmitted telephonically prior to receipt of the letter and DeKalb County has demonstrated no useful purpose that would be served by foreclosing that possibility here. Furthermore, it has been our experience that in most instances problems that arise regarding the statutory time for preclearance of voting changes can easily be avoided by a prompt good faith effort by covered jurisdictions to obtain preclearance.

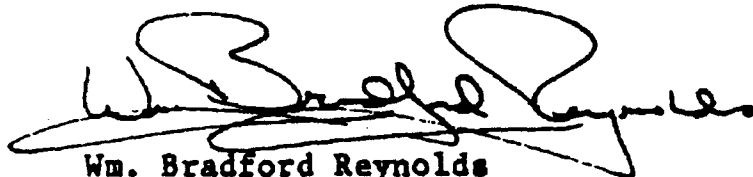
Under these circumstances, therefore, I am unable to conclude, as I must under the Voting Rights Act, that restricting voter registration drives by community groups and civic organizations to even-numbered years and requiring receipt of a written response prior to conducting voter registration drives 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. Accordingly, I must on behalf of the Attorney General, interpose an objection to these two changes.

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 neither have the purpose nor will have the effect of denying or abridging the right to vote on account of race, color or membership in a language minority group. In addition, the Procedures for the Administration of Section 5 (Section 51.44, 46 Fed. Reg. 878) permit you to request the Attorney General to reconsider the objection. However, until the objection

is withdrawn or a judgment from the District of Columbia Court is obtained, the effect of the objection by the Attorney General is to make the restriction of neighborhood registration drives to even-numbered years and the requirement that written response be received prior to the conduct of any voter registration drive by a community organization or civic group 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 DeKalb County plans to take with respect to this matter. If you have any questions concerning this letter, please feel free to call Carl W. Gabel (202-724-8388), Director of the Section 5 Unit of the Voting Section.

Sincerely,

A handwritten signature in black ink, appearing to read "Wm. Bradford Reynolds". The signature is written in a cursive style with a large, sweeping initial "W" and "R".

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division