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DEC 3 1971

DLN:WG:BNB:gaw

DJ 166-012-3

Mr. Wall Doney, Jr.  
Attorney at Law  
Holly Springs, Mississippi 38635

Dear Mr. Doney:

This is in response to your submission, on behalf of Marshall County, of a polling place change and precinct realignment adopted by the Marshall County Board of Supervisors and implemented by the County Board of Election Commissioners. The submission was made pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c.

We have examined this matter carefully and, as you may recall, advised you by our September 17 and October 17 letters of several problems noted by us in the implementation of the precinct realignment and changes in polling places. While steps were taken to remedy the misassignment of voters to some precincts, our investigation reflects that a substantial number of voters were not placed in their proper precincts for the November election and that this had a racial effect. In light of the failure to properly assign these voters, I am compelled to interpose an objection to the precinct

realignment and polling place designations for Marshall County. Please be advised, however, that this objection will be withdrawn upon a showing by the County that appropriate measures have been initiated to accurately locate voters and place them in their correct precincts as well as notify these voters of their precinct assignments.

Based on the available data, it appears that the failure to provide fixed boundaries for the various precincts contributed to the problem of voter misassignment and must be remedied as part of any plan to remove the objectionable features of your submission. Also, the proposal to resolve the precinct boundaries must contain steps to insure that all persons who are eligible to vote for the County School Superintendent or the county board of education are able to cast ballots. This would remove the problems which occurred at the Marianna, Lake Center and Red Banks precincts during the August 3, primary.

Of course, as provided for by Section 3, you have an alternative of instituting an action in the United States District Court for the District of Columbia for declaratory judgment that the changes 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.

Sincerely,

DAVID L. NORMAN  
Assistant Attorney General  
Civil Rights Division