

MAR 30 1976

Mr. Paul Lyle
Day, Owen, Lyle & Voss
Attorneys & Counselors
215 Skaggs Building
Plainview, Texas 79072

Dear Mr. Lyle:

This is in reference to the imposition of a majority vote and numbered post voting requirements in Board of Trustee elections for the Lockney Independent School District, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission of the numbered post provision was received on January 30, 1976, and your submission of the majority vote feature was received on March 12, 1976.

We have given careful consideration to the submitted changes and the supporting information as well as to information and comments from interested parties. On the basis of our analysis, which reveals substantial indication of racial bloc voting in the Lockney Independent School District, we are unable to conclude, as we must under the Voting Rights Act, that the imposition of the majority vote and numbered post voting requirements in the context of the at-large and staggered elections for the Board of Trustees will not have a racially discriminatory effect. Recent Supreme Court decisions, to which we feel obligated to give great weight, indicate that the combination of the above features may have the effect of abridging minority voting rights in this instance. The reasoning of these cases is illustrated by the Supreme Court's decision in

June of 1973 which held that the multi-member election system, numerical post and majority vote requirement of Dallas and Bexar Counties, Texas, tended to abridge minority voting power and therefore violated the Fourteenth Amendment. White v. Regester, 412 U.S. 755 (1973). See also, Whitcomb v. Chavis, 403 U.S. 124 (1971).

For the foregoing reasons, therefore, I must on behalf of the Attorney General interpose an objection to the numbered post and majority vote features mentioned above. Of course, Section 5 permits your seeking a declaratory judgment from the United States District Court for the District of Columbia that the changes do not have the proscribed purpose or effect. However, until such a judgment is rendered by that court, the legal effect of the objection by the Attorney General is to render the changes in question legally unenforceable.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division