

APR 19 1976

Mr. Howard Guy
Business Manager
Liberty Independent
School District
P.O. Box 312
Liberty, Texas 77575

Dear Mr. Guy:

This is in reference to the imposition of a numbered post system with a majority requirement, the change and addition of polling places, and bilingual procedures for the April 3, 1976 election for Liberty Independent School District, Liberty County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was received on February 19, 1976. Although we noted your request for expedited consideration, we were unable to comply.

The Attorney General does not interpose any objections to the change and addition of polling places, and bilingual procedures for the April 3, 1976 election. 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.

It was noted during our evaluation of this matter that there are few, if any, persons in Liberty Independent School District whose participation in the electoral process would be made more effective by the provision of bilingual materials. Please be advised that under Section 55.13(d) of our Interim

Guidelines Regarding Language Minority Groups, a copy of which is enclosed, Liberty Independent School District may comply with the minority language requirements of the Act by providing less than a complete distribution of bilingual materials as long as such materials are provided to language minority group members who would benefit from receiving them.

In regard to the addition of the majority vote and numbered post voting requirements to the at large election of School Board members, after carefully examining this change with supporting information and comments from interested parties, as well as analysis of recent court decisions, we are unable to conclude, as we must under the Voting Rights Act, that this change will not have a racially discriminatory effect. Our analysis reveals that Blacks constitute a substantial proportion of the population of the Liberty Independent School District and that bloc voting along racial lines may exist. Under such circumstances, recent Supreme Court decisions, to which we feel obligated to give great weight, indicate that the combination of the above features would have the effect of abridging minority voting rights. The reasoning of these recent 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 Tarrant Counties, Texas, tended to abridge minority voting power and therefore violated the Fourteenth Amendment. White v. Regester, 412 U.S. 755 (1973). See also, Whitecomb v. Chavis, 403 U.S. 124 (1971).

For the foregoing reasons, I must on behalf of the Attorney General interpose an objection to the numbered post and majority vote features in the context of at large elections. Of course, Section 5 permits seeking approval of all changes affecting voting by the United States District Court for the District

of Columbia irrespective of whether the changes have previously been submitted to the Attorney General. 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.

Please advise us within 10 days of the steps that you intend to take to comply with this decision.

Sincerely,

J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division