

Washington, D.C. 20530

11 MAY 1976

Mr. Alan C. Fielder  
City Attorney  
119 South Main  
Lockhart, Texas 78644

Dear Mr. Fielder:

This is in reference to the bilingual procedures, deletion of the property requirement for voting, change in election date, and majority vote requirement for election to the city council in the City of Lockhart, Caldwell 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 March 12, 1976.

The Attorney General does not interpose any objection to the bilingual procedures, deletion of property requirement, and the change in election date. 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.

We have considered carefully the submitted change to majority vote requirement and the supporting information, along with Census Bureau data and information and comments from other interested parties. Our analysis reveals that the at-large election scheme for the City of Lockhart includes the use of staggered terms and designated posts and there are indications that racial bloc voting may exist.

Recent court decisions suggest that an at-large voting system which incorporates features such as numbered posts, staggered terms and the majority vote requirement may operate to minimize or dilute the voting strength of minority groups and thus have an invidious discriminatory effect. See White v. Regester, 412 U.S. 755 (1973); Whitcomb v. Chavis, 403 U.S. 124 (1971). In view of these court decisions, and on the basis of all the available facts and circumstances, the Attorney General is unable to conclude, as he must under the Voting Rights Act, that the implementation of a majority vote requirement will not have a discriminatory racial effect on voting rights in the City of Lockhart. On behalf of the Attorney General, I must interpose an objection to the submitted majority vote requirement.

Of course, Section 5 permits you to seek a declaratory judgment from the District Court for the District of Columbia that the majority vote requirement neither has the purpose nor will have the effect of denying or abridging the right to vote on account of race. Until such a judgment is rendered by that court, however, the legal effect of the objection of the Attorney General is to render unenforceable this change in the method of electing members of the City Council of Lockhart.

Sincerely,

J. Stanley Pottinger  
Assistant Attorney General  
Civil Rights Division