

MAR 1 1978

Mr. Joe Resweber
Harris County Attorney
Harris County Courthouse
Houston, Texas 77002

Dear Mr. Resweber:

This is in reference to the changes in election precincts and polling places for Harris County, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, as amended. Your submission was completed on January 30, 1978, upon our receipt of your January 27, 1978, letter forwarding supplemental information.

We have given careful consideration to these changes and to the supporting materials you have provided, as well as to comments from interested parties and relevant demographic data. Except as indicated below, the Attorney General does not interpose any objections to the changes in election precincts and changes in polling places under submission. 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 change of polling place resulting from the consolidation of Precincts Nos. 55 and 340 we are unable to reach a like conclusion. Our analysis reveals that the 8th Avenue School, the polling place for the newly consolidated precinct, is located several miles from the heavy concentration of minority population in old Precinct 340, that those

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persons, many of whom are elderly, will have to cross the Katy Freeway which lacks a pedestrian overpass and that public transportation to the 8th Avenue School is not available. Thus, it appears that the 8th Avenue School is significantly less convenient for the minority population in old Precinct 340 than was the prior polling place at the West End Civic Club. In addition, it appears that confusion has resulted from the shift of the polling place without adequate notice or a public hearing.

Under these circumstances, the Attorney General cannot conclude, as he must under Section 5, that this change in polling place location does not have the effect of discriminating on account of race, color, or membership in a language minority group insofar as the minority voters in old Precinct 340 are concerned. Accordingly, I must, on behalf of the Attorney General, interpose an objection to this polling place change.

If, however, you have new information indicating this polling place change does not have a discriminatory purpose or effect, you may request us to reconsider this determination. See 28 C.F.R. Section 51.21, 51.23, and 51.24. In addition, Section 5 permits Harris County to seek a declaratory judgment from the United States District Court for the District of Columbia that this polling place change does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. However, until the objection is withdrawn or such a declaratory judgment obtained, the legal effect of this objection is to make this change in polling place legally unenforceable.

Sincerely,

James P. Turner
Acting Assistant Attorney General
Civil Rights Division