

52/09

Honorable A. F. Summer
Attorney General of Mississippi
New State Capitol Building
Jackson, Mississippi 39205

Dear Mr. Attorney General:

Pursuant to Section 5 of the Voting Rights Act of 1965, the Honorable Joe T. Patterson submitted to the Attorney General of the United States amendments to six Mississippi statutes relating to election procedures and voting. Each of these amendments was enacted subsequent to November 1, 1964.

We have carefully examined and considered each of the submitted amendments. The Attorney General interposes no objections to the implementation of Sections 3204, 3205 and 3242 of the Mississippi Code as amended on March 28, 1968. However, as provided for by Section 5 of the Voting Rights Act, the Attorney General's failure to interpose any objections will not bar an action to enjoin enforcement of those amendments should subsequently they appear to have had a racially discriminatory purpose or effect.

With regards to the amendments to Section 2870 (providing for the at-large election of members of county boards of supervisors at the option of incumbent boards), Section 3250 (increasing the requirements which must be met to qualify as an independent candidate in general elections), and Section 5271-08 (requiring the appointment of the county superintendent of education in specific counties), I must, on behalf of the Attorney

General, interpose objections to their implementation. After reviewing the material before me, I have concluded that these amendments had as their purpose and have had as their effect the denial and the abridgment of the right to vote on account of race or color.

Should you wish to present justification for the changes in election procedure provided for by amendments to Section 2870, 3260 and 6271-08, the Attorney General would gladly reconsider his position on those amendments in light of those facts. Of course, as provided for by Section 5 of the Voting Rights Act, you have the alternative of instituting an action in the United States District Court for the District of Columbia for a declaratory judgment that such changes in election and voting procedures 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,

JERRIS LEONARD
Assistant Attorney General
Civil Rights Division