

T9901

DJ 166-012-3

September 10, 1971

Honorable A. F. Sumner  
Attorney General  
State of Mississippi  
Jackson, Mississippi 39205

Dear Mr. Attorney General:

This is in reference to your submission under Section 5 of the Voting Rights Act of 1965, of Mississippi Laws of 1971, Chapter 493, amending Section 2870 of the Mississippi Code.

After careful consideration of the enclosed legislation and the materials submitted with it, we must enter an objection on behalf of the Attorney General, to the implementation of this statute.

The act in question authorizes all boards of supervisors, by a majority vote, to redistrict and/or conduct at-large voting for certain county offices, and is similar in impact to a 1966 amendment which was submitted and found objectionable in 1969. It also closely parallels an act passed in 1968 which was not submitted under Section 5. Based on the facts available to us, the purpose and effect of the present act appears to be the same as the prior enactments. Further, no assurance is made that the state will prevent enforcement of at-large election plans adopted under the authority of this enabling legislation without their first being submitted under Section 5. In this regard, I note that the legislature considered but did not enact a provision which would have spelled out the responsibility of each county to obtain clearance of such plans under Section 5. We are therefore unable to conclude, as we must under the Voting Rights Act, that this legislation does not have the purpose and will not have the effect of abridging the right to vote on the basis of race.

As you know, Section 5 provides that you may still seek to make this statute operable by successfully bringing a suit for declaratory judgment in the District Court for the District of Columbia on the issue of whether the submitted legislation has the purpose or will have the effect of denying or abridging the right to vote on account of race.

Sincerely,

DAVID L. NORMAN  
Assistant Attorney General  
Civil Rights Division